

# Appointment of an Acting Public Services Ombudsman for Wales

20 January 2021

## 1. Introduction

**1.** On 27 January 2021 the Senedd will be asked to nominate a candidate to Her Majesty the Queen for appointment as an Acting Public Services Ombudsman for Wales (“Acting PSOW”.) This short report provides background information on the proposed approach to inform the debate.

## 2. The Public Services Ombudsman for Wales

**2.** The current PSOW was appointed in 2014 under the terms of the Public Services Ombudsman (Wales) Act 2005. The appointment was led by the Fourth Assembly’s Finance Committee, with the Communities, Equality and Local Government Committee holding a pre-nomination hearing with the preferred candidate.

**3.** The role, responsibilities and powers of the PSOW were significantly reformed by the Public Services Ombudsman (Wales) Act 2019 (PSOA 2019). Schedule 1 to the PSOA 2019 provides that:

- a. The role of PSOW is a Crown appointment, made on the nomination of the Senedd.
- b. The Senedd must determine the terms applicable to the appointment of the PSOW, including remuneration and pension arrangements.
- c. A person’s term of office as the PSOW is seven years, and a person appointed as the PSOW is not eligible for reappointment.



- d. Certain disqualifications would prevent a person from being appointed as the PSOW, although these disqualifications would not prevent an individual from applying for the role, provided the person divested themselves of any disqualifying office before they were appointed.

4. Appointments to public office by the Senedd are governed by Standing Order 10. SO 10.5 states that a nomination for appointment to a relevant office is to “be made by resolution of the Senedd.” There are additional Standing Order provisions relating to the oversight of the PSOW in Standing Order 18A. Our committee, the Equality, Local Government and Communities Committee, is the “responsible Committee” for advising the Senedd on the exercise of its functions relating to the appointment of a PSOW (Standing Order 18A.2(vi)).

### 3. Appointment of an Acting PSOW

5. The current postholder’s term of office ends on 31 July 2021. Due to the forthcoming Senedd elections and the post election period before Senedd committees are established, any appointment process would need to be completed before the dissolution of the Senedd on 7 April 2021.

6. In November 2020, we considered the options available to meet this deadline. The timelines to conduct a full recruitment process for the substantive post were very tight. If we had embarked on the recruitment process at that stage, there was a significant risk, that due to the limited time and the constraints resulting from the pandemic, the recruitment may not be completed in time for the Senedd to make a final decision to recommend a candidate before it dissolves on 7 April 2021.

7. We therefore decided that the most prudent and pragmatic approach was to make an Acting appointment to cover a limited period. This would enable the Sixth Senedd to undertake the recruitment for a substantive PSOW as soon as Senedd committees are established after the elections, while ensuring there continued to be a PSOW in post. Our first preference was to speak to the current post-holder, Nick Bennett, to identify whether he would be willing to be appointed on an Acting basis to cover the period from 1 August 2020 to 31 March 2022, a strictly time limited appointment for 8 months only. He confirmed he would be willing to take on this acting appointment.

8. We believe this option will ensure that there will be sufficient time for the recruitment process to be run in a way that will maximise the quality and number

of the candidates who are able to apply for the post. It will also, hopefully, move us out of a period where all public bodies, including the PSOW office are dealing with the immediate issues surrounding the global pandemic.

**9.** We unanimously believe this is the most sensible and pragmatic approach, and recommend this approach to the Senedd.