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## Consultation response

**Securing a Sustainable Future: Environmental Principles, Governance and Biodiversity targets for a Greener Wales**

**Organisation Name: Welsh Government- Land, Nature and Forestry Division**

Submitted: 30 April 2024

- We investigate complaints about public services.
- We consider complaints about councillors breaching the Code of Conduct.
- We drive systemic improvement of public services and standards of conduct in local government in Wales.

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Mae'r ddogfen hon hefyd ar gael yn y Gymraeg. This document is also available in Welsh.

## General comments

Thank you for the opportunity to respond to this consultation.

I recognise the need for new environmental legislation following the exit of the UK from the European Union and I note the intention of Welsh Government to introduce a statutory target framework for biodiversity. However the focus of my response will be on the proposal to establish an environmental governance body for Wales (EGB) and the powers it will have to receive and investigate complaints.

The explicit requirement for the EGB to work in a complementary and collaborative manner is welcome. My team have appreciated the engagement that they have had with officials from the Land, Nature and Forestry Division as the proposals for the EGB have evolved. So I am pleased that this collaborative approach has been highlighted in the strategy and reporting requirements proposed, and will continue once the EGB has been established.

As the Public Services Ombudsman for Wales, I have the duty and the privilege to deliver justice for individuals who have been treated unfairly by public services. I receive comparatively fewer complaints about environmental matters. Often they are on issues that I am unable to investigate because they fall outside of my jurisdiction and powers, but may have the potential to be within the remit of the new EGB. However, it is critical that there is clear distinction between complaints that fall within my jurisdiction and that of the EGB.

For the most part I believe this difference will be clear as the role of the EGB is to consider breaches of environmental law, whereas my role is to investigate cases of maladministration and service failure where this has led to injustice. However, there maybe rare occurrences when a public authority that sits within both our jurisdictions had failed to comply with environmental law which has resulted in harm towards an individual or group of individuals.

I believe it is crucial to have considered the approach both organisations should adopt in such instances. There may also be occasions where it would be expedient to share information, for example where this might support an investigation. In light of this, we consider it to be essential that the EGB sets out how it intends to work in partnership with us, and that such arrangements should be developed collaboratively, set out within a memorandum of understanding

In Wales there are several complaint systems and procedures, and as my predecessor highlighted in our thematic report '[Ending Groundhog Day: Lessons from Poor Complaint Handling](#)', we need to secure clear and consistent data collection from these systems, and drive a cultural shift away from blame towards improvement. The Complaints Standards Authority, created under the Public Services Ombudsman (Wales) 2019 Act, established a set of [principles](#) and [guidance](#) for arrangements regarding the handling of concerns and complaints in public bodies who are within my jurisdiction. Any guidance about complaint handling provided by the EGB to public bodies under their own jurisdiction, should be compatible with this guidance and other schemes in Wales. This will avoid overburdening the public authorities listed in Annex 2 of the White Paper with differing rules and standards, where they are subject to different complaint-handling schemes.

The EGB could also adopt its own service standards to explain what level of service people can expect.

Proposals for the EGB to undertake investigations of its own initiative echo similar approaches that my Office uses to provide an effective service. Our [extended and wider own initiative investigations](#) allow us to extend investigations to other issues or complaints, or to conduct a standalone investigation where we suspect systemic maladministration without the need for a complaint.

I also support the use of an escalatory approach that would allow the EGB to resolve issues at an early stage. Using our early resolution approach we are able to intervene without the need of a full investigation, resolving complaints quickly and capturing learning to improve services for everyone.

## Closing remarks

We trust that you will find these comments useful. Should you wish to discuss any of our points further, please do not hesitate to contact Tanya Nash, our Acting Head of Policy ([tanya.nash@ombudsman.wales](mailto:tanya.nash@ombudsman.wales)).



**Michelle Morris**

**Public Services Ombudsman for Wales**

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