Dear [Redacted],

Following on from your recent correspondence, and conversations with my colleague [Redacted- WG Official], details of your five complaints have been sent to me to consider.

I would firstly like to say thank you for allowing [Redacted- WG Official] the opportunity to discuss, in depth with you, your complaints again. I can see that you have spoken to a number of individuals over a period of time, so I can appreciate that it must be frustrating to have to repeat your concerns.

I understand that you have been provided with a synopsis of your most recent call, as a way for us to confirm that we have understood your position clearly. I am also aware that [Redacted- WG Official] has informed you that he has removed himself from investigating your concerns, as an independent individual, due to a related involvement previously.

I have since taken over the case and have considered your concerns. I have provided a response below to each point. I have split them out as per [Redacted- WG Official] synopsis in order to respond directly to each aspect. Whilst we do not consider that all of the issues raised fall under the Welsh Government’s complaint procedures, we have decided to consider your complaints in more detail and my findings are included below.

Complaint

1) You have stated that you do not like the fact that WG only investigate the specific issues that you ask about rather than looking more broadly at your allegations of failure to adhere to the Civil Service Code and failings in the working practices of RPW.

Welsh Government Response:
This does not fall under the remit of the Welsh Government’s complaint process. Whilst appreciating your concerns relating to wider, systematic failures, the Complaints Advice Unit is in place to consider and respond to specific issues. An investigation on the scale that you have referred to, that relates to systematic failures, would be for the Wales Audit Office to consider, as you have been advised previously. If you wish to draw their attention to any evidence that you have, you can find the appropriate details on how to contact them via this link:
I would therefore conclude that this issue to be resolved within our remit.

Complaint

2) You believe that Welsh Government has not fulfilled its duty, under the Welsh Government’s Civil Service Code, in holding Natural Resources Wales (NRW) verification team to account. This includes an allegation that NRW agreed to illegal planting on priority habitat and that Welsh Government was aware of this but did not take action.

Welsh Government Response:
Having considered the previous issues you have raised and the evidence provided, I can see that Welsh Government addressed this issue in your complaint response in 2018.

Whilst Welsh Government will have significant influence on the remit of Natural Resources Wales through the establishment order and an annual remit letter, and through responding to ministerial priorities, they are, and remain, an independent organisation with their own complaints escalation process.

I have concluded that, as previously advised, there is nothing further to be considered by Welsh Government in relation to this item and as such, this complaint is considered resolved within our remit.

Complaint

3) You believe that Welsh Government has not fulfilled its duties, under the Welsh Government’s Civil Service Code, to hold woodland planners to account following a complaint made in 2017 which followed inappropriate comments made to you. Additionally, you believe that you were inappropriately advised to take your complaint to the Institute of Chartered Foresters and feel that Welsh Government passed on responsibility when we should have taken action ourselves.

Welsh Government Response:
I have concluded that this was addressed in our complaint response in 2017 where your complaint relating to woodland planners was upheld. Welsh Government provided an apology, on our behalf, noting that it did not “reflect how Welsh Government expects registered Glastir Woodland Management Planners to behave”. However, foresters are not employees of Welsh Government and are contracted as appropriate by Natural Resources Wales. Whilst we can bring to their attention any concerns raised to us, how they choose to take these forward is a matter for their organisation, based on their
own policies and contractual arrangements. We do not have a remit to enforce a response or apology from the individuals in question.

We also advised you that “we would carry out an internal, and in accordance with Publication and Disclosure of Information legislation, confidential investigation and take appropriate action in line with the relevant terms”. However, you were provided with the option to take your concerns directly to the Institute of Chartered Foresters, if you were not confident in an internal investigation: “If you are not confident in an internal investigation…you may wish to contact the Institute of Chartered Foresters for them to carry out their own investigation”. I do not consider you were inappropriately advised in this matter. As the Royal Chartered body for foresters, they are responsible for regulating standards and upholding the integrity and reputation of the profession via their code of conduct.

At the time, you were given the option for us to consider the complaint under our Stage 2 process; following your initial complaint however you did not pursue this. Due to the time that has elapsed since the complaint, it is no longer appropriate for us to re-open your complaint.

I can however, see that you raised a related complaint in 2018: “I complained about the woodland planners who are registered by WG. Despite their behaviour falling well below an acceptable standard, nothing was done to sanction them at all. In fact, WG officials seem to admit that they haven’t even worked out what to do about woodland planners who fail to meet standards. The WG website says they will be sanctioned if they fall below standard.” This was also upheld and Welsh Government advised they “will be introducing measures to better scrutinise the work of woodland planners” and work has since been undertaken on these.

In this response, we also advised, “I will expect those woodland planners to be issued with warnings or excluded from submitting further woodland plans.” I believe this wording to be potentially ambiguous and could be interpreted as relating to the two individuals named by you in your earlier complaint. I apologise for this ambiguity. It was intended to relate to any future irregularities, under which individuals could be sanctioned under new, or since introduced, measures. It may have been interpreted that warnings or exclusions would be issued to the two individuals you named but I do not consider it appropriate to expect measures to be retrospectively applied. As previously noted, we do not have a remit to enforce a response from the individuals in question, as they are not employed by Welsh Government.

I am content that the appropriate measures, within Welsh Government’s remit, have been taken forward and we have been appropriate in our responses. I would consider this complaint closed.
Complaint

4) You allege that Welsh Government has not fulfilled its duty, under the Welsh Government’s Civil Service Code, with specific reference to Honesty and Integrity. You believe that an application that had been submitted under the Glastir Woodland Creation Scheme was stopped due to lies contained within the application. You believe that Welsh Government knew of the irregularities earlier in the process but did not take the appropriate action.

Welsh Government Response:
I consider that this issue was appropriately addressed in our 2018 response in which Welsh Government confirmed that instructions were sent to all Rural Payments Wales staff reminding them to be vigilant against potentially irregular applications.

As previously advised, if you have broader concerns relating to conduct or corruption then you may wish to raise your concerns with the Welsh Audit Office or other appropriate body.

Complaint

5) You allege that Welsh Government and NRW do not act with impartiality and side with woodland planners rather than members of the public when conducting official business.

Welsh Government Response:
Similar to our response to your first concern, we would not be in a position to uphold such a broad issue and any wider ranging issues would need to be considered by the Wales Audit Office.

Conclusion

Your complaints as listed above are not upheld in the context of this response. This is due to these having been previously addressed through our complaints procedure or because they do not fall within the remit of the Welsh Government Complaints procedure or within the wider remit of the Welsh Government.

I consider that we have acted appropriately, where we have been able to, in addressing your concerns, which has included advice about how to escalate allegations to the Wales Audit Office, CounterFraud@gov.wales or the Public Services Ombudsman Wales.

Should you require it, the contact information for the Public Services Ombudsman Wales is as follows:
I appreciate your frustration but I consider the complaints above to be closed and we will not look to engage on these matters any further. This does not prevent you from contacting us to discuss other issues or concerns you may have but we will not be responding to these particular issues any further.

Darina Davies

Head of Future Proofing the Way We Work & Complaints Unit
HR Strategy, Organisational Development and Engagement Division