

Our ref. 7728/201405612

Ask for: Sinead Cook

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Date: 9 December 2014

PRIVATE & CONFIDENTIAL

Dr. Ian Miller

[Address redacted]

Dear Dr. Miller

The Ombudsman considers complaints of maladministration on the part of public bodies which causes hardship and injustice to members of the public. We normally take maladministration to mean that the body concerned has not acted in accordance with its policies or procedures. The Ombudsman cannot investigate complaints about a properly made decision that a public body or a provider of public services is entitled to make, even if you do not agree with the decision. Although you clearly disagree with the decision, nothing you have said shows that the decision was not properly taken.

You have asked whether you can complain to the Ombudsman about specific issues.

A) The failure of the Welsh Authorities to provide the requested information (an FOI request to NRW).

The Ombudsman regards such issues as primarily ones for the Information Commissioner to look into and does not investigate them unless they are incidental to a complaint which is mainly about other matters.

You may wish to complain about the matter to the Information Commissioner's office at:

Information Commissioner's Office – Wales

2nd Floor Churchill House

Churchill Way

Cardiff CF10 2HH

Telephone: 029 2067 8400 Fax: 029 2067 8399 Email: wales@ico.org.uk

B) The failure to ensure effective public participation in the decision making to clearfell the forest.

As already explained the Ombudsman can only consider whether NRW has followed the relevant policies and procedures. Therefore we can only consider whether statutory consultation was undertaken.

C) The failure of Welsh authorities to follow through on its commitment to resolve the situation through independent and impartial arbitration.

NRW accepts that there was an earlier agreement that arbitration may have been the way forward but says that the Welsh Government was satisfied that decisions could be taken based on an internal assessment.

It does not appear from the information provided that arbitration was a statutory requirement or a necessary step in its procedures. It appears that NRW originally agreed to this but, following consultation with Welsh Government, it decided that this option was no longer appropriate. I appreciate that the decision not to go with independent arbitration is disappointing to you but the merit of this decision is a matter for NRW in the absence of maladministration.

Yours sincerely
Sinead Cook
Investigator
Complaints Advice Team