



How to make a reply to a Notice of Reference Guidance

Reference from the Public Services Ombudsman for Wales

What happens once the Tribunal receives a Reference from the Public Services Ombudsman for Wales?

The Tribunal will write to you to let you know that a reference has been received from the Public Service Ombudsman for Wales (“the Ombudsman”). You will be sent the Reply to a Notice of Reference form (APW01) for you to complete in response to the Reference.

The President of the Adjudication Panel for Wales will appoint a tribunal to consider the Reference from the Ombudsman and your response.

You have the right to attend the meeting of that tribunal to make oral submissions in addition to the written response that you are asked to make on the Reply to a Notice of Reference form.

You can call witnesses in support of your response and you can be represented by counsel, a solicitor or any other person of your choosing. There is no requirement that you should be represented, the choice is yours.

One purpose of the form is to guide those who choose to represent themselves to address the key issues which are likely to affect the outcome of the tribunal. The procedure likely to be followed by the Adjudication Panel and the tribunal is explained in the Tribunal Procedural Guidance booklet (APW03).

You may, if you wish, request the tribunal to adjudicate upon the Ombudsman’s report by way of written representations. However, the final decision rests with the tribunal.

How do I dispute the material facts?

You are asked to use **Section 4** of the form to identify any disputes there may be about the material facts. The tribunal will make up its own mind about the material facts, having taken account of what both you and the Ombudsman have to say.

If, *on the facts as found at the hearing by the tribunal*, there seems to be a possibility that you may have failed to follow the provisions of the Code of Conduct, the tribunal will proceed to consider whether there has been such a failure. **Section 5** of the form can be used to set out any submissions you would wish to make.

What happens after the tribunal has considered the evidence?

After considering any written and oral submissions the tribunal will reach a view as to whether you have failed to follow the provisions of the code of conduct.

If the tribunal concludes that there has been a failure to follow the provisions of the code of conduct, it will move on to consider what action should be taken.

That action might involve your being suspended, or partially suspended, from your membership of relevant public authorities or might involve you being disqualified from such membership. Guidance is given in the Sanctions Guidance booklet (APW04).

Section 6 of the form can be used to set out any representations you would wish the tribunal to take into account, should this stage be reached.

Please note however that at this point, the tribunal has reached no view whatsoever as to the likelihood of finding that there has been a failure to follow the provisions of the code of conduct.

Can I send my form to the Tribunal by e-mail?

The Adjudication Panel for Wales does accept correspondence by e-mail. The details of which are included in the Contact Us section of the Adjudication Panel for Wales' website and at the end of this guidance. You can also submit information by post.

What if I have any additional needs?

Please make sure that you give details of any additional needs when you send us your application. For example, you should say if you or a witness you wish to call will need a signer or an interpreter at the hearing, or need any additional arrangements to be made so you or the witness can come to the hearing.

Is my response to the Reference and supporting evidence kept confidential?

Information provided to the Tribunal in connection with a Reference will only be disclosed to those involved in the case. However, hearings take place in the public.

How will documents be sent to me?

All procedural documents will be sent by Royal Mail Recorded or Special Delivery, unless you have confirmed that you wish to receive correspondence by e-mail.

Can I make my response to the Reference in Welsh?

The Tribunal accepts correspondence in Welsh. Hearings can be held in Welsh or English.

Can the Tribunal provide advice?

The Tribunal is an independent Judicial Body and must therefore remain impartial when dealing with cases. The administration staff can provide advice about Tribunal procedures; the Tribunal and its staff cannot though provide legal advice or guidance about how to present a case.

For further information please contact

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