

The Lottery Forum's
Independent Complaint Review Service

provided by Verita

A stage three review of a complaint made by Mr Christopher Hodgkins about the way Arts Council of Wales dealt with correspondence, requests for information and a formal complaint

A report for
Arts Council of Wales

December 2012
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Verita is an independent consultancy that specialises in conducting and managing investigations, reviews and inquiries for public sector and statutory organisations.

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1. Introduction

- 1.1 This is a report of an independent review of a complaint made by Mr Christopher Hodgkins about the way Arts Council of Wales (ACW) dealt with correspondence, requests for information and a formal complaint.
- 1.2 Mr Hodgkins wrote to the chief executive of ACW on 5 August 2012 to make a formal complaint about the way it dealt with the requests he made for information over the preceding 20 months. ACW's chief executive responded on 15 August 2012. Mr Hodgkins was not satisfied with the response, so he wrote to the chief executive on 27 August to ask him to look at his complaint again. The chief executive replied on 31 August to say that he did not think this would be helpful and suggested that Mr Hodgkins write to the Independent Complaint Review Service (ICRS) instead. Mr Hodgkins did so on 17 September.
- 1.3 After initial assessment Mr Hodgkins' complaint was accepted for investigation under stage three of the complaints procedure. The terms of reference for the investigation were agreed with Mr Hodgkins and ACW on 16 October and we began the investigation on 17 October 2012.
- 1.4 Mr Hodgkins told us that he made his complaint about aspects of ACW's work in his capacity as a trustee of the Welsh Jazz Society. He said that his early letters (November 2010 to January 2011) were written in his capacity as a director of Jazz Services Ltd. We refer to Mr Hodgkins by name only throughout this report to avoid any confusion on this point.
- 1.5 Verita provides the Independent Complaint Review Service for the Lottery Forum, which represents the distributors of lottery funds such as ACW. It is a specialist consultancy with wide experience of reviews and investigations in the public sector.

2. Terms of reference

2.1 The Lottery Forum's complaints procedure provides for an independent review of the way that ACW dealt with Mr Hodgkins' request for information and later investigated and responded to his complaint.

2.2 The terms of reference agreed with ACW and Mr Hodgkins are that ACW did not:

- answer questions he put to it in letters between 20 November 2010 and 10 July 2012 in full, or in an appropriate way
- investigate apparent discrepancies in the information it did provide
- make a full and appropriate response to the complaint he made on 5 August 2012 about the way it handled his letters and requests for information.

2.3 Some of the information Mr Hodgkins asked ACW for was covered by a request made under the Freedom of Information Act 2000. Both Mr Hodgkins and ACW are aware that any concern Mr Hodgkins has about ACW's response to that request is a matter for the Information Commissioner and not the ICRS. Mr Hodgkins told us that he would like to see our report and then decide whether there was anything he needed to raise with the Information Commissioner.

3. Approach and structure

Approach

- 3.1** This section sets out how we approached the investigation of Mr Hodgkins' complaint and describes the structure of the report.
- 3.2** The review was undertaken in private. We first wrote to and then spoke with Mr Hodgkins to be sure that we had the same understanding of his complaint and our remit. We requested and reviewed documents from ACW. A note of the documents provided is in appendix 1. I spoke with current and former members of staff at ACW by telephone and video conference. A list of the people I spoke to is in appendix 2.
- 3.3** I offered Mr Hodgkins and ACW staff the opportunity to comment on the factual accuracy of the note of our conversations, or to add to them.
- 3.4** I established a chronology of events and correspondence and then set out to examine the questions set out below.
- What procedures and standards does ACW use to guide its internal and external communications?
 - Were those procedures used and standards achieved in its communications with Mr Hodgkins?
 - What procedures and standards does ACW use to guide the way it responds to complaints about its work?
 - Were those procedures used and standards achieved when it responded to Mr Hodgkins' complaint?
- 3.5** Both Mr Hodgkins and ACW had the opportunity to comment on relevant extracts of this report while it was in draft.

Structure

3.6 The report begins with an executive summary (section 4) and then falls into six sections.

- Section 5 provides a brief background to ACW and its work, and relationship with the Welsh Jazz Society.
- Section 6 describes the procedures and standards ACW uses to guide its internal and external communications, and the way it responds to complaints.
- Section 7 considers whether ACW applied its procedures and achieved its standards when it responded to Mr Hodgkins' requests for information.
- Section 8 considers whether ACW applied its procedures and achieved its standards when it responded to Mr Hodgkins' complaint.

3.7 Our findings and conclusions are given in section 9, and recommendations in section 10.

4. Executive summary

4.1 This is a report of an independent review of a complaint made by Mr Christopher Hodgkins about the way Arts Council of Wales (ACW) dealt with correspondence, requests for information and a formal complaint.

4.2 Mr Hodgkins wrote to the chief executive of ACW on 5 August 2012 to make a formal complaint about the way it dealt with the requests he made for information over the preceding 20 months. ACW's chief executive responded on 15 August 2012. Mr Hodgkins was not satisfied with the response, so he wrote to the Independent Complaint Review Service (ICRS) on 17 September.

Terms of reference

4.3 The terms of reference agreed with ACW and Mr Hodgkins are that ACW did not:

- answer questions he put to it in letters between 20 November 2010 and 10 July 2012 in full, or in an appropriate way
- investigate apparent discrepancies in the information it did provide
- make a full and appropriate response to the complaint he made on 5 August 2012 about the way it handled his letters and requests for information.

4.4 Some of the information Mr Hodgkins asked ACW for was covered by a request made under the Freedom of Information Act 2000. Both Mr Hodgkins and ACW are aware that any concern Mr Hodgkins has about ACW's response to that request is a matter for the Information Commissioner and not the ICRS.

Approach

4.5 The review set out to examine the following questions:

- what procedures and standards does ACW use to guide its internal and external communications?
- were those procedures used and standards achieved in its communications with Mr Hodgkins?
- what procedures and standards does ACW use to guide the way it responds to complaints about its work?
- were those procedures used and standards achieved when it responded to Mr Hodgkins' complaint?

ACW's correspondence with Mr Hodgkins

4.6 In order to understand the way ACW manages correspondence and complaints, we looked at relevant documents about the procedures and standards it uses to guide internal and external communications, and responses to complaints.

4.7 Mr Hodgkins asked ten separate questions of ACW between January 2011 and January 2012. ACW responded to all Mr Hodgkins' letters. Mr Dafydd (the senior music officer), Mr Capaldi (the chief executive) and Mr Alston (the arts director) all wrote at some length about ACW's policies and activities in respect of jazz in Wales. Mr Alston offered to meet Mr Hodgkins and discuss the issues in more detail. Mr Hodgkins was happy to do that, but wanted a formal response to his questions as well.

4.8 ACW did not achieve the standards it set for dealing with correspondence. There were several long delays between request and response without the promised update on progress.

4.9 All but two of Mr Hodgkins' questions were answered: questions about discrepancies in the information given by different members of staff and about the Welsh Jazz Composers Orchestra's appearance at the National Eisteddfod were not addressed in full or at all.

Dealing with Mr Hodgkins' complaint

4.10 ACW responded to Mr Hodgkins' complaint within the timescales set down in its complaints procedure.

4.11 Mr Capaldi wrote about the delays in replying to some of Mr Hodgkins' letters and apologised for this. He reviewed the information that had been sent to Mr Hodgkins, including the use of a £28,000 allocation within the budget for the Brecon Jazz Festival for work with the Welsh Jazz Composers Orchestra. Mr Capaldi said that the information given was consistent with what had been known at the time and in all communications with Mr Hodgkins.

4.12 During our investigation Mr Capaldi told me that no-one set out to give misleading information but he now appreciated that the early and general reference to an allocation within the budget for the Brecon Jazz Festival might have more than one interpretation, and this contributed to what Mr Hodgkins saw as differences in the information supplied by members of ACW staff.

4.13 ACW sent Mr Hodgkins a copy of the Brecon Jazz Festival brochure which made a very brief reference to the contribution that members of the Welsh Jazz Composers Orchestra had made to the National Eisteddfod, which had taken place the month before the jazz festival. ACW staff provided more information about this event in the course of the investigation.

4.14 Mr Capaldi made no explicit reference to Mr Hodgkins' complaint that he had not been treated with courtesy or consideration.

Findings and conclusions

- 4.15** I find that ACW applied its published procedures for dealing with correspondence. ACW staff made demonstrable efforts to respond to Mr Hodgkins' requests for information and offered a meeting with a member of the executive team as it was apparent that Mr Hodgkins was not satisfied with the information they had provided.
- 4.16** It did not, however, achieve the standards set out in its code of practice and customer standards documents for responding to correspondence and requests for information. First, there were some very long delays in responding to Mr Hodgkins' letters. Secondly, ACW's commitment to transparency was undermined by the somewhat fragmented responses to Mr Hodgkins' requests. Nor did it completely resolve the question of the Welsh Jazz Composers Orchestra's involvement in the National Eisteddfod.
- 4.17** I find that ACW applied its complaints procedure as intended and achieved the standard set for the time taken to respond to Mr Hodgkins' complaint. It did not, however, meet all the standards that are expected of public sector organisations when they deal with complaints.
- 4.18** Mr Capaldi did not address all the issues set out in Mr Hodgkins' letter of 5 August 2012 and, in particular, his complaint that he had been given conflicting information by different members of ACW staff.
- 4.19** I conclude that ACW applied its procedures for dealing with correspondence and complaints, but fell short of some of its published standards. An earlier, and more closely co-ordinated, effort to understand why Mr Hodgkins remained dissatisfied with the responses to his questions might have led ACW to explore and so explain the difference between Mr Hodgkins' interpretation of the information he had about funding for the Brecon Jazz Festival, and ACW's intended meaning. Closer attention to detail might have led ACW to add helpful information about other aspects of Mr Hodgkins' complaint. In all other respects, the information provided was detailed and consistent.

4.20 ACW's contacts with Mr Hodgkins lacked courtesy and consideration only insofar as there were delays in answering some of his letters. Otherwise, letters from ACW were appropriate in tone and content.

4.21 Taken all together the deficiencies in the way ACW dealt with Mr Hodgkins' correspondence meant that he was not satisfied that his questions and complaint had been dealt with in full, and I agree with him. But I do not think they amount to a failure by ACW to use its procedures properly and apply all of its service standards. I hope this report will help explain how and why the difference of view about ACW's support for the Welsh Jazz Composers Orchestra arose. I hope it will also help ACW deal with stage two complaints more effectively.

4.22 I make three recommendations.

R1 ACW should apologise to Mr Hodgkins for not responding to his complaint in full.

R2 ACW should give Mr Hodgkins as much information as possible about the intended and actual use of the £28,000 allocation referred to in Mr Dafydd's letter of 29 June 2010.

R3 ACW should consider some simple guidance for staff on dealing with stage one and stage two complaints which incorporates the ombudsman's guidance on administration and remedy.

5. Background to ACW's work and relationship with the Welsh Jazz Society

5.1 ACW is a charitable body that aims to increase the knowledge, understanding and practice of the arts, and public access to them. ACW allocates funds to projects and organisations that it believes will further those aims. Its funds are provided by the Welsh Government (grant in aid) and the Department of Culture, Media and Sport (DCMS) (proceeds of the National Lottery).

5.2 The Welsh Jazz Society, of which Mr Hodgkins is a trustee, held an ACW revenue grant between 1979 and 2009. The Welsh Jazz Society had shared its Cardiff premises with Jazz UK, a magazine produced by Jazz Services Ltd. Jazz Services Ltd (of which Mr Hodgkins is the director) is funded, in part, by Arts Council England (ACE). When ACE revised its allocations in 2010, Jazz Services Ltd's income fell and it decided to close its Cardiff office later that year. This prompted Mr Hodgkins to write to ACW in November 2010 to see if there was anything it could suggest that might help sustain Jazz Services Ltd's presence in Wales.

6. The procedures and standards ACW uses to guide its internal and external communications, and the way it responds to complaints

6.1 In order to understand the way ACW manages its internal and external communications, and responds to complaints, we looked for information about its standards of practice, publications, procedures and guidance for staff. We assessed these against recognised standards so we could say whether or not they were of a suitable quality. The recognised standards we used in this case are those outlined in the Welsh Public Service Ombudsman's guidance on good administration and remedy and the Parliamentary and Health Service Ombudsman's guidance on dealing with complaints.

6.2 ACW publishes three documents that are relevant to this review.

- *Code of best practice for members and employees* (April 2012)
- *Customer service standards* (July 2008)
- *Complaints procedure* (September 2010)

6.3 All three documents refer to the procedures and standards it uses to guide its internal and external communications, and responses to complaints.

Code of best practice for members and employees

6.4 In the introduction to the code of best practice, ACW says:

"In accordance with its policy of carrying out its work with the highest standards of integrity, efficiency and openness, the Council has approved this Code of Best Practice. The Code sets out the standards which are required - and which the public has the right to expect - of all those who are involved in the Arts Council's business. This includes the members of Council, the members of Committees and the National List of Advisers, and Arts Council staff. It also lays down certain procedures that are designed to implement the principles embodied in the Code or to give specific rights to members of the public." (paragraph 1.3)

6.5 In the section headed 'Openness and responsiveness' the code says:

"The Arts Council will ensure it can demonstrate that its use of resources is to good effect (our emphasis), with propriety, and without grounds for criticism that public funds are being used for private, partisan or political purposes." (paragraph 2.29)

6.6 The sections of the code that relate to the duties and responsibilities of employees include the following:

"A high standard of conduct and performance is expected of staff at all levels. The prime requirements are that:

- *public functions should be discharged reasonably and according to the law; ...*
- *and members of the public, members and fellow employees should be treated with courtesy and consideration."* (paragraph 3.3)

6.7 The sections that expand on this theme and relate to the quality of administration say:

"Staff should offer the public the highest standards of conduct and service, dealing with them sympathetically, efficiently, promptly and without bias or maladministration. In this context, the term 'public' is taken to include artists and arts organisations as well as members of the general public."

"Correspondence must always be dealt with promptly, courteously, and in compliance with relevant legislation such as the Freedom of Information Act. As a general rule, the Arts Council will respond to correspondence within ten working days. However, where a full response will take longer to prepare, an acknowledgement will be sent indicating when a full reply can be expected." (paragraphs 3.11 and 3.12)

6.8 Sections of the code deal with providing information to people who ask for it, and requests made under the Freedom of Information Act 2000. They include:

“Staff must be fully aware of the Arts Council’s commitment to making information available to the public as freely as possible. In particular, they should be aware of the Arts Council’s obligations under the Freedom of Information Act 2000 as specified in Section 4 of the Code...”

“In addition to the requirements in Section 4 of the Code, staff must take the initiative to ensure that information on the availability of financial assistance is made available to all groups and individuals that might wish to apply. In addition, staff should ensure that those with a legitimate concern, funded organisations in particular, are kept aware of policy developments, plans for appraisals and the progress of consideration of grant applications.” (paragraphs 3.17 and 3.18)

6.9 The code also refers to the way ACW deals with complaints as a means by which ACW implements the code in practice. It says:

“The document entitled Arts Council of Wales: complaints procedure, Appendix F and also downloadable separately from our website, provides for the Arts Council to respond appropriately to all complaints received.” (paragraph 4.5)

Customer service standards

6.10 The introduction to ACW’s customer services standards says:

“These Standards have been developed in accordance with ACW’s Code of Best Practice, the five core principles for customer service as outlined in the Welsh Assembly Government’s ‘Making the Connections’ and the joint DCMS Customer Service Charter.”

6.11 They include the following statements:

- *“All customers will be dealt with professionally and politely, shown care and dignity, courtesy and consideration. Customers and staff will treat each other on the basis of mutual respect.*

- *We will always be helpful and supportive and will conduct ourselves with integrity, impartiality and honesty.*
- *Staff will implement ACW policies and procedures with efficiency and effectiveness.*
- *We will make sure we are easy to contact, and that we answer phone calls, e-mails and letters quickly and efficiently, taking account of people's different communication needs.*
- *We will respond to correspondence within ten working days. However, where a full response will take longer to prepare, an acknowledgement will be sent indicating when a full reply can be expected."*

The complaints procedure

6.12 The complaints procedure describes how people can make a complaint and about what. It outlines a three-stage procedure that begins with a member of ACW staff, or the team with whom the person first had contact, working to resolve the complaint and ends with the stage three independent review stage of the procedure. The policy says that all complaints will be acknowledged within three working days of receipt and answered within 15 working days. If it takes longer than that to respond, ACW says it will let the complainant know how long that is likely to be.

6.13 There is no written guidance to staff about how ACW deals with complaints. ACW told us this is because the procedure itself is detailed, the organisation is not a large one, and dealing with complaints is an issue covered during staff induction. It also said that the senior management team, which meets regularly, often discusses complaints that are being dealt with and information about concerns which might develop into a formal complaint.

7. Did ACW apply its procedures and achieved its standards when it responded to Mr Hodgkins' requests for information?

7.1 I looked at whether ACW applied its procedures and achieved the standards it set. I considered whether ACW answered Mr Hodgkins' questions in a full and appropriate way.

7.2 ACW responded to all Mr Hodgkins' letters. Mr Dafydd (the senior music officer), Mr Capaldi (the chief executive) and Mr Alston (the arts director) all wrote at some length about ACW's policies and activities in respect of jazz in Wales. Mr Alston offered to meet Mr Hodgkins and discuss the issue in more detail. Mr Hodgkins said he was happy to meet Mr Alston, but would like a formal response to his questions as well.

7.3 There were several long delays between request and response without the promised update on progress. Mr Capaldi offered some explanation for these delays in his response to Mr Hodgkins' complaint, and apologised for it.

7.4 Mr Hodgkins asked ten separate questions between January 2011 and January 2012.

4 January 2011

1. What is the detail of the schemes referred to in Mr Dafydd's undated letter (postmarked 8 December 2010) in answer to Mr Hodgkins' earlier question about ACW investment in jazz?
2. Which jazz musicians benefit from them?
3. What is ACW's policy for jazz in Wales including its funding, administration and action plans?

22 February 2011

4. How was the £28,000 allocation to Hay Festivals for the Brecon Jazz Festival used? This was a reference to a passage in a letter sent by Mr Dafydd to Mr Hennessey (the then

director of the Welsh Jazz Society) in June 2010, and later referred to in a letter from Mr Dafydd to Mr Hodgkins dated 15 February 2011).

5. Who benefitted from it?
6. When did the band (Welsh Jazz Composers Orchestra) perform?

24 January 2012

7. What were the titles of tunes played during the relevant Brecon Jazz Festival sessions and the names of composers (a reference to a passage in a letter dated 19 January 2012 sent to him by Ms Thomas)?
8. Why did you say that WJCO (Welsh Jazz Composers Orchestra) appeared at the National Eisteddfod?
9. How does the statement in the Artform strategy relate to this expenditure?
10. Why are there discrepancies between the answers given by different members of ACW staff to my questions?

7.5 Responses to these questions were made in letters sent to Mr Hodgkins by Mr Dafydd on 15 February, 9 September and 9 November 2011; by Mr Capaldi on 13 January and 19 July 2011; by Ms Thomas (the planning performance and compliance manager) in response to Mr Hodgkins' request under the Freedom of Information Act on 19 Jan 2012; and by Mr Alston on 19 April 2012. Other ACW staff provided information to help Mr Dafydd, Mr Capaldi, Ms Thomas and Mr Alston respond to Mr Hodgkins' enquiries, and particularly those responsible for monitoring the award made to Hay Festival Ltd for the Brecon Jazz Festival.

7.6 The table in appendix three shows the information ACW gave in response to Mr Hodgkins' questions. All but two of Mr Hodgkins' questions were answered in full: questions about the Welsh Jazz Composers Orchestra's appearance at the National Eisteddfod and about discrepancies in the information given by different members of staff were addressed in part or not at all.

7.7 I asked ACW staff about a passage in the letter from Mr Dafydd to Mr Hennessey because it appeared to me that Mr Hodgkins and ACW staff had interpreted it differently. In the letter dated 29 June 2010 to Mr Hennessey Mr Dafydd said:

"You asked what other ways we support jazz. Activity includes... support to musicians – in addition to our support for the WJCO (£28,000 allocated in the budget for the Brecon Festival'), we've provided assistance to ..."

7.8 Mr Hodgkins took this to mean that £28,000 had been allocated for work by the Welsh Jazz Composers Orchestra including a performance at the Brecon Jazz Festival.

7.9 Mr Dafydd said he did not recall specifically his letter of June 2012 to Mr Hennessey. However, he said that information in his response about ACW's investment in the Brecon Jazz Festival would have been provided by the lead officer for the award. He thought that ACW staff would not have known at that point (i.e. six weeks or so before the festival took place) exactly how the allocation had been or would be used. He would not have known, therefore, what sort of support for the Welsh Jazz Composers Orchestra was planned.

7.10 Ms Thomas said she was not aware of the letter to Mr Hennessey when she responded to Mr Hodgkins' request for information. She had, in accordance with ACW's policy, asked the staff responsible for work associated with each of Mr Hodgkins' questions to provide her with the information he asked for. The information about the allocation to the Brecon Jazz Festival was provided by the lead manager for that programme. She did not look back to earlier correspondence between Mr Hodgkins and Mr Dafydd.

7.11 ACW staff told me that they agreed that the reference in Mr Dafydd's letter was open to interpretation and, with hindsight, could have made this point more explicitly in the response to Mr Hodgkins' complaint, if not before that. Mr Alston said that the reference was a form of 'shorthand' and he thought that Mr Hodgkins, as an informed observer of ACW's work, would understand that the investment in the Brecon Jazz Festival might be used for several different activities, only one of which might be a performance.

7.12 I also asked ACW staff about the references to the Welsh Jazz Composers Orchestra's involvement in the National Eisteddfod in Ms Thomas's letter of 19 January 2012, Mr Alston's letter of 19 April 2012 and in Mr Capaldi's response to Mr Hodgkins' complaint. They told me that members of the Welsh Jazz Composers Orchestra had been involved in an evening event at the National Eisteddfod which was not publicised in advance. The Brecon Jazz Festival brochure describes the collaboration between members of the Welsh Jazz Composers Orchestra and other performers as having been launched at the National Eisteddfod the month before the Brecon Jazz Festival.

8. Did ACW apply its procedures and achieve a suitable standard when it responded to Mr Hodgkins' complaint?

8.1 I considered whether ACW made a full and appropriate response to the complaint Mr Hodgkins made on 5 August 2012 about the way it handled his letters and requests for information.

8.2 Mr Hodgkins summarised his complaint as follows:

"The burden of my complaint is that The Arts Council of Wales has been in breach of its own code of practise. The ACW took an unacceptable length of time to reply to a number of letters. The ACW has not explained to me where the £28,000 originally earmarked for the WJCO was actually spent. I consider I have not been treated with courtesy or consideration. I have not received the highest standard of conduct or service or dealt with efficiently, promptly or sympathetically. The information provided under the Freedom of Information Act was disingenuous and incorrect."

8.3 Mr Capaldi responded to the stage one complaint, which is a departure from the procedure, because of his involvement in earlier correspondence. He did so within the timescales set down in ACW's complaints procedure.

8.4 Mr Capaldi wrote about the delays in replying to some of Mr Hodgkins' letters. He said that ACW had fallen short of its own standards and apologised for this. He reviewed the information that had been sent to Mr Hodgkins, including the use of a £28,000 allocation within the budget for the Brecon Jazz Festival for work with the Welsh Jazz Composers Orchestra. Mr Capaldi said that the information given was consistent with what had been known at the time and in all communications with Mr Hodgkins.

8.5 Mr Capaldi told me that he looked back at what Mr Dafydd had written to Mr Hennessey in June 2010 when he prepared his response to Mr Hodgkins' complaint, but he did not refer to it explicitly in his letter. He said that no-one set out to give misleading information but he now appreciated that the early and general reference to an allocation within the budget for

the Brecon Jazz Festival might have more than one interpretation, and this contributed to what Mr Hodgkins saw as a difference in the information supplied by different members of ACW staff.

- 8.6** I asked Mr Capaldi about the reference in his letter to the Music Industry Development Fund. It appeared to imply that this was to do with the 'review work' Mr Dafydd mentioned in his letter of 10 May and I was not sure that this was the case.
- 8.7** Mr Capaldi explained that the 'review work' was, in fact, a reference to the Project Completion Report that Hay Festival Ltd made to ACW at the end of each year of its funding agreement for the Hay Literary Festival and latterly the Brecon Jazz Festival. Mr Dafydd was not the lead manager for the Hay Festival Ltd funding agreement and did not, therefore, have immediate access to detailed information about the way the allocation to the 2010 Brecon Jazz Festival was used. Ms Thomas told me that the Project Completion Report for the year to March 2011 was still being discussed by ACW and Hay Festivals Ltd when Mr Dafydd wrote to Mr Hodgkins in May 2011. He wrote to Mr Hodgkins with information about the way the allocation had been used on 9 September 2011.
- 8.8** Mr Capaldi made no explicit reference in his response to Mr Hodgkins' complaint that he had not been treated with courtesy or consideration.

9. Findings and conclusions

- 9.1** My findings and conclusions cover four areas. First, does ACW use procedures that are of a suitable standard? Secondly, did ACW fail to apply its procedures for responding to requests for information and to complaints, or apply them so poorly that it amounted to a failure? Thirdly, did ACW fail to meet its published standards for its work, or fall so far short of them it amounted to a failure? Finally, did ACW make a full and appropriate response to Mr Hodgkins' complaint?
- 9.2** I find that ACW's procedures for dealing with correspondence and complaints are of a suitable standard: they conform with the requirements of its funders and the ombudsman's guidance on administrative practice. My only concern is about the absence of an internal guidance note for staff about the practical application of the complaints procedure. This would help make sure that ACW's responses to complaints are always as effective as possible.
- 9.3** I find that ACW applied its published procedures for dealing with correspondence. ACW staff made demonstrable efforts to respond to Mr Hodgkins' requests for information and offered a meeting with a member of the executive team as it was apparent that Mr Hodgkins was not satisfied with the information they had provided.
- 9.4** It did not, however, achieve the standards set out in its code of practice and customer standards documents for responding to correspondence and requests for information. First, there were some very long delays in responding to Mr Hodgkins' letters. Secondly, ACW's commitment to transparency was undermined by the somewhat fragmented responses to Mr Hodgkins' requests. As the table in appendix 3 shows, the answers to most of Mr Hodgkins' questions built up over several months and in correspondence with different people. ACW did not address the apparent discrepancy between earlier and later correspondence about the investment in the 2010 Brecon Jazz Festival. Nor did it completely resolve the question of the Welsh Jazz Composers Orchestra's involvement in the National Eisteddfod.

- 9.5** I find that ACW applied its complaints procedure in a reasonable way. It achieved the standard set for the time taken to respond to Mr Hodgkins' complaint. It did not, however, meet all the standards that are expected of public sector organisations when they deal with complaints.
- 9.6** Mr Capaldi did not address all the issues set out in Mr Hodgkins' letter of 5 August 2012 in full and, in particular, his complaint that he had been given conflicting information by different members of ACW staff. There was a possible conflict in interpretation to do with ACW's investment in the 2010 Brecon Jazz Festival. Mr Capaldi did not consider in detail whether Mr Hodgkins' interpretation of the passage in Mr Dafydd's letter to Mr Hennessey was reasonable, if different from, that intended. This also meant that he did not consider whether Ms Thomas had made a similar assumption when she wrote to Mr Hodgkins.
- 9.7** I conclude that ACW applied its procedures for dealing with correspondence and complaints, but fell short of some of its published standards. Members of ACW went to some lengths to respond to Mr Hodgkins' concerns about its jazz policy and his specific questions about its awards and plans. An earlier, and more closely co-ordinated, effort to understand why Mr Hodgkins remained dissatisfied with the responses to his questions might have led ACW to explore and so explain the difference between Mr Hodgkins' interpretation of the information he had about funding for the Brecon Jazz Festival and ACW's intended meaning. Closer attention to detail might also have added helpful detail about the 'review work' mentioned in Mr Dafydd's letter of 10 May and the contribution that members of the Welsh Jazz Composers Orchestra made to the National Eisteddfod. In all other respects, the information provided was detailed and consistent.
- 9.8** ACW's contacts with Mr Hodgkins lacked courtesy and consideration only insofar as there were delays in answering some of his letters. Otherwise, letters from ACW were appropriate in tone and content.
- 9.9** Taken all together the deficiencies in the way ACW dealt with Mr Hodgkins' correspondence meant that he was not satisfied that his questions and complaint had been dealt with quickly and in full, and I agree with him. But I do not think they amount to a failure by ACW to use its procedures properly and apply all of its service standards. I hope this report will help

explain how and why the difference of view about ACW's support for the Welsh Jazz Composers Orchestra arose. I hope it will also help ACW deal with stage two complaints more effectively. Looking at the source of a complaint from the complainant's point of view is a good starting point for any investigation.

10. Recommendations

I make three recommendations.

- R1 ACW should apologise to Mr Hodgkins for not responding to his complaint in full.
- R2 ACW should give Mr Hodgkins as much information as possible about the intended and actual use of the £28,000 allocation referred to in Mr Dafydd's letter of 29 June 2010.
- R3 ACW should consider introducing some simple guidance for staff on dealing with stage one and stage two complaints that incorporates the ombudsman's guidance on administration and remedy.

Documents considered during the review

Publications
<i>ACW Code of best practice for members and employees</i> (Apr 2012)
<i>ACW Customer service standards</i> (Jul 2008)
<i>ACW complaints procedure</i> (Sep 2010)
Information about funds awarded to Hay Festival Ltd
<i>Arts Grants for Individuals 2012-13</i> (Apr 2012)
ACW remit letter 2012
Correspondence
Correspondence between ACW and Mr Hodgkins 20 Nov 2010-17 Sep 2012
Letter from Mr B Hennessey to Mr N Capaldi, 1 Jun 2010
Letter from Mr E Dafydd to Mr Hennessey 29 Jun 2010
Internal document
Project funding electronic filing guidance

People interviewed during the review

Nick Capaldi	Chief executive, ACW
Angela Thomas	Planning, performance and compliance manager, ACW
Einion Dafydd	Formerly senior music officer, ACW
David Alston	Artistic director, ACW

Questions asked by Mr Hodgkins and responses given by ACW staff

No.	Question	Response and details of correspondence
1	What is the detail of the schemes referred to in Mr Dafydd's undated letter (postmarked 8 December 2010)	Details of all funded schemes are on the ACW website (Einion Dafydd (ED) to Chris Hodgkins (CH), 15 Feb 2011).
2	Which jazz musicians benefit from them?	<ul style="list-style-type: none"> • Jazz musicians are among those applying for awards for advanced music study; investment in Brecon Jazz, youth ensembles, theatre venues and arts centres; project funding including the Abersoch and Porthcawl Jazz festivals, the North Wales Jazz Society, Swansea Jazzland. Also, see annual accounts for funding information (ED to CH, 15 Feb 2011). • Cannot comment on Brecon Jazz Festival allocation as under review; two postgraduate study awards made to jazz musicians (ED to CH, 10 May 2011).
3	What is ACW's policy for jazz in Wales including its funding, administration and action plans?	<ul style="list-style-type: none"> • Continued access to revenue and project funding for jazz organisations and those who promote jazz; increased touring fund open to all artforms; consulting on Music Industry Development Fund to stimulate new opportunities in all genres (Nick Capaldi (NC) to CH, 13 Jan 2011). • Statement on jazz included in music section of arts policy. Although not a priority, some funding for projects of strategic importance to jazz. Activities include encouraging Brecon Jazz, supporting P Gardiner and Royal Welsh College of Music, Porthcawl Jazz Festival, study awards for National Youth Jazz Orchestra. Refer to annual report and accounts for more information (NC to CH, 19 Jul 2011). • No jazz policy statement other than that in artform strategy document (ED to CH, 9 Sep 2011).

No.	Question	Response and details of correspondence
4 and 5	How was the £28,000 allocation to Hay Festival for the Brecon Jazz Festival used? Who benefitted from it?	<ul style="list-style-type: none"> • WJCO involved in Brecon 2010 through programme of educational outreach work, developing individual compositions culminating in a workshop session and performance in collaboration with Erik Truffaz (ED to CH, 9 Sep 2011) • Annotated Brecon Jazz Festival programme sent (ED to CH, 9 Nov 2011) • Allocation was made to Hay Festival for work before Brecon Jazz Festival with WJCO: an 'academy' comprising a week of workshops before the festival, compositions to be played during the festival, workshop rehearsals (Angela Thomas (AT) to CH, 19 Jan 2012) • £28, 000 was allocated to the Brecon project as part of the Hay application. It supported members of the WJCO in writing compositions, workshops and sessions which led to concerts at the Brecon Jazz Festival and a concert at the National Eisteddfod (David Alston (DA) to CH, 19 Apr 2012)
6	When did the band (Welsh Jazz Composers Orchestra) perform?	<ul style="list-style-type: none"> • WJCO involved in the Brecon Jazz Festival 2010 through outreach programme, workshop and a performance (ED to CH, 9 Sep 2011) • Members of the WJCO performed on stage with others in an extended set at Theatre Brycheiniog and at the National Eisteddfod (AT to CH, 19 Jan 2012) • Members of the WJCO performed in concerts at the Brecon Jazz Festival and a concert at the National Eisteddfod (DA to CH, 19 Apr 2012)
7	What were the titles of tunes used during the relevant Brecon Jazz Festival sessions and names of composers?	We do not have titles of tunes and composers. Principal pieces were performed by S Thorne, P Gardiner and H Warren (DA to CH, 19 Apr 2012)
8	Why do you say that WJCO appeared at the National Eisteddfod?	Reference in the Brecon Jazz Festival Programme made to a 'launch' at the National Eisteddfod.

No.	Question	Response and details of correspondence
9	How does the statement in the Artform strategy related to this expenditure?	Continued relationship with these musicians and linked to Royal Welsh College of Music, Powys Council and a new venue (DA to CH, 19 Apr 2012).
10	Why are there discrepancies between the answers given by different members of ACW staff to my questions?	All statements in response to your questions are consistent (DA to CH, 19 Apr 2012).