

SUMMARY

Summary of Report 16/2021, relating to the Catalan Ombudsman, year 2019

Barcelona, 27 October 2021

The Public Audit Office for Catalonia has issued Report 16/2021, relating to the Catalan Ombudsman (*Síndic de Greuges*), financial year 2019, in accordance with its Annual Programme of Activities.

The report, which was presented by the Chairman, Mr Jaume Amat, was approved by the Audit Office Board at its meeting on 28 September 2021.

The limited scope audit included a review of the budget outturn, personnel expenditures, and contracts and cooperation agreements signed by the Ombudsman during year 2019. It also included verifying that in the period covered by the audit the organisation had carried out its activities in accordance with applicable legislation.

According to Act 24/2009, of 23 December, the Ombudsman is the Catalan government institution that has the function of protecting and defending people's constitutional and statutory rights and liberties; it is also the Catalan authority for preventing torture and any other cruel, inhumane or degrading treatment or punishment. The Ombudsman's mandate covers Catalonia's public sector, comprised of the autonomous region's Government Administration (*Generalitat*), its local authorities and its public universities.

As at 31 December 2019 the Ombudsman's expenditure budget outturn for the year showed recognised expenditures of €6.24m, which represented a reduction of 3.8% in relation to year 2018.

Section 3.1 of the report describes the most significant findings from the audit work carried out, which can be summarised as follows:

- The Department for the Deputy First Minister, the Economy and the Exchequer was not notified of the modifications to budget appropriations made during year 2019. This was a breach of article 51.3 of the Budget Act for the Government of Catalonia for year 2017.
- The institution's personnel management showed a high level of temporary appointments: 76.1% of civil service staff at the Ombudsman's Office were on interim postings. The last time a full selection process was carried out was in 1998.
- As regards public sector procurement, in the review of low-value contracts issues were detected relating to the separate acquisition of services which should have been handled in a single contract, because they involved a succession of purchases to cover recurring

or foreseeable needs. These anomalies resulted in processes which eluded publicity rules or other requirements in the procurement procedures which should have been followed. They therefore constituted an improper splitting-up of contracts.

- In the three years prior to 2019, the Ombudsman's Office undertook the same annual procedure for contracting out the service for studying, analysing and obtaining data on the content and development of public information required by transparency rules, by advanced use of the open procurement procedure. The restrictive definition of the object of the contract, whereby the tenderer had to maintain the historical series of data from year 2016 onwards, meant that for the last years involved the initial awardee was the only one to present an offer in the procurement process.

Lastly, the Public Audit Office presents four recommendations to improve the issues mentioned in the report, relating to the Ombudsman's term of office, the high incidence of temporary civil service personnel postings, the organisation structure of the Ombudsman's Office, the large percentage of discretionary appointees, and the need to revise the contract for studying, analysing and obtaining data on the content and development of public information required by transparency rules.

This summary is solely for information purposes. The audit report (in Catalan and Spanish) can be consulted at www.sindicatura.cat.