

Local Government & Public Services Committee

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Date: Thursday 21 September 2006

Venue: Committee Room 2, Senedd, National Assembly for Wales

Title: The Public Services Ombudsman for Wales: the first six months

1. Preparing for "D-Day" – 1 April 2006

1.1 Throughout 2004-5, I was necessarily operating to the legislation applicable to the then existing four Ombudsman schemes, and continued to employ two nominally separate groups of staff. However so far as practicable my office operated in practice as a single entity, with harmonized procedures, so that there was effectively a period of shadow running. I am pleased to say that enabled a smooth and seamless transition on 1 April 2006, when my four previous jurisdictions were replaced by the new office of Public Services Ombudsman for Wales (PSOW).

2. Key changes introduced by the PSOW Act

2.1 The Act not only merged my previous jurisdictions into a single office, it also introduced some extensions to my jurisdiction, notably in respect of complaints about community councils. Wales is the only part of the UK in which it is possible to complain to an Ombudsman about the actions of community or parish councils.

2.2 It enables complaints about the NHS and the National Assembly itself to come to me at an earlier stage. (The previous legislation required that complainants should normally have "invoked and exhausted" the NHS complaints procedure before coming to me – now complainants will be able to bypass the Independent Review stage if they so wish).

2.3 It has streamlined the way in which I can report on my investigations – reports on my investigations of less serious cases do not have to be made public, even where I uphold the complaint, provided that the body concerned accepts my recommendations. On the other hand I am able for the first time to report publicly on NHS cases where I consider the public interest requires it.

2.4 It requires all listed authorities, each time they respond to a complaint, to tell the complainant about their right to go to the Ombudsman if they are not satisfied.

2.5 It is however important to stress that the effect of these changes is not yet being fully felt – the Act provides that most of these changes only apply in respect of complaints made about things which happened 1 April 2006. Given that complainants should normally complain to the body concerned before coming to me, complaints about post 1 April events have only recently started to reach me. Thus I have yet to make my first public report on an investigation of a complaint about the NHS.

3. Caseload

3.1 At the beginning of the shadow running period in 2004-5, I published new and much more user-friendly leaflets about how to complain to the Ombudsman, which were very widely distributed. This, and a higher media profile during the year, led to an increase in complaints of over 30% compared to the previous year. The volume of complaints of all kinds received in the first five months of 2006-7 (591 compared with 602 in the first five months of 2005/06) suggests that this increased level of complaints is likely to be sustained over the full year, and may turn up as NHS complaints reach me at an earlier stage, and complaints come in about community councils.

	No. of Cases		
	2004/05	2005/06	2006/07 (projected)
Complaints about services	893	1,157	1,250
Complaints about councillors' conduct	159	281	250
Total new complaints	1,052	1,438	1,500

The service areas which are currently generating the greatest share of complaints of maladministration or service failure are planning (27%); housing (17%); and health (15%).

4. Strategic goals

4.1 In April, I published my three year strategy for the new office (the Committee received a copy for information at its meeting on 17 May). In it, I set four strategic aims for my new office:

- To investigate complaints as thoroughly as necessary and as quickly as possible
- To raise awareness of the Ombudsman service and make it easily accessible to potential users
- To use lessons learnt from investigations to promote good practice and good governance by public bodies
- To ensure good governance and effective management within my office.

5. Speeding up investigation

5.1 In respect of the first of these goals, I am looking to speed up the investigative process where that can be achieved without compromising the quality of my investigation. I have closely monitored

progress on long-running cases. In April, there were 34 cases over 12 months old, two of which were over 24 months old. By early September, this had reduced to 20 cases, none of which were more than 20 months old.

5.2 We are making encouraging progress towards, but not yet fully meeting, the key targets for case handling times which I have set:

Time taken to conclude Investigation from date complaint received	Achieved 2005-06	Achieved to end August 2006	Full year target
within 6 months	%	%	%
within 12 months	71	77	75
within 18 months	90	91	95
	97	98	100

6. Raising awareness and making the service accessible

6.1 Updated information leaflets were again circulated widely throughout Wales in April 2006. Slight revisions to the text allowed the leaflets to gain the Plain English Crystal Mark.

6.2 Work on other initiatives during the first six months has been as follows:

- raising awareness through media coverage: my publicity strategy focuses mostly on newspapers, with particular emphasis on local papers: press releases on public investigation reports, special reports, and my annual report have generated a fair amount of coverage and there has also been a limited amount of television coverage. I have sought in meetings with journalists and broadcasters to explain my role and to emphasise that I want to have a constructive relationship with the media within the constraints imposed by the need to respect complainant confidentiality.
- an awareness raising seminar for voluntary and advocacy organizations later this month
- customer survey: preparations are currently being made for a survey to be undertaken of those complainants whose cases have been closed during the first six months of the PSOW being in operation.
- website development: the information and facilities available have been substantially extended since April. In particular, members of the public can now submit complaints online.

7. Sharing lessons from investigations

7.1 The PSOW Act gives me power to issue guidance on good administrative practice to listed authorities. A major piece of work has been the guidance which I am about to issue to local authorities on complaints handling. This has been produced in partnership with the Welsh Local Government Association, Citizens Advice Wales, and SOLACE Wales. I look forward to working with the Welsh Assembly Government in reviewing the statutory NHS complaints procedure.

7.2 I am minded to issue guidance by way of an extraordinary report on three areas which have been the subject of a number of complaints about local authorities which I have reported on recently:

- notification of planning applications
- provision of disabled parking spaces
- tackling antisocial behaviour by neighbours

Work on preparing consultation drafts of these reports is currently in hand.

8. Governance of my own office

8.1 An Audit Committee (with an independent Chairman) was established at the beginning of the year and two meetings have been held to date. Internal auditors have been appointed.

8.2 A formal complaints procedure in respect of the service that I provide is also now in place.

9. Conclusion

9.1 All in all, therefore, I feel very positive about the progress made since April. There is scope to further improve performance, but I feel that my office is well equipped to meet the challenges that lie ahead.

Adam Peat
Ombudsman September 2006