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PPSOWA6 Ombwdsmon Gwasanaethau Cyhoeddus yr Alban | Scottish Public Services Ombudsman,

Senedd Cymru | Welsh Parliament

Y Pwyllgor Cyllid | Finance Committee

Adolygiad ôl-ddeddfwriaethol o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 | Post-legislative review of the Public Services Ombudsman (Wales) Act 2019

Ymateb gan: Ombwdsmon Gwasanaethau Cyhoeddus yr Alban | Evidence from: Scottish Public Services Ombudsman

1. Have you used the Ombudsman's service to make a complaint?

Not applicable

1a. What did your complaint(s) relate to?

(We would be grateful if you could keep your answer to around 500 words).

1b. If your complaint was about health which included a private health related element, do you have any comments about the process of making that complaint?

(We would be grateful if you could keep your answer to around 500 words).

1c. Was your complaint(s) made on or after 23 July 2019?

1d. How did you make your complaint(s)?

1e. Do you have any comments about the process of submitting an oral complaint to the Ombudsman?

(We would be grateful if you could keep your answer to around 500 words).

2. Have you made a complaint to a public body since 23 July 2019?

Not applicable

2a. Do you have any comments on the standard of complaints handling at public bodies, and whether they have improved since the Act came into force in 2019?

(We would be grateful if you could keep your answer to around 500 words).

3. If you are a public body, have you engaged with the Ombudsman or used resources and/or guidance produced by the Ombudsman to change or improve your complaints handling policies and processes?

Yes

3a. Do you have any comments in this area?

(We would be grateful if you could keep your answer to around 500 words).

As Scottish Public Services Ombudsman, I and my office are in regular contact with other public services ombudsman services, including PSOW. As part of that contact, resources and good practice are often shared.

4. Are you aware that the Ombudsman can investigate on their own initiative where evidence suggests that there may be systemic service failure or maladministration?

Yes

5. Are you aware that the Ombudsman can extend an investigation of a complaint into matters that have a substantial connection with a matter already being investigated?

Yes

6. Have you been involved in an own initiative investigation conducted by the Ombudsman and/or read or used an own initiative report, such as the report about homelessness in Wales

(<https://www.ombudsman.wales/own-initiative-wider-investigations-reports/>)?

Yes

7. Do you have any comments about the Ombudsman's own initiative powers?

(We would be grateful if you could keep your answer to around 500 words).

SPSO recognise that having own initiative powers is positive for PSOW and of huge public value. The powers enable the Ombudsman to add significant value and insight into public service delivery in Wales.

Own Initiative (OI) powers are common internationally, and the Ombudsman for Wales was the second UK public service Ombudsman to be given such powers (and remain only one of two). OI investigations enable PSOW to target their resources effectively, to investigate issues in the public interest, without having to receive a complaint or being constrained by the details of an individual complaint.

Being able to investigate in the public interest in this way enables PSOW to focus in depth on current issues across Wales. PSOW's reports of OI investigations demonstrate their value and impact; in what they find, recommendations to drive change, and the voice they can give to the voiceless and those experiencing vulnerability - who often don't or can't complain, or who struggle to access public services in the first place. This is significant because it enables PSOW to build on what they learn from casework, and wider knowledge, to bring issues to public attention.

PSOW's reports provide clear and reliable evidence and practical recommendations. The report and follow-up report on homelessness are good examples that demonstrate that being able to investigate and report in this way leads to improvements, despite the generally challenging environment for public services. Notably, improvements were most likely in authorities with which they had the highest levels of engagement, demonstrating the real impact Ombudsman involvement can have on improving services.

It is evident to us, that having OI powers has successfully enabled the Ombudsman for Wales to innovate and to extend the impact of their work, and deliver important findings efficiently and effectively.

8. Do you have any views on how the changes implemented by the 2019 Act compares with current best practice, both within the UK and internationally?

(We would be grateful if you could keep your answer to around 500 words).

Over the last few years, the international community has recognised the role and importance of Ombudsman by developing and adopting international standards. The most significant of which are the Venice Principles, which were adopted by the Council of Europe in 2019. The 2019 Act means the PSOW broadly meets these international standards for Ombudsmen (where it doesn't meet them it is because they are not appropriate within the UK constitutional setup).

9. Do you have any other comments regarding the 2019 Act which are relevant to the Committee's Terms of Reference for this inquiry?

(We would be grateful if you could keep your answer to around 500 words).

The 2019 Act was a welcome updating of the existing legislation. The impact of Own Initiative powers is reinforced and supported by changes relating to the handling of individual complaints about services. The other very significant powers the 2019 Act gave PSOW was in relation to complaints handling at front line.

This “complaints standards authority” function enabled PSOW to develop and implement national standards for how organisations under jurisdiction should handle complaints. These powers go beyond process, and enable PSOW to drive learning from complaints, achieve better outcomes for complainants and drive a cultural change in relation to how complaints are valued by public bodies. All of this in turn drives wider improvement in public services.

SPSO have had these powers since 2010—2011 with the first procedures going live in 2012. SPSO's experience is that the standards and supporting model complaints handling procedures take time to develop and implement. Implementation is not simply a matter of consulting and developing standards and procedures; to be effective, they need to be augmented by training, advice and guidance for public bodies, and complainants accessing complaints procedures. This in turn means the impact of applying these powers takes time to become apparent.

Thirteen years on, SPSO has seen a significant improvement in how complaints are handled by public bodies. This is the result of training, support and guidance, and more formal intervention. The latter includes proactively contacting organisations where SPSO monitoring identifies or indicates poor complaint handling practice by a specific organisation. It also includes making findings about complaint handling when assessed against SPSO model standards as part of investigations, and giving formal feedback from complaints investigations – both in relation to good practice and where improvement is needed.

The impact of improvements in complaint handling by public bodies has been shown to have significant benefits. For complainants, it can result in resolution much earlier in the process, rebuilding trust and confidence. For public bodies, it is a driver and opportunity for learning to drive service improvement at a local level. For the SPSO it has enabled us to introduce more efficient complaints handling for complaints escalated to us. Good complaints handling by public bodies has reduced the number of in-depth investigations we need to do, as (having tested public bodies position) we can focus on complainants and what more can be achieved for them in terms of outcomes, and complaints of significant public interest. For example, there is little value for any party (or the public purse) in SPSO re-investigating where the local investigation has identified and taken

responsibility for service failure, taken action to address it and has resulted in learning for wider improvement, we do consider cases beyond a preliminary investigation to test the organisation's permission.

It is notable that since SPSO has had complaints standards powers, the volume of complaints being escalated to us has increased by 20 % , but we have been able to absorb this by applying a more proportionate approach.

This approach has wider benefit too. The approach enables SPSO to triage cases more effectively to target resources where they will have the greatest impact; it enables us to take a more trauma informed approach in that it means complainants (and those complained about) do not have to wait for the outcome of an investigation which reaches what are essentially the same conclusions and outcomes as the local investigation; and it is promoting consistency across public sector organisations.

I am confident that these will be benefits the PSOW will realise over time.

We would, of course, be happy to provide additional information should it be required.

