

Jane Hutt AS/MS
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JH/PO/281/25

Peredur Owen Griffiths MS
Chair
Finance Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

11 June 2025

Dear Peredur,

Thank you for your letter of 9 May in respect of this review.

I wish the Committee well with its review. The Ombudsman plays a very important role in the provision of Public Services and ensuring that the citizens of Wales have a recourse available to them when the services fall below what it expected.

Our response to the questions provided are as follows.

1. To what extent has the Public Services Ombudsman (Wales) Act 2019 (the 2019 Act) been successful in future proofing the powers of the Public Services Ombudsman for Wales (the Ombudsman); do you see any gaps or issues that have arisen since the 2019 Act was enacted?

We consider the Act to have been successful and we have not identified any gaps or issues since it was enacted.

2. Do the changes implemented through the 2019 Act continue to reflect best practice in terms of Ombudsman bodies within the UK and internationally?

The Welsh Government has limited experience of other Ombudsmen bodies, but we are not aware of anything which might require being added to the Act.

3. Under Section 4 of the 2019 Act, the Ombudsman has power to undertake own initiative investigations, whether or not a complaint has been received. Is the 2019 Act enabling the Ombudsman to make best use of their own initiative powers?

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

It is our understanding that it was always the intention of the legislation for these powers to be used sparingly. We have no reason to think that the Ombudsman is not making the best use of them.

4. The Northern Ireland Public Services Ombudsman said there is an argument for the removal of the requirement for the Ombudsman to generally consult those who may be affected or have an interest prior to launching an own initiative investigation. Would this be beneficial for the Ombudsman and what difference would it make?

Removal of the requirement to consult might not be beneficial to the Ombudsman in the longer term as it may result in less cooperation from those affected by an own initiative investigation.

5. If there is evidence of systemic maladministration in an own initiative investigation, the Ombudsman may make recommendations to public bodies they investigate, but not wider recommendations to other public services in the same sector. Should the Ombudsman be able to make sector wide recommendations?

While we think it is important for lessons to be learnt from any investigations conducted by the Ombudsman, we believe it is also important for the Ombudsman not to have their actions confused with the role played by Audit Wales. We think there is a danger, if this power was given to the Ombudsman, that there would be a blurring of roles between the Ombudsman and that of Audit Wales. It might be more appropriate for Audit Wales to pick up wider recommendations.

6. During the legislative process for the 2019 Act, some witnesses raised concerns that own initiative powers may lead to the Ombudsman duplicating the work of other regulatory bodies. Are you confident this has been avoided since the implementation of the 2019 Act?

We are not aware of any instances of duplication.

7. One of the new powers in the 2019 Act was the ability to accept complaints other than in writing. What impact do you think the power for the Ombudsman to accept complaints in a form other than writing (often referred to in the context of oral complaints) has had for citizens in Wales, particularly the most vulnerable in society?

We think this has been a beneficial move.

8. The 2019 Act required the Ombudsman to publish a statement of principles concerning complaints-handling procedures of the bodies within their jurisdiction, as listed in Schedule 3 to the 2019 Act (the 'listed authorities'). It also enabled the Ombudsman to publish model complaints-handling procedures for the listed authorities, as well as monitor complaint handling by them. Have these extended complaints handling powers been successfully implemented by the Ombudsman and public bodies; have these have been effective and achieved the desired outcomes?

We think that the Ombudsman discharged these powers successfully and our perception is that there has been an improvement of complaint handling procedures by the listed authorities. We also note, though, that there is still room for improvement – including in the Welsh Government, of course - and it is important for the progress made in recent years to be maintained and consolidated.

9. The Ombudsman told the Finance Committee she had not yet used the powers relating to private health care but the rationale to retain this power “remains as strong as ever”. Do you agree?

We agree.

10. The Ombudsman is unable to consider school complaints (other than school admission, exclusion and appeal decisions) and has called for their jurisdiction to be widened to address this. Can you outline what the potential consequences and opportunities of this may be and what barriers may be in place to this change?

While we can see benefits to this approach, there are considerable issues which would need to be taken into account. The Welsh Government would want to consider its position further if this was to be pursued.

11. The Ombudsman said the removal of the “statutory bar” (which prevents the Ombudsman from investigating a complaint that could be considered in the courts) would further strengthen public confidence in its office and lead to greater justice for citizens in Wales. Would this be appropriate?

We have only limited experience of cases which might fall into this category and so are unable to offer an opinion.

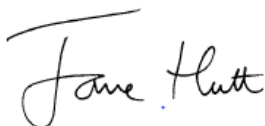
12. As part of its report on the Consideration of the PSOW’s powers (May 2015), the Fourth Senedd’s Finance Committee concluded that no changes should be made to the statutory bar, citing the issue of competence, but that the Welsh Government should explore the issues with the UK Government as part of future devolution discussions. Can the Cabinet Secretary outline what, if any, discussions have taken place with the UK Government since the enactment of the PSOW Act 2019 regarding the statutory bar?

As far as we have been able to ascertain, no such discussions have taken place.

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

We have no further comments to add.

Yours sincerely,



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