

Jane Hutt MS,
Cabinet Secretary for Social Justice, Trefnydd
and Chief Whip

9 May 2025

Post-legislative review of the Public Services Ombudsman (Wales) Act 2019

Dear Jane,

As you may be aware, the Finance Committee is undertaking a post-legislative review of the Public Services Ombudsman (Wales) Act 2019 (the 2019 Act).

This review is undertaken in accordance with Section 73 of the 2019 Act which requires the Senedd to prepare and publish a report on the operation and effect of the Act as soon as practicable after the end of the 5-year period from when the Act received Royal Assent.

As part of our review, the Committee has undertaken a public consultation and is currently taking oral evidence from a range of stakeholders. To help inform our review we would be grateful if you could provide a written response to the questions provided in the annex of this letter. Should the Committee wish to discuss your response in more detail it may invite you to provide further evidence to the Committee either in writing or at a Committee meeting.

It would be helpful to receive your response by 20 June 2025.

Yours sincerely,



Peredur Owen Griffiths MS, Chair, Finance Committee

Annex: Issues for consideration

Effectiveness of the legislation

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

New powers

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?
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?
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?
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?
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?
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?

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?

The Ombudsman’s jurisdiction

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?
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?
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?

Any other comments

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