



Your ref:

Our ref: MAM/mdm

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Ask for: Michelle Morris



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Peredur Owen Griffiths MS
Chair, Finance Committee

By email only
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Dear Peredur

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

I write further to the Committee hearing on 30 April and your follow up letter of 2 May asking us to respond to the Committee's additional questions.

Own initiative investigations

- 1. Do you have any plans for future own initiative investigations, in particular are there areas you have cause to investigate and how are you implementing your experience of previous investigations to improve the efficiency and speed of future investigations?**

The Thematic report 'Living in Disrepair' that was published last October highlighted a number of issues relating to social housing which continue to feature in our caseload. Whilst no firm plans have been made, these issues could usefully be addressed as part of a wider own initiative investigation and PSOW is minded to consult further on this issue.

Following each of our wider own initiative investigations, we undertook a 'lessons learned' piece of work to refine and improve our process within the constraints of the current legislative requirements. This learning included:

- Improvements to our initial engagement with bodies under investigation to provide clarity on the process and ensure that expectations are understood.

- Improvements were also identified to the way in which the findings, of an own initiative investigation, are reported in a succinct manner, supported by supplementary reports containing a summary of the evidence relied upon and its analysis.
- The potential to focus the scope of future investigations more to enable investigations to be undertaken more efficiently and to provide capacity to complete more investigations using this power.

In addition to the wider own initiatives, we have three extended own initiative investigations currently underway. Two relate to health matters and the third relates to the provision of suitable Gypsy Traveller accommodation.

Investigating the private health-related service element, including nursing care, in a public/private health pathway & Private healthcare

2. What are your thoughts regarding the threshold for investigation of private medical healthcare, is the threshold enabling or constraining your power to investigate private medical healthcare?

We consider that the threshold is appropriate and in keeping with PSOW's role to consider complaints about and secure improvements to *public* services. We believe that the current threshold remains fit for purpose and necessary, should we encounter a situation where we can only investigate a citizen's complaint about NHS healthcare efficiently or completely by also investigating healthcare they have funded themselves.

Complaints standard work

3. Can you describe the impacts you are seeing of the complaints standards powers and are you satisfied with the way in which you have been able to use those powers?

We are satisfied with how we have been able to use our CSA powers. We now have 54 public service providers across Wales who operate our model complaints policy – all local authorities, Health Boards, WAST and most Housing Associations – which represent 85% of the complaints we receive.

The Chief Executive/senior leader research as well as the survey of complaints officers, which are summarised in our evidence submission, indicates high levels of engagement and satisfaction with our training for public bodies and that our CSA work has led to improvements in organisations' complaint handling, as well as in staff understanding of our processes.

Another significant benefit of our CSA work is the availability of regular, reliable and comparable complaints data on complaints across the public sector. We publish data on Local Authority and Health Board complaints twice a year and will publish data on Housing Association complaints from this year.

This data allows us to understand how public bodies are dealing with complaints and what proportion of complaints considered by an organisation are escalated to PSOW. This is a good indicator of how effective an organisation is at resolving complaints.

Our national survey results also point to positive impact of these powers for the general public. Compared to 2020, there has been an increase in the proportion of people who said it was easy to make a complaint about main public service providers (72%) and the proportion of those happy with how their complaint was resolved (47%).

4. You state your model policy will eventually cover all public services in Wales. What remaining areas do you need to cover and what timeframe do you envisage for this take?

We aim to bring the remainder of Housing Associations within the model complaints handling process by the end of this financial year.

The significant areas of public services which are not currently covered include GPs, Dentists, Pharmacists, Optometrists, Town & Community Councils and Welsh Government. A time-line for bringing these bodies into the scheme will be set out by the end of the financial year.

5. You say you hoped improvement in public service complaint handling practice would be likely to reduce the number of complaints about complaint handling reaching your office. Can you expand as to whether you think the model complaints power has been successful in this regard?

Whilst the proportion of complaints about complaint handling across our caseload increased in the aftermath of the COVID pandemic, it is now decreasing:

19/20	20/21	21/22	22/23	23/24	24/25
9%	12%	14%	18%	17%	12%

The reduction of complaints about 'complaint handling' is a good overall indicator that our CSA powers are having a positive impact.

Cost and value for money

- 7. Your direct costs amount to 95% of the additional PSOW Act 2019 budget over the appraisal period. Considering you are yet to utilise your private healthcare powers, have processed fewer than 10% of oral complaints and have completed two wider own initiative investigations (compared to 1-2 per annum in the RIA), do you think the balance between expenditure and delivery is appropriate?**

We believe that the balance has been appropriate, particularly within the context of continued caseloads across the organisation. PSOW has reported annually to the Committee on performance and management of finances and our Annual Accounts have been unqualified throughout this period.

The difference between budgeted and actual expenditure has been returned to the Welsh Consolidated Fund at year end.

PSOW accepts that there is more work to be done but we trust that our evidence submission to the Committee demonstrates the positive impact our delivery of the proactive powers has had for citizens in Wales, to date.

- 8. Is the difference between the RIA estimates and actual costs an indication of any issues beyond those already considered.**

We have covered everything that has had an impact on our delivery in our evidence submission.

- 9. Are you confident you have a sufficient budget to be able to undertake an increase in oral complaints (towards 10%) and own-initiative investigations (toward 1-2 per annum) as per the estimation of the 2019 Bill RIA?**

Oral Complaints - we have capacity to deliver more oral complaints. However, it is important to note that oral complaints are demand led and it is not our intention to set targets. What is important is that complainants have a choice about how they access PSOW and, often, service users prefer to use other methods such as by completing our complaint form on our website and/or with the assistance of an advocacy body, such as Llais.

Own Initiative Investigations – there may be some resourcing issues associated with more wider own initiative investigations, but it is not anticipated that this would lead to an increase in costs. We would mitigate this impact by simplifying our process, focusing the scope of investigations and through better use of data.

10. The original cost increase as a result of taking oral complaints was estimated to be £210,000 over the appraisal period. Given that the original estimate costed 10% of complaints would be oral and you are receiving less than this, can you outline the overall costs of this activity and whether they're as anticipated?


The cost of delivering oral complaints over the past five years is within the projected £210k in the RIA (the actual total cost is £185k). This meets the cost of employing the additional staff, required to manage oral complaints, and upgrading our telephony infrastructure.

11. What impact has the 2019 Act had in terms of the indirect costs to public bodies working under the regime introduced by the 2019 Act, and have you had any engagement with them regarding their costs?

We have not assessed the impact the Act has had in terms of indirect costs on public bodies and have not engaged with them regarding their costs. As outlined in our evidence submission, the CSA Training which has been delivered by PSOW has saved public bodies some £1M over that period. Furthermore, they speak positively about the value and impact of that training, advice and support from PSOW.

I trust this addresses the Committee's additional questions.

Yours sincerely



Michelle Morris
Public Services Ombudsman