

Consultation on an inquiry into the consideration of powers of the Public Services Ombudsman for Wales

Annexe A

Consultation Questions

1. What are your views on the effectiveness of the current Public Services Ombudsman (Wales) Act 2005?

The Town Council understands and respects the role of the PSOW. The Code of Conduct guidance available to town and community councils has been communicated to all Town Councillors who have also had the opportunity to attend training sessions on the Code as provided by One Voice Wales and the Vale of Glamorgan Council.

Own initiative investigations

2. Currently, the Ombudsman may only investigate a matter that is the subject of a complaint made to him/her. What are your views on "own initiative" investigations powers, which would enable the Ombudsman to initiate his/her own investigations without having first received a complaint about an issue. Please explain your answer.
 - A. It is important that PSOW has the power to investigate in order to assess whether there is a serious matter requiring investigation. Arrangements would need to be in place to require the PSOW to liaise with other relevant bodies.
3. Do you have any concerns that own-initiative investigation powers could result in the Ombudsman's responsibilities overlapping with the responsibilities of other bodies? How could this be managed?
 - A. There would be issues relating to overlapping responsibilities and mechanisms would need to be in place to ensure that communication and co-ordination of activity was in place.
4. Do you have a view on the likely financial costs and benefits of the Ombudsman having own-initiative powers?

- A. The Town Council does not have a view on the financial costs and benefits except to say that own initiative investigations could save time and money in the long term.

Oral Complaints

5. At present, the Ombudsman can only accept complaints in writing. What are your views on the Ombudsman being able to accept complaints made orally? Please explain your answer.

- A. Any barriers to communication should be removed and permitting complaints to be submitted electronically or orally would remove what may be existing barriers. However there would need to be guidance to prevent vexatious complaints being submitted.

6. What other type/form of submission should be acceptable (e.g. email, website form, text messages)

- A. E-mail, website form and text messages should all be accepted as a legitimate means of complaint submission.

7. Do you have a view on the financial costs and benefits of this provision?
Complaints handling across public services

- A. There could be additional costs involved in seeking additional information from complainants.

8. At present there is no consistency in the way public bodies deal with complaints. Adoption of the model complaints policy issued by the Welsh government is voluntary. What are your views on the Ombudsman preparing a model complaints policy which public bodies would be obliged to adopt. Please explain your answer.

- A. The Town Council would support a model complaints policy becoming mandatory for public service bodies in Wales subject to the policy being appropriate for the sector.

9. Do you have a view on the financial costs and benefits of this provision?

Ombudsman's jurisdiction

A. There is already a model in place that could be adapted for each sector.

10. What are your general views on the Ombudsman's current jurisdiction?

A. The Town Council considers that the PSOW jurisdiction is about right however where there are overlapping elements into private healthcare it seems wrong to restrict the extent of an investigation.

11. At present the Ombudsman can investigate private health care that has been commissioned by the NHS. The Ombudsman would like the jurisdiction to be extended to enable him/her to investigate when a patient has received private healthcare (self-funded not commissioned by the NHS) in conjunction with public healthcare. This would enable the complaints process to follow the citizen rather than the sector. What are your views on extending the Ombudsman's jurisdiction in this way?

A. The Town Council would support the proposed extension of the PSOW role.

12. How do you think the investigation of private health care complaints should be funded? (Possibilities include a levy, charging on a case by case basis or no charge.)

A. No view

13. Do you have a view on the financial costs and benefits of this provision?
Links with the courts

A. No view

14. What are your views on the removal of the statutory bar to allow the Ombudsman to consider a case which has or had the possibility of recourse to a court, tribunal or other mechanism for review? (i.e. this would give complainants the opportunity to decide which route is most appropriate for them.)

- A. The Town Council considers that it would be important to provide the complainant with the choice.

15. What are your views on the Ombudsman being able to refer cases to the Courts for a determination on a point of law?

- A. The Town Council has no strong views but accepts that it may be appropriate in certain cases.

16. Do you have a view on the financial costs and benefits of this provision?

- A. No view

Other issues

17. Do you have any specific examples where the Ombudsman having the additional powers proposed could have been useful in securing a successful conclusion to an issue?

A. No comments

18. Schedule 3 of the current 2005 Act, provides a list of authorities that are within the Ombudsman's jurisdiction to investigate complaints. Please provide details of any other bodies/organisations that should be included in this list?

A. Natural Resource Wales.

19. If extended powers were given to the Ombudsman in a new Bill/Act, at what point should the impact of this legislation be evaluated?

A. After 5 years

20. What unintended consequences could arise as a result of these provisions becoming legislation and what steps could be taken to deal with these consequences?

A. There could be an escalation in complaints received and some may be inappropriate. There may also be conflict with professional bodies own investigations.

21. What factors should be measured to determine the cost-benefit analysis of this legislation being brought forward?

A. No comments

22. Do you have any comments on the following issues:

- jurisdiction – changes to the devolution settlement have led to new areas coming into jurisdiction over time, should consideration be given to other bodies being included in the Ombudsman's jurisdiction;

- recommendations and findings – should the recommendations of the Ombudsman to public bodies be binding. This would mean that bodies cannot decide to reject the findings;
- protecting the title – there has been a proliferation of schemes calling themselves ombudsmen, often without satisfying the key criteria of the concept such as independence from those in jurisdiction and being free to the complainant. Should anyone intending to use the title ombudsman gain approval from the Ombudsman;
- code of conduct complaints – the Ombudsman would prefer to focus on the element of his work that deals with service users and service delivery, rather than local authority and town and community councils resolutions. Whilst a

local resolution procedures exists and has been adopted by 22 local authorities, variance exists in practice.

A. Jurisdiction – no comment

Recommendations and Findings – should be binding subject to appeal arrangements being in place.

Protecting the Title – The Town Council agrees that the PSOW should give approval to use of title by others.

Code of Conduct Complaints – The Town Council considers it important that the PSOW retains his current remit for the town and community council sector to ensure the Code of Conduct is adhered to, maintaining consistent standards to ensure that the sector establishes credibility with Welsh Government.

23. Do you have any views on any aspects of future planned or proposed public sector reforms that would impact on the role of the Ombudsman?

A. No comment

24. Do you have any other issues or concerns about the current Act and are there any other areas that need reform or updating?

A. No comment