

Consultation submission - Public Service Ombudsman for Wales

The Council had no issue with the Public Services Ombudsman (Wales) Act 2005, but instead felt that the changes would add to its effectiveness.

The Council was in favour of 'Own Initiative investigations' by the Ombudsman to allow the Ombudsman to be proactive in investigating patterns and common themes. It would also be in a position to investigate themes that other organisations may find it difficult to initiate.

Own Initiative investigations may overlap with other organisations however it would need to work within legal constraints. The organisation with the legal power to take action should take precedence, with the Ombudsman deferring to the higher power if necessary. I.e. the courts.

It was agreed that effective investigations of issues should cover its costs by reducing litigation and insurance costs in other areas.

The Council felt that both oral and electronic means of complaint should be accepted in order to comply with the Equality Act, and to encourage ease of communication.

As electronic communication is very cost effective this should reduce both the financial and time costs.

The Council was uncomfortable with a model complaints policy which public bodies would be compelled to adopt as the authorities varied in size and complexity. A comprehensive policy that was suitable for a large local authority or Health Authority may not be suitable for small Community Councils. The Council instead felt that an adaptable policy would be more effective that could be tailored to the size and complexity of the organisation.

As standardisation is usually cost effective this should have cost savings however the savings could be lost if the policy is too complex and rigid.

The Council felt that the jurisdiction of the Ombudsman was effective but that it should include Private healthcare. The funding should be by levy on the private health care companies but should not create costs for the complainant.

It was felt that the statutory bar currently in place should be removed as this would provide a cost effective method of recourse in the first instance through the Ombudsman which may reduce the level of litigation currently undertaken.

The Ombudsman should be given the authority to refer to the Courts on a point of law.

The Council felt that if additional powers were awarded it was vital that a review be undertaken before/ during and after instigation with regular reviews thereafter to identify issues. There should be a method of addressing issues quickly throughout the process.

Further reviews should be diarised to identify issues in jurisdiction.

The Ombudsman's recommendations should be binding but with a right of appeal written into the procedure.

There was no necessity for other 'Ombudsman' to first obtain approval from the Public Services Ombudsman for Wales.

The Council was however keen that the Ombudsman continue to focus on local Town and Community Council resolutions.

Overall the Committee felt that any changes needed to be reviewed on a regular basis to ensure that issues were identified and corrected early in the process.