

MOLD TOWN COUNCIL
CYNGOR TREF YR WYDDGRUG



www.moldtowncouncil.org.uk

National Assembly for Wales – Finance Committee – 20 March 2015

Amendments to the Public Services Ombudsman (Wales) Act 2005

Consultation Questions – Response from Mold Town Council

Own initiative investigations

Q. 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. The Town Council would support the idea of “own initiative” in principle, but would wish to see assurances that there are “checks and balances” in place to ensure the PSOW do not exceed their new powers.

Q. 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. This would be linked to our response (above). If a monitoring process was in place this would reduce the likelihood of overlapping responsibilities.

Q. Do you have a view on the likely financial costs and benefits of the Ombudsman having own-initiative powers?

A. The Town Council is not in a qualified position to be able to respond to this question

Oral Complaints

Q. 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. The Town Council do not support the proposal for oral complaints unless a statement can be taken, witness and signed by all parties, such as Police statement procedures.

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

A. The Town Council supports all electronic formats, but would wish to see the introduction of electronic signatures.

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

A. It is likely that there would be additional costs incurred if procedures were in place for witness statements; however there could be savings on electronic statements.

Complaints handling across public services

Q. 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 supports the idea of a complaints policy which public bodies would be obliged to adopt. It would create a standard process across Wales for all public bodies which the public would understand.

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

A. The Town Council is not in a qualified position to be able to respond to this question.

Ombudsman's jurisdiction

Q. What are your general views on the Ombudsman's current jurisdiction? 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 support the proposals to extend the Ombudsman's jurisdiction.

Q. 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. The Town Council would support charging on a case by case basis.

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

A. The Town Council is not in a qualified position to be able to respond to this question.

Links with the courts

Q. 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 supports this idea.

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

A. As with the response above, this would go hand in hand with the earlier question.

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

A. The Town Council is not in a qualified position to be able to respond to this question.

Other issues

Q. 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. N/A

Q. 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. N/A

Q. 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. The Town Council would suggest that the evaluation should be on a three yearly basis.

Q. 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 is a risk that the PSOW could become too powerful without recourse.

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

A. The Town Council is not in a qualified position to be able to respond to this question.

Q. Do you have any comments on the following issues?

- a) 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;
 - b) 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;
 - c) 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?
 - d) 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 procedure exists and has been adopted by 22 local authorities, variance exists in practice.
- A.
- a) This could be addressed through a three yearly review.
 - b) Yes, the recommendations of the Ombudsman to public bodies should be binding.
 - c) Yes, they should gain approval from the Ombudsman.
 - d) The Town Council agrees.

Q. 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?

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A. N/A

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

A. N/A