



Ein cyf/Our ref: LF-LA-0184-15

Llywodraeth Cymru
Welsh Government

Jocelyn Davies AM
Chair of Finance Committee

17 February 2015

Dear Jocelyn,

Inquiry into the Consideration of Powers: Public Services Ombudsman for Wales

You wrote to all Cabinet Ministers on 27 January asking for their views on the inquiry your committee has begun. I have been asked to respond on behalf of us all.

These are important proposals and every member of the Cabinet values the role the Ombudsman plays in Wales to help deliver the best for the Welsh citizens, promotes lessons learnt and works to improve public service.

In the past 18 months both the past PSOW and the current PSOW have raised the prospect of new powers for their office.

The Government has on two occasions commented on those suggested powers: more recently to you and previously to the chair of the Communities, Equalities and Local Government Committee.

Broadly, we said that there were some issues we could support, but taking the legislation forward is a matter for the Assembly Commission. We noted that the Assembly's programme of legislation is already very busy for the current term, and there is little prospect of a Government bill in the Fourth Assembly. When we met on 15 January, I said the timetable you alluded to seemed ambitious and it may be better to take this forward after the 2016 Assembly elections.

The Ombudsman has asked for new powers which would change the nature of the Ombudsman service, moving it from the role of an independent adjudicator championing citizens' concerns, working to persuade and influence public bodies to adopt good practice and learn lessons so that their services improve, to one where the Ombudsman's office becomes more of an enforcer issuing statutory guidance in their own right. It is something your committee may want to consider in taking evidence if the shift is something we want in Wales.

It is worth noting that a substantial part of the public sector is currently preparing for major change. The White Paper *Reforming Local Government: Power to Local People*, published recently, asks important questions about the future size, roles and functions (including complaints and scrutiny) of local authorities.

In addition, the Well-being of Future Generations (Wales) Bill will require specified public bodies to improve the economic, social and environmental well-being of Wales by contributing to the achievement of a set of “well-being goals”. The responsibility for ensuring these duties are adhered to will be vested in a Future Generations Commissioner for Wales who will be able to conduct reviews into how a public body is taking account of the long-term impact of what the body does under a well-being duty.

The Well-being of Future Generations (Wales) Bill also provides for a separate power enabling the Auditor General for Wales to examine specified public bodies for the purposes of assessing the extent to which a body has acted in accordance with the sustainable development principle when setting well-being objectives and taking steps to meet those well-being objectives.

If the Ombudsman is given powers to conduct ‘own initiative inquiries’, this could potentially duplicate the review powers of the Commissioner and examination powers of the Auditor General for Wales. The nature of the Well-being of Future Generations Bill and its well-being goals means that there are a wide range of issues the Commissioner and Auditor General for Wales could potentially look at given their focus on public services, and these may conflict with an additional power for the Ombudsman to conduct inquiries. If this provision is made we would want to ensure that the powers of the Future Generations Commissioner and Auditor General for Wales are distinguished from those of the Ombudsman. It may benefit the Ombudsman’s office to make the case for new powers after these public service reforms embed and take effect.

I hope that these comments are helpful.

A handwritten signature in black ink, reading "Leighton Andrews". The signature is written in a cursive style. Below the signature is a horizontal line that ends in an arrowhead pointing to the right.

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services