

Dear Committee Clerk,

Thank you for consulting us on this matter. I enclose Carmarthenshire County Council's views.

Consultation Questions

1. We have no issues with the effectiveness of the Act.

Own initiative investigations

2. We are against this proposal. In our view issues for investigation should be complainant led. The Ombudsman already has the power to expand an investigation beyond the matter complained of, as well as being empowered to look at not only how the complainant has been affected but also others, and we feel that this is sufficient jurisdiction.

3. Yes. We believe Authorities are subject to sufficient regulation without adding a further tier through "own initiative" investigations.

4. We consider that this would have the potential to increase the costs burden on local authorities.

Oral Complaints

5. We are against this proposal. A complainant should accept ownership of their complaint and be expected to invest a certain amount of time and effort in framing the substance of their complaint. Expecting an officer in the Ombudsman's Office to capture the essence of a complaint from a verbal account would leave the nature of the complaint open misinterpretation, and lack of true detail. There appears to be no compelling evidence to show that the current system of requiring complaints to be made in writing is not working. On the contrary: according to the Ombudsman's own Annual report for 13/14 there has been a significant increase in the number of complaints across a range of Authorities falling within his jurisdiction, this increase being a continuation of the trend.

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6. We accept that complaints processes have to move with the times, but we are concerned that allowing complaints to be made by text will lead to complaints being fired off without appropriate thought being given to them, and the substance of the complaint may not be fully put and abbreviated and limited by character restrictions on message lengths.

7. Will inevitably lead to greater cost.

Complaints handling across public services

8. We support this proposal, and we have already long since adopted the Ombudsman's model policy.

9. No views to offer.

Ombudsman's jurisdiction

10. No views

11. We support this proposal.

12. No comment.

13. No comment.

Links with the courts

14. We are strongly opposed to this proposal. Where a complainant has had recourse to law and lost his or her case the Court's decision should be final; where a complainant has recourse to the Courts that is where he or she should fight the case, especially as such cases will inevitably raise issues of disputed law and facts. The Ombudsman's role should be to look at administrative failings.

15. We consider this would serve to slow down the process,

16. Will inevitably add additional costs on to local authorities.

Other issues

17. No comments

18. No comments

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19. No comments

20. No comments

21. No comments

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

jurisdiction – Yes potentially, but have no suggestions as to who they might be.

recommendations and findings – We consider that bodies should retain the right to reject findings.

protecting the title – No view.

code of conduct complaints – Whilst acknowledging the drain of such complaints on the Ombudsman's resources we consider that it is vital that jurisdiction for these remains with the Ombudsman, as the Ombudsman plays an important role in enforcing the Code in an independent and dispassionate way, free from the danger of political influence that is inevitably present at local level. Local resolution Procedures have their place in dealing with low level member on member complaints but can only work if all members fully support them, and can be ineffective where the complaint has a party political dimension. County Councils do not have the resources to take responsibility for resolving town or community council member on member complaints.

23. No views

24. No views

I trust our comments are acceptable in this provided format.