



**Older People's Commissioner for Wales**  
**Comisiynydd Pobl Hŷn Cymru**

☎ 08442 64 06 70

📠 08442 64 06 80

[www.olderpeoplewales.com](http://www.olderpeoplewales.com)

Committee Clerk  
Finance Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Cambrian Buildings  
Mount Stuart Square  
Cardiff CF10 5FL

Adeiladau Cambrian  
Sgwar Mount Stuart  
Caerdydd CF10 5FL

18<sup>th</sup> January 2016

Dear Committee Clerk,

### **Consultation on the draft Public Services Ombudsman (Wales) Bill**

Thank you for the opportunity to comment as part of your call for evidence on the Bill<sup>1</sup>. I provide some brief comments below in relation to the questions set out in Annex A:

#### **Power to investigate on own initiative**

As I outlined in my response to your inquiry into the consideration of powers of the Ombudsman in February 2015, I believe there is an opportunity for the Ombudsman to be allowed to act in a more proactive role through, for example, own initiative investigations. This would especially be the case where there is evidence to suggest from individual cases that there could be a wider public interest issue.

I would fully expect that I would be consulted about any own initiative investigations which impact upon older people and be able to contribute towards the investigation and that any changes to legislation places on the Ombudsman a requirement to consult.

As previously outlined, I already meet with the Auditor General for Wales to share our intended work programmes, identify areas of common

---

<sup>1</sup> <http://www.senedd.assembly.wales/documents/s45205/Consultation%20letter.pdf>

interest, minimise duplication of effort and resource and discuss how our two organisations can work to support each other to achieve shared outcomes for older people in Wales. This has been achieved without conflict and could work along similar lines with the Ombudsman.

## **Part 5: Investigations: supplementary**

### **Question 28: Do you have any comments on sections 62, 63 and 64, which provide for joint and collaborative working with specified Commissioners and the Auditor General for Wales?**

I welcome the inclusions of sections 62 and 63 (working jointly and collaboratively with other Commissioners), and am fully prepared to work with the Ombudsman on matters of common interest. I do already meet regularly through the year with the Ombudsman to discuss our respective casework and work programmes. There are also strong relationships with officers in both organisations that ensure that information about key investigations is shared. I am committed to working in partnership with the Ombudsman and other relevant bodies to ensure that within Wales our work makes a real difference to the lives of older people<sup>2</sup>.

I agree that the Ombudsman should inform and consult with the relevant Commissioner, and welcome the opportunity to cooperate, conduct a joint investigation and/or prepare and publish a joint report in relation to an investigation.

Furthermore, I welcome the reference to disclosure of information via sections 62 or 63 of the draft Bill or sections 16 or 17 of the Commissioner for Older People (Wales) Act 2006 i.e. Working with other ombudsmen<sup>3</sup>. This is an effective example of complementarity between the draft Bill and other pieces of legislation. Underpinning the legislation is a Memorandum of Understanding which sets out in more practical terms how we, in partnership with the Children's Commissioner for Wales, would work collaboratively together and extends to joint training, sharing information about trends and pro-active sharing of relevant reports<sup>4</sup>.

---

<sup>2</sup> [http://www.olderpeoplewales.com/en/news/news/13-01-04/Sarah\\_Rochira\\_Older\\_People\\_s\\_Commissioner\\_for\\_Wales\\_comments\\_on\\_the\\_recent\\_Public\\_Services\\_Ombudsman\\_report.aspx](http://www.olderpeoplewales.com/en/news/news/13-01-04/Sarah_Rochira_Older_People_s_Commissioner_for_Wales_comments_on_the_recent_Public_Services_Ombudsman_report.aspx)

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2006/30/contents>

<sup>4</sup> [http://www.olderpeoplewales.com/en/news/news/10-09-01/September\\_2010\\_-\\_Memorandum\\_of\\_Understanding.aspx](http://www.olderpeoplewales.com/en/news/news/10-09-01/September_2010_-_Memorandum_of_Understanding.aspx)

The memorandum states that the overarching aim is to contribute to the development of excellent public services in Wales that respect and promote the human rights of citizens in Wales and are sensitive to the needs of the most disadvantaged and vulnerable members of society and make best use of public resources. I see no reason why this Memorandum could not be extended to cover own initiative investigations.

**Question 29: Should sections 62 and 63 cover future Commissioners that may be created by the Assembly, including the Future Generations Commissioner for Wales?**

Sections 62 and 63 should cover future Commissioners that may be created by the Assembly, including the Future Generations Commissioner for Wales. This approach should help ensure clarity and consistency in how the Ombudsman works with Commissioners, and provide new Commissioners with a clear framework on collaboration with the Ombudsman.

Yours sincerely,

A handwritten signature in black ink that reads "Sarah Rochira". The signature is written in a cursive, flowing style.

Sarah Rochira  
**Older People's Commissioner for Wales**