

Our ref: NB/SMH

Ask for:

Your ref:



01656 641150

Date: 8 December 2016



Mr John Griffiths, AM
Chair
Equality, Local Government and Communities Committee
National Assembly for Wales
Cardiff Bay
CARDIFF
CF99 1NA

Dear Chair

Thank you for your letter dated 5 December 2016 concerning the evidence session held on 23 November in relation to my Annual Report for 2015/16. I very much welcomed the opportunity to discuss the work of my office with the Committee. I was aware from your comments at the session that the Committee would have liked to explore some additional areas discussed in my Annual Report but, due to time constraints, that would not be possible at the session itself. I therefore also welcome the opportunity to provide in this letter information on those additional areas that the Committee would have liked to explore with me, and I address those below.

Sounding Boards

I have, to date, formed two sounding boards. Two meetings of the voluntary sector sounding board have now been held and one of the health sounding board. These have been very positive and constructive meetings. We consider ourselves to be a 'learning organisation' and we want to hear how we might be able improve on the way we work. For example, with the voluntary sector sounding board we are currently exploring whether there is more we can do to raise awareness of the Ombudsman service amongst more vulnerable groups and improve the accessibility of our service. In relation to the health sounding board I am looking to hear from health bodies whether there are ways in which we can improve our interactions with them, for example, when seeking evidence during investigations.

'Complaints About Us' Policy

The model complaints process we commend to public bodies includes an independent stage (more often than not, that independent stage is the Public Services Ombudsman for Wales, but could be other complaint handling bodies, for example the Welsh Language Commissioner if someone wants to complain about lack of service provision in Welsh).

In order to be consistent with the approach that I recommend to bodies in my jurisdiction, I have introduced an independent stage in relation to complaints about my service. These could be about timeliness, rudeness or a failure to reply to correspondence, for example. I appointed the Independent Reviewer in December 2015 to provide an independent review of the actions of my office and the responses to 'complaints about us'. The work of the Independent Reviewer is about the quality of the service my staff and I provide. It is not their role to consider the decision on a complaint; rather, it is to review the service we have provided whilst considering or investigating a complaint.

When we respond to complaints about us we provide details of the Independent Reviewer so that the complainant can contact them direct, if they are dissatisfied with the response they have received from us.

Impact of the Independent Reviewer

It is difficult to know what impact the work of the Reviewer will have on the way complaints are handled in my office, as this will very much depend on the conclusions and outcomes of the complaints they consider. If it is found that a complaint has not been considered as rigorously as it should, for example, then that might be a matter of providing staff with additional training. However, if a systemic problem is identified in the way we deal with complaints about us then that would mean changing our process to ensure that the same problem cannot occur again.

To expand on the complaints considered by the Independent Reviewer between December 2015 to March 2016, of which there were seven, the outcomes of these were as follows:

Outcome of complaint to Independent Reviewer	No. of complaints
Advice provided - Complainants seeking advice about service provided by PSOW and what the Independent Reviewer could look at.	2
Premature - The PSOW had not yet responded to the 'complaint about us'.	1
Outside of remit - In each of these cases complainants were unhappy that their complaints about a public body had not been upheld or had not been investigated. In each case there was no complaint about the PSOW's service in terms of courtesy, timeliness or accuracy.	4

Code of Conduct – Vexatious Complaints

I am satisfied that the public interest test that I introduced a couple of years ago is successfully meeting the objective of ensuring that my office does not waste time in considering vexatious complaints. The aim of the test is to ensure that we only investigate those aspects that would be matters of concern to the electorate – issues such as any corruption, abuse of power, bullying etc. It is about a common sense approach. Whilst my staff of course have to consider complaints when they arrive at my office, the public interest test is key in ensuring that they only spend time on those that merit being taken forward.

With regard to the comment that I made at the Committee session in relation to powers available to me in respect of vexatious complaints, this referred to the fact that if such a complaint is made by a local authority member who is bound by the Code of Conduct then this in itself can constitute a breach of the Code. If I find that a vexatious, malicious or frivolous complaint has been made by a member, it is open to me to refer the matter to either the relevant local authority standards committee or the Adjudication Panel for Wales for determination and consideration as to whether a sanction should be applied.

I should clarify that if vexatious and frivolous complaints are made by a member of the public, then I cannot take any action in relation to these and must assess and decline to investigate them in accordance with the provisions of the Local Government Act 2000.

I hope that the above has provided the Committee with a suitably comprehensive response in respect of each of the areas it wished to explore.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman