

- We believe clarity should be provided around how far the role of the PSOW extends to the tribunals listed below in so far as they relate to public services in Wales and if the remit of the PSOW does not extend to these bodies consideration should be given to include them:
  - Special Educational Needs Tribunal for Wales
  - Residential Property Tribunal Wales
  - Mental Health Review Tribunal Wales
  - Welsh Language Tribunal
- 1. We note that currently devolved tribunals in Wales do not come under the remit of the Public Services Ombudsman for Wales (these are not included in the list of organisations specified within the Bill).
- 2. We recognise that there is a right of appeal to the Upper Tribunal for the tribunals referenced above and understand that further to this individuals could go through the court system if they still felt their issue had not been addressed.

3. However we believe that the tribunal system, although meant to be less adversarial than the courts, remains difficult for individual citizens to navigate and often the other party in the matter (which may be a private business, but in the case of any role for the Ombudsman we refer to public authorities, namely local authorities) will have corporate legal representation, which can often be intimidating for individual claimants.
4. The point we wish to raise therefore, is more of a question as to if these tribunals are fully excluded from the remit of the Ombudsman (as appears the case currently), if there should be any role for the Ombudsman in future.
5. We do not have a detailed understanding of how all the differing devolved tribunals currently operate their appeals and complaints procedures, however we do feel there may be value in the issue being considered further, perhaps particularly in relation to administration.
6. We recall that a couple of years ago the Welsh Government was considering a review of devolved tribunals in Wales. We aren't clear whether this ever happened and if so if there were any issues raised regarding appeals and complaints procedures of these bodies?
7. From our analysis of the information made publically available by the tribunals, reference is given to the Upper Tribunal, but further detail does not seem to be provided about what to do if you are unhappy with the decision of this. In addition, we only note that one tribunal, the Mental Health Review Tribunal for Wales, makes specific reference to a different avenue for complaints that relate to how individuals felt they were treated or how the hearing was conducted, as detailed below:

*If you are unhappy about how you were treated by the Tribunal members or staff or how the hearing was conducted you may make a complaint to the Tribunal which will be investigated<sup>1</sup>.*

8. We would suggest that there should be clear routes to make such a complaint in the case of all devolved tribunals. We would also question if an individual is dissatisfied with the outcome of such a complaint, what recourse they then have. This comes back to our question of any role for the Ombudsman, not only in cases that relate to public bodies, but also in

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<sup>1</sup> <http://mentalhealthreviewtribunal.gov.wales/mhrtw-faqs/?lang=en>

considering devolved tribunals (and the way that they operate), being public bodies themselves.

For more further information, contact:

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## **January 2018**

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