

PPSOWA4 NASUWT - Cymdeithas Genedlaethol yr Ysgolfeistri ac Undeb yr Athrawesau | NASUWT- The National Association of Schoolmasters Union of Women Teachers

Senedd Cymru | Welsh Parliament

Y Pwyllgor Cyllid | Finance Committee

Adolygiad ôl-ddeddfwriaethol o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 | Post-legislative review of the Public Services Ombudsman (Wales) Act 2019

Ymateb gan: NASUWT - Cymdeithas Genedlaethol yr Ysgolfeistri ac Undeb yr Athrawesau | Evidence from: NASUWT - The National Association of Schoolmasters Union of Women Teachers

1. Have you used the Ombudsman's service to make a complaint?

No

1a. What did your complaint(s) relate to?

(We would be grateful if you could keep your answer to around 500 words).

1b. If your complaint was about health which included a private health related element, do you have any comments about the process of making that complaint?

(We would be grateful if you could keep your answer to around 500 words).

1c. Was your complaint(s) made on or after 23 July 2019?

1d. How did you make your complaint(s)?

1e. Do you have any comments about the process of submitting an oral complaint to the Ombudsman?

(We would be grateful if you could keep your answer to around 500 words).

2. Have you made a complaint to a public body since 23 July 2019?

No

2a. Do you have any comments on the standard of complaints handling at public bodies, and whether they have improved since the Act came into force in 2019?

(We would be grateful if you could keep your answer to around 500 words).

3. If you are a public body, have you engaged with the Ombudsman or used resources and/or guidance produced by the Ombudsman to change or improve your complaints handling policies and processes?

No

3a. Do you have any comments in this area?

(We would be grateful if you could keep your answer to around 500 words).

4. Are you aware that the Ombudsman can investigate on their own initiative where evidence suggests that there may be systemic service failure or maladministration?

Yes

5. Are you aware that the Ombudsman can extend an investigation of a complaint into matters that have a substantial connection with a matter already being investigated?

Yes

6. Have you been involved in an own initiative investigation conducted by the Ombudsman and/or read or used an own initiative report, such as the report about homelessness in Wales (<https://www.ombudsman.wales/own-initiative-wider-investigations-reports/>)?

No

7. Do you have any comments about the Ombudsman's own initiative powers?

(We would be grateful if you could keep your answer to around 500 words).

We feel these are important powers, which add to the scrutiny the PSOW can wield. We would welcome extension of the list of organizations which the PSOW can give scrutiny to include the EWC. This would provide a scrutiny for a body holding public functions which currently has no oversight or audit whatsoever.

8. Do you have any views on how the changes implemented by the 2019 Act compares with current best practice, both within the UK and internationally?

(We would be grateful if you could keep your answer to around 500 words).

There is a gap in the current list of organizations falling within the ambit of the PSOW. The lack of inclusion of the EWC in this list goes against good practice which includes other professional bodies in this list, this same good practice also includes the Regulator Social Care Wales in the list of those subject to the oversight of the PSOW.

The argument for inclusion of EWC rests on:

It morally and legally should fall within the definition of a Public Body as:

- a) Performing a role which delivers a service to the public, in regulating the workforce and Initial Teacher Training.
- b) This role relates to preserving high standards in education.
- c) It performs a regulatory role – such a role is usually within the ambit of accountability to statutory bodies. (NI and England education regulatory bodies are accountable to their Depts. of Education).
- d) The fees of education practitioners fund it. They have no choice in this, as it is a legal requirement of the profession that they are registered. The funds they use to pay this fee are derived from public funds via their wages.
- e) Until this current year the EWC was also funded by the Welsh Government.
- f) Other professional bodies operating as a regulator do so in a field of practice, which is listed as within the remit of the PSOW (e.g. BMA).
- g) The only avenue of appeal is to the High Court. This is based on individual cases, and does not raise a recommendation to the EWC to re-consider their administrative practice for all cases.
- h) It is significant that Social Care Wales, a regulator with identical role, is accountable to the PSOW.

The current position of no accountability or scrutiny of the EWC goes against all grounds of natural justice. The lack of accountability on the EWC leads to inconsistency in application of both their rules, and tenets of procedural justice. There is no further avenue for maladministration to be raised after the EWC have dismissed a complaint. This can lead to hardship and injustice for members of the public who are education practitioners.



9. Do you have any other comments regarding the 2019 Act which are relevant to the Committee's Terms of Reference for this inquiry?

(We would be grateful if you could keep your answer to around 500 words).

