

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: Cymdeithas yr Ombwdsmyn | Evidence from: Ombudsman Association

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

Not applicable

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?

Not applicable

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?

Not applicable

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).

Own initiative powers are an essential tool for a modern ombudsman service and commonplace throughout modern democratic societies, as seen in the Netherlands, Canada, across Scandinavia, and in both parts of the island of Ireland.

Those powers offer the most value where people are excluded or marginalised from mainstream society, or where there is a fear of reprisal from raising a complaint. In that way they not only give a voice to the vulnerable but also offer an efficient way to identify systemic improvements.

PSOW's own initiative investigation into homelessness is an excellent example of the value of these powers. Whilst they had previously received zero complaints about homelessness, the own initiative investigation identified 'systemic maladministration', showing that vulnerable people were suffering injustice but were either unaware of their rights, did not understand them, or were unable to exercise their right to escalate their complaint.

Without own initiative powers those issues would never have been identified – and the changes now undertaken to improve services would likely never have taken place.

However, under the current legislation the impact and value of PSOW's own initiative powers cannot be fully utilised. The process to launch an own initiative investigation could be streamlined, making it more efficient and cost effective. And crucially the impact of own initiative investigations could be strengthened if the recommendations were able to be applied across the entire sector.

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).

At its introduction, the 2019 Act went further than any other legislation in Great Britain to create an ombudsman that most closely met international best practice. It went further than the legislation for the Scottish Public Services Ombudsman (SPSO), at that point the most modern, adding own-initiative powers that SPSO still does not have.

Even 5-years later, PSOW remains one of the more advanced ombudsman offices in these islands in terms of its powers – significantly so when compared to the legislation for the Westminster Parliamentary & Health Service Ombudsman, which unfortunately remains 'stuck in time', not only without own initiative and complaints standards powers, but also with restrictions on access due to the outdated 'MP Filter'.

It could however be argued that the legislation for the Northern Ireland Public Services Ombudsman (NIPSO) in some ways surpasses the 2019 Act.

There is currently a gap in PSOW's jurisdiction in relation to complaints about schools, limiting people's access to justice. In both Scotland and Northern Ireland complaints about schools are within the relevant public services ombudsman's jurisdiction. To reflect best practice, and to better serve the public, schools should be brought within the jurisdiction of PSOW.

As mentioned above, further changes are also required to get full value from own initiative powers.

Whilst the 2019 Act remains one of the leading pieces of ombudsman legislation in the UK, to keep the PSOW at the cutting edge of current best practice the Senedd should consider further amendments to broaden PSOW's jurisdiction, streamline the process to launch an own initiative investigation, and to ensure the insights and learning from own initiative investigations can be applied more broadly.

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).

PSOW's Complaints Standards Authority powers also reflect best practice, providing the opportunity to improve complaint handling 'upstream' and so contributes to better value for money both for the PSOW itself and across public services.

In particular, the training provided to public service providers will represent significant value for money; private suppliers of training for the social housing sector in England charge c.£200 for 3 hours of CPD Training.

As research in Australia has shown (<https://www.socap.org.au/knowledge-centre/the-roi-of-complaints/public-organisations/>), every dollar spent on complaint handling can reap a 'return on investment' of up to 5 dollars, and more so when you consider social return on investment.

In helping drive increased efficiency and effectiveness in public services as a result of 'getting it right first time', acting as an 'agent of change', an ombudsman plays a key role in rebuilding trust and confidence in public services.

