

Draft Public Services Ombudsman (Wales) Bill

Ceredigion County Council Response to Consultation Questions

18 January 2016

General

- 01** It is likely that some of the provisions proposed would improve the effectiveness of the Ombudsman, but it could be argued that allowing the Ombudsman to initiate investigations would ‘muddy the waters’ and create further pressures on Local Authorities, in an already over-regulated sector.
- 02** It is likely that the Ombudsman will request further resources to overcome any barriers he identifies. Whilst it is important to support the Ombudsman in his work, there needs to be a balance between the provision of services and the cost of regulation.
- 03** Confusion may arise as to who’s responsible for investigating standards of provision. There would be a need for strong protocols between the PSOW and other regulators such as Welsh Language Commissioner, Estyn, CSSIW, Equality & Human Rights Commissioner.
- 04** Ideally, the evaluation should take place prior to its commencement. However, it is likely that a period of up to two years will be required to have a full evaluation of the impact of the legislation.

Power to investigate own initiative

- 05** Please see the answer to question 01 above.
- 06** In taking on more regulatory powers, the Ombudsman may create a greater barrier between himself and those he is responsible for investigating as opposed to a more collaborative approach to address failings.
- 07** The PSOW would need to consult with the regulatory bodies already in place to address the quality of service provision. In addition, the PSOW should be in discussion with the Chief Executive of the ‘responsible body’.

- 08 On balance, it would be best for the powers to initiate an investigation to take effect on the commencement of the Bill.
- 09 None – investigations should commence on account of complaints received from members of the public.
- 10 Not applicable – see Q09 above.

Who can complain

- 11 In general, the Local Authority is supportive of the new definition, providing the correct consent processes are followed.

Requirements for complaints made and referred to the Ombudsman

- 12 The Local Authority is broadly supportive of this and welcomes the proposal the Ombudsman is able to record oral complaints.
- 13 The Ombudsman needs to take account of equality legislation and to make the information widely available to members of the public.

Matters which may be investigated

- 14 Not applicable to the Local Authority
- 15 Not applicable to the Local Authority
- 16 Not applicable to the Local Authority
- 17 Not applicable to the Local Authority
- 18 Not applicable to the Local Authority
- 19 Not applicable to the Local Authority

Investigation procedure and evidence

- 20 The procedures that are set out in section 16 appear to be reasonable and appropriate.

- 21 The Local Authority understands that for the sake of consistency, the powers should be the same.

Listed Authorities

- 22 The Local Authority prefers to make no comment on this issue.
- 23 The list appears to be extensive and complete.

Complaints-Handling

- 24 The Authority already follows the Welsh Government's Model Complaints procedures, which it is understood the PSOW already has input into. The Local Authority supports having similar standards and policies across Wales and therefore supports this proposal.
- 25 The legislation under section 38(b) appears to be appropriate however, it would be useful to include clearer guidance on this matter.

Part 4: Investigation of complaints relating to other persons: social care and palliative care

- 26 Overall, the Authority believes that Part 4 should be brought within Part 3 to ensure consistency and clarity. The Local Authority believes there is no need for different procedures and sections of the Act for different elements of its role and functions.
- 27 In view of the above, a blanket approach should be applied.

Part 5: Investigations: supplementary

- 28 As the Local Authority is not convinced for the need for the PSOW to have own-initiative powers (as explained in question 01) it would follow that the Authority has some reservations about such proposals and its potential outcome.
- 29 See above (question 28).

30 See above (question 28).

Appointment etc.

31 These provisions are appropriate and reasonable.

32 The Authority believes that a period of two to three years seems appropriate.

33 No comment.

Financial implications

34 Additional powers are likely to require additional resources. This should not be at the expense of direct service provision.

35 In summary, the Local Authority has some reservations about the extended powers for the PSOW to investigate on his own initiative – as stated above. However, the Authority fully supports the additional powers to take into account oral complaints and the extended role in collecting data, setting standards and guidance. The Local Authority is also supportive of extending the Ombudsman's jurisdiction to include private health and care services.