

Finance Committee

Draft Public Services Ombudsman (Wales) Bill

DB PSOW 28 Committee for Administrative Justice and Tribunals Wales

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18 January 2016

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By email

Draft Public Services Ombudsman (Wales) Bill - consultation

1. This is the response of the CAJTW to this Finance Committee consultation. The CAJTW was set up by Welsh Ministers on 1 November 2013 as the non-statutory successor body to the Welsh Committee of the Administrative Justice and Tribunals Council. The overarching aim of the CAJTW is to act as a guardian of the public interest with regard to administrative justice in Wales. It has a remit to:
 - Advise on tribunal reform in Wales;
 - Identify to Welsh Ministers any issues affecting the administrative justice system in Wales which may require Government attention;
 - Ensure the users of the system are listened to and their interests are represented; and
 - Encourage networks and the sharing of good practice amongst practitioners.
2. The CAJTW wishes to respond to Questions 1 and 18 in the consultation letter:

“01. Would the draft Bill improve the effectiveness of the role of the Ombudsman? If so how?”

The CAJTW believes that the draft Bill will improve the role of the Public Services Ombudsman for Wales [PSOW] insofar as the Bill will develop the role by the four new powers: (i) discretion to accept complaints made other than in writing; (ii) discretion to investigate privately provided health care when such provision is the subject of a complaint involving health care provided by both private providers and the NHS; (iii) discretion to investigate on PSOW's initiative irrespective of

whether a complaint has been made; and (iv) further enabling PSOW to develop standards for Wales for the handling of complaints about public services.

The Consultation asks, for example in questions 07 and 09, about whom PSOW should consult when beginning an investigation on PSOW's own initiative, and what kind of issues should be included in the criteria for deciding whether to investigate. The CAJTW is confident that, when the PSOW devises his policy on those and similar matters, the PSOW will act in accordance with the spirit of the *Principles for Administrative Justice*¹ published by the Administrative Justice and Tribunals Council in November 2010.

“18. Should the Ombudsman have powers to recover costs incurred in investigating private health services?”

The CAJTW believes that, for the purposes of the Bill, private and public health providers should be treated equally, and that PSOW should not have powers to recover costs incurred in its investigations.

3. Generally, subject to the foregoing, the CAJTW believes that the Bill will improve the effectiveness of PSOW.

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Secretary to CAJTW

¹ http://ajtc.justice.gov.uk/docs/principles_web.pdf

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