

**Consultation on an inquiry into the consideration of powers of the Public Services Ombudsman for Wales - Response from Wrexham County Borough Council.**

This response is a supplementary response to that of the WLGA, which Wrexham County Borough Council has contributed to and fully supports.

**Consultation Questions**

**1. What are your views on the effectiveness of the current Public Services Ombudsman (Wales) Act 2005?**

**Own initiative investigations**

**2. Currently, the Ombudsman may only investigate a matter that is the subject of a complaint made to him/her. What are your views on ‘own initiative’ investigations powers, which would enable the Ombudsman to initiate his/her own investigations without having first received a complaint about an issue. Please explain your answer.**

*Wrexham County Borough Council (WCBC) remains unclear as to what action or incident could cause the Ombudsman to begin an investigation if this were not prompted by a complaint.*

*We believe that if this were to be implemented, the Ombudsman should have strict timescales to adhere to, as Local Authorities have in managing complaints. This would reduce the work pressures on the relevant departments and provide clarity for all parties on the length of the process.*

**3. Do you have any concerns that own-initiative investigation powers could result in the Ombudsman’s responsibilities overlapping with the responsibilities of other bodies? How could this be managed?**

*WCBC shares the concerns of the WLGA and Welsh Government regarding the potential duplication of inspections by other bodies.*

*There is also a potential for misuse by those who may wish to particular actions of the council to be scrutinised for their own agenda and therefore use the Ombudsman to do this.*

*Would the Ombudsman still be viewed as an impartial body for complaints by the public if it was regularly involved with non-complaint investigations with Local Authorities?*

**4. Do you have a view on the likely financial costs and benefits of the Ombudsman having own-initiative powers?**

*The primary concerns would be for the resources required to support the Ombudsman in undertaking any investigation. As stated above, the timescales and procedures for any investigation would need to be clearly defined to ensure the Council can comply with this and support any staff that may be central to the investigation.*

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## Oral Complaints

**5. At present, the Ombudsman can only accept complaints in writing. What are your views on the Ombudsman being able to accept complaints made orally? Please explain your answer.**

*WCBC accepts complaints made in any form the customer wishes to. This ensures we do not discriminate against those who do not have the capacity to put things in writing. However, where this is the case, we ensure that the method we have used for recording the complaint is agreed by the complainant (e.g. if complaint made verbally, the notes would be written up by an officer and the accuracy of these notes confirmed by the complainant.)*

**6. What other type/form of submission should be acceptable (e.g. email, website form, text messages)**

*As above*

**7. Do you have a view on the financial costs and benefits of this provision?**

*There is no additional cost to meeting a complainant other than officer time. However the council would not refuse a meeting where there is merit.*

## Complaints handling across public services

**8. At present there is no consistency in the way public bodies deal with complaints. Adoption of the model complaints policy issued by the Welsh government is voluntary. What are your views on the Ombudsman preparing a model complaints policy which public bodies would be obliged to adopt. Please explain your answer.**

*WCBC have already adopted the model complaints policy as have 21 of the 22 Local Authorities at the time of reporting. We believe this model has led to an improvement in the management of complaints. This is supported by a recent invitation to WCBC from the Ombudsman to give a presentation having been recognised as a Local Authority who manage complaints well.*

**9. Do you have a view on the financial costs and benefits of this provision?**

*n/a*

## Ombudsman's jurisdiction

**10. What are your general views on the Ombudsman's current jurisdiction?**

*WCBC have no concerns regarding the current jurisdiction of the Ombudsman.*

**11. At present the Ombudsman can investigate private health care that has been commissioned by the NHS. The Ombudsman would like the jurisdiction to be extended to enable him/her to investigate when a patient has received private healthcare (self-funded not commissioned by the NHS) in conjunction with public**

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PSOW 23 – Cyngor Bwrdeistref Sirol Wrecsam

**healthcare. This would enable the complaints process to follow the citizen rather than the sector. What are your views on extending the Ombudsman’s jurisdiction in this way?**

*n/a*

**12. How do you think the investigation of private health care complaints should be funded? (Possibilities include a levy, charging on a case by case basis or no charge.)**

*n/a*

**13. Do you have a view on the financial costs and benefits of this provision?**

*n/a*

#### **Links with the courts**

**14. What are your views on the removal of the statutory bar to allow the Ombudsman to consider a case which has or had the possibility of recourse to a court, tribunal or other mechanism for review? (ie this would give complainants the opportunity to decide which route is most appropriate for them.)**

*WCBC fully supports the response of the WLGA in that the current jurisdiction is appropriate.*

**15. What are your views on the Ombudsman being able to refer cases to the Courts for a determination on a point of law?**

*As above*

**16. Do you have a view on the financial costs and benefits of this provision?**

*As above*

#### **Other issues**

**17. Do you have any specific examples where the Ombudsman having the additional powers proposed could have been useful in securing a successful conclusion to an issue?**

*No*

**18. Schedule 3 of the current 2005 Act, provides a list of authorities that are within the Ombudsman’s jurisdiction to investigate complaints. Please provide details of any other bodies/organisations that should be included in this list?**

*WCBC considers the list appropriate.*

**19. If extended powers were given to the Ombudsman in a new Bill/Act, at what point should the impact of this legislation be evaluated?**

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PSOW 23 – Cyngor Bwrdeistref Sirol Wrecsam

*WCBC supports the position stated within the WLGA response.*

**20. What unintended consequences could arise as a result of these provisions becoming legislation and what steps could be taken to deal with these consequences?**

*As above*

**21. What factors should be measured to determine the cost-benefit analysis of this legislation being brought forward?**

*As above*

**22. Do you have any comments on the following issues:**

- **jurisdiction – changes to the devolution settlement have led to new areas coming into jurisdiction over time, should consideration be given to other bodies being included in the Ombudsman’s jurisdiction;**
- **recommendations and findings - should the recommendations of the Ombudsman to public bodies be binding. This would mean that bodies cannot decide to reject the findings;**
- **protecting the title - there has been a proliferation of schemes calling themselves ombudsmen, often without satisfying the key criteria of the concept such as independence from those in jurisdiction and being free to the complainant. Should anyone intending to use the title ombudsman gain approval from the Ombudsman;**
- **code of conduct complaints – the Ombudsman would prefer to focus on the element of his work that deals with service users and service delivery, rather than local authority and town and community councils’ resolutions. Whilst a local resolution procedures exists and has been adopted by 22 local authorities, variance exists in practice.**

*WCBC believe the Ombudsman’s powers in investigating complaints regarding councillor conduct to be both appropriate and beneficial. In independently investigating the complaint, it ensures that no Council officer is put in a compromising position.*

**23. Do you have any views on any aspects of future planned or proposed public sector reforms that would impact on the role of the Ombudsman?**

*WCBC supports the position stated within the WLGA response.*

**24. Do you have any other issues or concerns about the current Act and are there any other areas that need reform or updating?**

*No*