

Y Pwyllgor Cyllid

Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) drafft

DB PSOW 09 Un Llais Cymru

Draft Public Services Ombudsman (Wales) Bill

General

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

One Voice Wales does not wish to make any specific comment in relation to this question, but it is felt that the Bill will present more positive than negative outcomes in relation to the way in which the Public Services Ombudsman's role is defined.

02. What, if any, are the potential barriers to implementing the provisions of the draft Bill? Does the draft Bill take sufficient account of them?

One Voice Wales does not wish to make any specific comment in relation to this question.

03. Are there any unintended consequences arising from the draft Bill?

One Voice Wales does not wish to make any specific comment in relation to this question.

04. At what point should the impact of this legislation be evaluated?

One Voice Wales does not wish to make any specific comment in relation to this question.

Power to investigate on own initiative

05. Do you have any comments on the new power in section 4?

One Voice Wales does not wish to make any specific comment in relation to this question, but it is considered that this inclusion is a valid addition to the powers held by the Public Services Ombudsman.

06. Does the inclusion of this power raise any unintended consequences in the rest of the draft Bill?

One Voice Wales does not wish to make any specific comment in relation to this question.

07. With whom should the Ombudsman consult under section 4(2)?

One Voice Wales does not wish to make any specific comment in relation to this question.

08. Should the Ombudsman have the power to initiate an investigation based on action that took place prior to the draft Bill/Act receiving Royal Assent (see section 4(4))? If so, should there be a cut-off point, beyond which the Ombudsman should not carry out an own initiative investigation?

One Voice Wales does not wish to make any specific comment in relation to this question.

09. What kind of issues should be included in the criteria for own initiative investigations under section 5?

One Voice Wales does not wish to make any specific comment in relation to this question.

10. What kind of evidence should be available to the Ombudsman to justify an own initiative investigation (see section 5(2))?

One Voice Wales does not wish to make any specific comment in relation to this question.

Who can complain

11. Do you have any comments on the new definition of “member of the public” in section 7(2)?

One Voice Wales does not wish to make any specific comment in relation to this question.

Requirements for complaints made and referred to the Ombudsman

12. Do you have any comments on the new requirements for complaints made to the Ombudsman in section 8?

One Voice Wales does not wish to make any specific comment in relation to this question.

13. How should the proposed guidance for making a complaint to the Ombudsman be published and what formats should be available?

One Voice Wales does not wish to make any specific comment in relation to this question, but it is assumed that a wide and flexible variety of channels of publication will be used.

Matters which may be investigated

14. Do you have any comments on the new provision enabling the Ombudsman to investigate the whole complaint when a combination of treatment has been received by public and private health services providers (see sections 10(1)(d) and 10(2))?

One Voice Wales does not wish to make any specific comment in relation to this question.

15. Does section 10(2) adequately cover anyone who has received a combination of public and private treatment?

One Voice Wales does not wish to make any specific comment in relation to this question.

16. Does the broadening of the matters which may be investigated in section 10(2) raise any unintended consequences in the rest of the draft Bill?

One Voice Wales does not wish to make any specific comment in relation to this question.

17. Is the definition of “private health services” in section 71 broad enough to cover anyone who has received a combination of public and private treatment?

One Voice Wales does not wish to make any specific comment in relation to this question.

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

One Voice Wales does not wish to make any specific comment in relation to this question.

19. Do you have any comments on the new definition of “family health service provider in Wales” in section 71, which is intended to capture, for example, a GP practice as a whole rather than just an individual GP?

One Voice Wales does not wish to make any specific comment in relation to this question.

Investigation procedure and evidence

20. Do you have any comments on the procedure set out in section 16, in so far as it relates to the procedure for conducting an own initiative investigation?

One Voice Wales does not wish to make any specific comment in relation to this question.

21. Should the Ombudsman’s power in relation to obtaining information, documents, evidence and facilities also apply to own initiative investigations and investigations into private health services (see section 17)?

One Voice Wales does not wish to make any specific comment in relation to this question.

Listed Authorities

22. Do you have any comments on the restrictions on power to amend Schedule 3 (see section 30(2) in particular), which are significantly narrower than the restrictions found in the 2005 Act?

One Voice Wales does not wish to make any specific comment in relation to this question, although it should be made clear that local authorities refer to both unitary and local (community and town) councils.

23. Are there any other bodies that should be included in the list in Schedule 3 'Listed Authorities'?

One Voice Wales does not wish to make any specific comment in relation to this question.

Complaints-Handling

24. Do you have any comments on sections 33 – 39 (which mirror sections 16A to 16G of the Scottish Public Services Ombudsman Act 2002)?

One Voice Wales does not wish to make any specific comment in relation to this question.

25. Is section 38(b) adequate to allow listed authorities to comply with their duties under other enactments, such as Freedom of Information duties?

One Voice Wales does not wish to make any specific comment in relation to this question.

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

26. Should Part 4 remain a standalone Part? Or should such investigations be brought within the Part 3 investigations process?

One Voice Wales does not wish to make any specific comment in relation to this question.

27. If Part 4 should be brought within Part 3, are there any specific elements of Part 4 that should survive? Or can a blanket approach be applied?

One Voice Wales does not wish to make any specific comment in relation to this question.

Part 5: Investigations: supplementary

28. Do you have any comments on sections 62, 63 and 64, which provide for joint and collaborative working with specified Commissioners and the Auditor General for Wales?

One Voice Wales does not wish to make any specific comment in relation to this question.

29. Should sections 62 and 63 cover future Commissioners that may be created by the Assembly, including the Future Generations Commissioner for Wales?

One Voice Wales does not wish to make any specific comment in relation to this question.

30. Are there any further technical changes required in Part 5 of the draft Bill, to reflect the broadening of matters which may be investigated?

One Voice Wales does not wish to make any specific comment in relation to this question.

Appointment etc

31. The provisions of paragraphs 5 to 8 of Schedule 1 (disqualification) reflect largely the current provisions in the 2005 Act. Do these provisions require updating?

One Voice Wales does not wish to make any specific comment in relation to this question.

32. Paragraph 7 of Schedule 1 provides that a person who has ceased to hold office as the Ombudsman or as an acting Ombudsman is disqualified from a list of roles (listed in paragraph 7(1)) for a period of two years. Is the two year period appropriate?

One Voice Wales does not wish to make any specific comment in relation to this question.

33. Do you have any comments on the matters which are included within "paid office" in paragraph 8 of Schedule 1?

One Voice Wales does not wish to make any specific comment in relation to this question.

Financial implications

34. Do you have a view on the financial implications of the new provisions set out in the draft Bill?

One Voice Wales does not wish to make any specific comment in relation to this question.

Other comments

35. Do you have any other comments you wish to make about the draft Bill or any specific provision within it?

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over three-quarters of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors, which continues to deliver effectively. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning. Our sector will continue to support and wish to increase its participation in the drive to sustain and enhance the various strands of community life across Wales, and as such will wish to co-operate and engage with all aspects of the work relating to the Public Services Ombudsman for Wales, as appropriate. A number of our members have expressed their concerns in relation to the limited resources that might be available to deal with community and town council issues in respect of this bill, so therefore some reassurance in this regard would be appreciated.