

Finance Committee
Senedd Cymru,
Cardiff Bay,
Cardiff, CF99 1SN

4 April 2025

(Response submitted via online consultation form)

Post-legislative review of the Public Services Ombudsman (Wales) Act 2019

Thank you for the opportunity to respond to the Finance Committee's Post-legislative review of the Public Services Ombudsman (Wales) Act 2019. We have focused our response on the areas of our expertise.

Background

1. The Ombudsman Association (OA) is the professional association for ombudsman schemes and complaint handling bodies in the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories.
2. The OA's membership criteria¹ are recognised both in the UK and internationally as representing best practice. This is reflected in the UK Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*,² which addresses the point of when it is appropriate to use the title 'ombudsman', and in the criteria used by Companies House on when a company can use the protected term 'ombudsman'.³
3. The Vision of the OA is that throughout the public and private sectors:
 - It is straightforward and simple for people to complain.
 - People making a complaint are listened to and treated fairly.
 - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
 - People have access to an ombudsman in all areas of consumer and public services.
 - The learning from a complaint is used to improve services.

Q7. Do you have any comments about the Ombudsman's own initiative powers?

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.

¹ www.ombudsmanassociation.org/about-us/join-ombudsman-association

² www.gov.uk/government/publications/new-ombudsman-schemes-guidance

³ www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government

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.

Q8. 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?

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.

Q9. Do you have any other comments regarding the 2019 Act which are relevant to the Committee's Terms of Reference for this inquiry?

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 ([ROI of Complaints for 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.

We are happy to provide any further information if that would be helpful.

Yours sincerely



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Chief Executive