

**Report To:** Standards Committee

**Date of Meeting:** 4<sup>th</sup> December 2015

**Lead Member / Officer:** Gary Williams, Head of Legal and Democratic Services.

**Report Author:** Lisa Jones – Deputy Monitoring Officer

**Title:** draft Public Services Ombudsman (Wales) Bill

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**1. What is the report about?**

To provide Members with a copy of the draft PSOW Bill and obtain comments from the Committee in order for a response to be compiled.

**2. What is the reason for making this report?**

To enable Members to consider the proposals and contribute to the formal consultation process .

**3. What are the Recommendations?**

There are no formal recommendations from the Monitoring Officer, rather a collective response will be sought from Standards Committee and the wider Council.

**4. Report Details**

At a recent Standards Committee meeting, an item was presented on the Annual PSOW report 2014/15 and within this item, reference was drawn, to the potential for extension of powers to the Ombudsman in Wales. As a reminder, the new PSOW Nick Bennett stated the following:

*“Another aspect that I gave early attention to upon taking up my role as Ombudsman was to consider whether the PSOW Act required review, particularly since it is now ten years old. I took the advantage as part of my ‘induction’ as Ombudsman to ascertain what best practice looked like amongst colleague ombudsmen, particularly within the UK but also further afield. Having considered what I found, I arrived at the view that whilst the PSOW Act remained well regarded within the ombudsman community, there was a danger that Wales would be left behind as regards developments taking place in other nations and countries. Furthermore, I believe it is important to future proof the Act to enable me, and my successors, to be able to respond to the challenges we know Wales will face with the future ageing society.*

*Building on the work of the previous Ombudsman, Peter Tyndall, I therefore put forward a number of proposals to the National Assembly for Wales in relation to areas where I believed that the current Act could be extended and strengthened. I*

*was exceptionally pleased that the Assembly's Finance Committee agreed to undertake an inquiry into the possibility of extending the powers of the Public Services Ombudsman for Wales. I was delighted that so many stakeholder organisations took the time and trouble to provide evidence. This ranged from bodies in jurisdiction and their representative organisations, the Commissioners in Wales, as well as colleague Ombudsmen in other parts of the United Kingdom and academic experts in the field. At the time of writing, we await the Finance Committee's decision as to whether to recommend the introduction of a Bill in relation to the PSOW's powers."*

Such a bill has now been introduced and this is attached as appendix 1, the consultation letter is attached as appendix 2 and for members information the Welsh Local Government Association contribution earlier in the process is also attached which may be of interest as Appendix 3.

On the 21st October 2015, the Finance Committee of the National Assembly for Wales (NAW) published a consultation seeking views of individuals and organisations on the proposals in the draft Public Services Ombudsman (Wales) Bill, intended to strengthen the powers of the Public Services Ombudsman for Wales. Following on from recommendations it gave in a report in May 2015, the Finance Committee's proposals in the draft Bill include giving the Public Services Ombudsman for Wales powers to:

- Initiate his own investigations and accept oral complaints.
- Handle complaints across public services.
- Extend the Ombudsman's jurisdiction to include private healthcare providers (in certain circumstances).

The consultation closes on 18 January 2016.

As regards Standards Committees directly, the effect of these proposals may be that there will be even greater reliance on the Monitoring Officer and Standards Committees to enforce the Code of Conduct and less reliance on the PSOW office given the lack of or insufficient express reference to the Members Code of Conduct and the PSOW role, in the Bill. Members may wish to read Appendix 3 and the comments therein on the members code of conduct.

## **5. How does the decision contribute to the Corporate Priorities?**

The decision does not directly affect or contribute to the Council priorities however any PSOW powers and decisions can have the potential to broadly affect the delivery of services.

## **6. What will it cost and how will it affect other services?**

There are no implications for other services as a result of this report.

## **7. What consultations have been carried out?**

This is the first consultation within the Council, but all members will be afforded the opportunity to contribute via the Monitoring Officer in order for responses to be collated and submitted within the timeframe.

**8. Chief Finance Officer Statement.**

Not required; although there are no additional costs directly associated with this particular process.

**9. What risks are there and is there anything we can do to reduce them?**

There are no identified risks.

**10. Power to make the decision**

Local Government Act 2000.