

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

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**Response by the Public Services Ombudsman for Wales
to the draft Corporate Joint Committee Establishment Regulations**

I am pleased to have the opportunity to respond to the Welsh Government's consultation on the draft Corporate Joint Committee Establishment Regulations.

Our role

As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare. The 'own initiative' powers I have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow me to investigate where evidence suggests there may be systemic failings, even if service users themselves are not raising complaints. The Act also established the Complaints Standards Authority (CSA) to drive improvement in public services by supporting effective complaint handling.

Note

Most of my response will be relevant for the forthcoming 'Regulations of General Application' as these set out governance and administrative arrangements and the legislative framework in which Corporate Joint Committees (CJCs) will operate. However, I have also identified areas where these regulations and the Local Government and Elections (Wales) Bill may have implications for my work set out under the Local Government Act 2000 and the PSOW Act 2019. I would welcome a discussion with Welsh Government officials and my Office in advance of the publication of the 'Regulations for General Application' to consider the issues I have raised in this response.

PSOW Jurisdiction- PSOW Act 2019

Whilst I welcome the pragmatic approach that the regulations have taken to allow for flexibility for CJs to determine their approach, and the principle that the CJs be treated effectively as part of the 'local government family', currently the responsibility for the consideration of complaints about CJs appears ambiguous.

Schedule 3 of the PSOW Act 2019 includes 'joint boards' in the register of listed authorities that I am able to investigate for maladministration. However joint boards in this instance are defined as those whose "*constituent authorities of which are all local authorities in Wales*". The CJs established by the Establishment Regulations include representation from National Parks and are also able to co-opt additional members as they deem fit. Without specific designation as a listed authority, it is arguable that the new CJs do not fall fully within my jurisdiction, and my powers to investigate complaints regarding maladministration and service failures.

Code of Conduct

Section 69 of the Local Government Act 2000 provides me with powers to conduct investigations into alleged failures by members, former members and co-opted members to comply with a local authority's Code of Conduct. However, the legislation does not currently afford me powers to investigate members of CJs who are not also members of local authorities.

The Establishment Regulations introduce a requirement for a code of conduct for both members and staff. We agree it is important that members and staff of the newly formed CJs are required to act in accordance with the ethical standards regime for public servants. We assume for co-opted members steps are in hand to ensure members are subject to the same Code of Conduct and ethical standards regime as for all others performing a member role in Wales, and that members of the public will be able to complain to my office if they consider that a member of a CJC has breached the Code of Conduct. Likewise, we consider that employees should be subject to the Code of Conduct for local authority employees as per the LGA 2000 so that there is a consistency of approach across Wales.

Complaints Handling

The Establishment Regulations do not set out whether there is an intention that the CJs will be expected to have complaints handling procedures in compliance with the Complaints Standards Authority's (CSA) principles and guidance as outlined in the Public Services Ombudsman Wales Act 2019. It is also not clear in the consultation document whether this area will be covered by the Regulations for General Application. So that those dealing with CJs have a clear complaints procedure available to them we consider that CJs should be included as a "listed authority" in the PSOW Act 2019 so that there is uniformity of approach with local authorities in Wales.

Financial Impact

Having additional corporate bodies within my jurisdiction will have financial implications for my Office. As such, I would welcome a meeting with officials to discuss this impact and to share information that might be pertinent for any Regulatory Impact Assessment (RIA) associated with the forthcoming General Applications Regulations.

Closing remarks

I trust that you will find my comments useful. Should you wish to discuss any of my points further, please do not hesitate to contact Tanya Nash, my acting Head of Policy (tanya.nash@ombudsman.wales).



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Public Services Ombudsman for Wales

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