

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

This response is also available in Welsh.



Response by the Public Services Ombudsman for Wales to the consultation on Guidance for Principal Councils

We are pleased to have the opportunity to respond to this consultation.

Our role

As Public Services Ombudsman for Wales (PSOW), we 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 our 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.

We can consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

We also investigate complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life.

The 'own initiative' powers we have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow us 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 through model procedures, training and collecting and publishing complaints data.

Q 7: Are there any other issues you would like the revised guidance on training, development and support for members to address?

In paragraph 2.9, we welcome the expectation that 'training on expected standards and the code of conduct (which might form part of an induction but may also be considered for regular 'refresher' training)' should be one of the subjects for an ongoing programme of member development.

However, we note that the guidance, as it stands, does not refer at all to our office and our role in the handling of complaints about the Code of Conduct. We also think that the references to the expected training in relation to the Code of Conduct could be strengthened. An alternative and stronger wording would be:

- “Councillor induction should include training on the expected standards under their authority’s Code of Conduct, as well as on the role of the Public Services Ombudsman for Wales in handling the complaints about breaches of the Code. Refresher of that training should also form a part of the ongoing programme of member development.”

Relatedly, in paragraph 2.11, which talks about resources that should be used to support member development strategy, we would welcome references also to guidance and materials produced by our office.

Q 15: Are there any other matters you would like to see included in the guidance on public participation strategies?

This section presents the requirements for a council’s public participation strategy. As it states, the strategies must include, among other,

- ways of promoting awareness among local people of the principal council’s functions; and
- ways of facilitating access for local people to information about decisions made, or to be made, by the principal council.

As the guidance, states, one of the key purposes of a public participation strategy is to establish a relationship with communities built on trust.

Considering all of the above, our view is that public participation strategy must include attention to raising awareness of and facilitating access to information about complaints about the council and its elected members.

The guidance already states (paragraph 1.22) that the baseline assessment in preparation of the strategy should include attention to ‘How does the local authority act upon complaints received and how does the public know whether changes have been made to services / processes as a result?’ We welcome this reference. Explicit reference to the data gathered by our office on complaints for individual councils and complaints received by our office would be helpful also to ensure that the committees are fully aware of the issues relating to their authority. As our [‘Principles of Good Administration’](#) is the office’s statutory Guidance, it would also be appropriate for the committees to take into account these Principles and our [model complaint handling process](#) for local authorities when they are assessing the performance of their authority. We also think that this paragraph should make it clear that the assessment should include attention to complaints about the council’s services but also to complaints about the conduct of its elected members considered by our office.

In our view, information about these complaints and trends in these complaints should be proactively shared with members of the public as part of ‘promoting awareness’ activities under the public participation strategy. We would also like to

see this information included in the bullet point list in paragraph 1.27 on page 44 of the guidance.

We welcome the reference in paragraph 1.35 to encouraging public participation in 'how arrangements for the public to make complaints and submit complements to the council can be interactive, and include feedback on changes or actions that result'; as well as to the role of the Governance and Audit Committees in supporting that participation. A good complaints process must be structured around the needs of its users, and take into account user feedback to enact improvements.

Q 34: Is there anything else you would like to see included in the guidance on governance and audit committees?

We would request that the guidance to Governance & Audit Committees should include an expectation that they feedback their assessment of their authority's handling of complaints to our office. We will be asking for this feedback in our Annual Letters to local authorities, so that we can take this into account in our work and so that we can support the work of the committees.

The new arrangements provide an excellent opportunity to improve awareness and accountability in relation to complaint handling across local authorities in Wales. In order for the complaints system in Wales to work effectively, it is important that the Governance & Audit committees are fully aware of our office's work and engage with us positively to drive improvements.

Closing remarks

We trust that you will find our comments useful. Should you wish to discuss any of our points further, please do not hesitate to contact Ania Rolewska, our Head of Policy (Ania.Rolewska@ombudsman.wales).

Michelle Morris

Public Services Ombudsman for Wales

July 2022
