

**Response by the Public Services Ombudsman for Wales to the Welsh Government consultation ‘A More Equal Wales: Strengthening Social Partnership’**

I am pleased to have the opportunity to respond to the Welsh Government consultation ‘A More Equal Wales: Strengthening Social Partnership’.

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.

**Context**

I respond to this consultation from my position as employer and leader of a public body in Wales, subject to other relevant duties (e.g. the equality duty). I am committed to the principle of the social partnerships and fair work duty proposed.

**Question 1: Do you agree with proposals to strengthen social partnership arrangements by putting them on a statutory footing in legislation?**

**Question 2: Do you agree that strengthening social partnership arrangements will support Welsh Government ambitions to deliver a more equal Wales?**

**Question 4. Are these the right areas for legislation to deliver our proposals to strengthen social partnership arrangements and embed fair work principles across Wales?**

I fully support the principle of social partnerships and fair work and believe that it is embedded in the work of my office - even in the absence of any separate, specific statutory duty requiring me to do so.

I am not opposed to the proposals to introduce such a duty for the relevant public bodies. However, I believe that any requirements under such a duty, especially so in relation to procurement, should be proportionate to the capacity, nature of operations and the likely impact on these bodies.

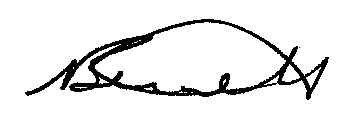
I also believe that such a duty should add value to both the existing and planned duties already supporting sound and fair employment and procurement practices (e.g. equality duty, well-being duty and socio-economic duty). These duties should be mutually reinforcing, while not creating an unnecessary administrative burden and complexity.

**Question 3: Do you think that we should legislate to enforce decisions reached in social partnership and what form might that enforcement take?**

I agree in principle that any duty introduced should be accompanied by sound arrangements for the monitoring of compliance. I do not offer an opinion on the merits of establishing a new Social Partnership Council for this purpose and I am looking forward to more details on the status and powers of the proposed body. However, as a point of principle, I’d observe that a clear route of redress should be available to the public bodies likely to be affected by the decisions of the proposed Council. This is especially so if such a body is to be endowed with any enforcement powers.

**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 Ania Rolewska, my Head of Policy ([ania.rolewska@ombudsman.wales](mailto:ania.rolewska@ombudsman.wales)).



# Nick Bennett

# Public Services Ombudsman for Wales

**November 2019**

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