

# Three Year Strategic Plan

2016 / 17 to 2018 / 19

**Innovation, Influence  
and Improvement**

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## Foreword by the Ombudsman

Today, 1 April 2016, I have great pleasure in publishing this Plan, which sets the strategic direction for the office for the next three years. Today is also the tenth anniversary of the Public Services Ombudsman for Wales (PSOW).

In developing this Plan, my staff and I took the time to look back over the life of the office in the previous ten years. Including myself, there have been four Public Services Ombudsman for Wales office holders. The achievements of the office to date have been significant, with a number of initiatives introduced being recognised as innovative by other ombudsmen schemes at both UK and international level.

With the office on such a firm footing, we are well placed to take its development even further forward over the next few years. This will ensure that the PSOW remains at the vanguard of the ombudsman community and, more importantly, that we can enhance our service in a way that will benefit those people who want to complain to me because they have been at the receiving end of poor service delivery. This in turn will also benefit the wider public interest by an enhanced ability to contribute to Wales's ongoing agenda for improving its public services.

The Strategic Plan has a clear vision, mission and strategic aims, with core values underpinning these (a visual summary of these can be found at the Appendix to this Plan). Nevertheless, it has to be accepted that no strategic planning process can anticipate or resolve every need. This Plan has been developed to be flexible with a view to being able to deal with any organisational change and growth between the time of its development (beginning of 2016) and the end of its life in early 2019. The performance measures within this Plan will be used as a basis for reporting on the office's work within the PSOW's Annual Reports for the next three years.

We will develop annual operational plans to support the Strategic Plan, and these will contain more detailed actions and performance indicators.

Much thought has been given to the future of the office over the past year and a half. One of the first things that struck me on taking up the post as Public Services Ombudsman for Wales in August 2014 was the year on year increase in caseload that the office had seen since it first came into existence on 1 April 2006.

Projecting the trends of the past to 2018 I took the view that continued upward increases of this kind would be untenable and that actions were required with a view to ‘turning the curve’.

New arrangements were introduced during 2015/16 with this in mind. Key to this is greater engagement with bodies in jurisdiction in relation to their performance in complaint handling (including informal resolution) as well as addressing the culture, starting with the leadership of these organisations, in dealing with complaints and learning from their own lessons.

In addition to engaging with bodies in jurisdiction we have also been placing greater emphasis on increasing the office’s visibility both through awareness of the Ombudsman’s service as well as publicising our achievements. We will aim to further increase our activities in this regard in forthcoming years to ensure service users know of our existence and role before starting their complaints journey. We must continually look for ways to ensure that no one is excluded from using the Ombudsman’s service, and continue to engage with minority and vulnerable groups or those who are under-represented amongst those who complain to us. Improving and developing our relationships with local and national media, along with an extensive stakeholder engagement and outreach programme will help achieve that.

Steps were also taken in relation to the Code of Conduct, introducing a two stage test as to whether or not I would investigate a complaint alleging that a member of a local authority had broken the Code of Conduct. The test was introduced with a view to reducing the number of ‘frivolous’ Code of Conduct complaints that I was receiving.

The key focus of my office remains the core role of considering and investigating complaints. That continues to be where the vast majority of the resource of my office is dedicated. With the focus on our complaints handling service we also set up an innovations project, which engaged all staff. The work resulted in over 30 agreed action points. The majority of these related to internal changes, largely concentrating on reinforcing and gathering greater momentum in relation to becoming a ‘paperless office’. We took the view that this approach will enable us to gain further efficiencies.

During the period of this three year Strategic Plan it is possible that a new Welsh PSOW Act will be created. In 2015/16, the National Assembly's Finance Committee gave consideration to proposals to extend the powers of the Public Services Ombudsman for Wales. In particular, these included the power to conduct own initiative investigations, the ability to accept oral complaints without the need to use the Ombudsman's discretion, the ability to investigate private healthcare complaints under certain circumstances, and introducing a complaints standards role in respect of bodies within the Ombudsman's jurisdiction. A draft Bill was the subject of public consultation between October 2015 and January 2016. However, it will now be for the Fifth Assembly to decide whether or not to take forward the proposed new legislation.

This Plan has therefore been developed in a way to accommodate the possible new powers for this office. It is intended that it will be updated on an annual basis, with the annual operational plans that flow from this strategy responding appropriately to any new legislative requirements.

This Plan also identifies the measures against which monitoring and evaluation will take place. In developing this Plan, all my staff had the opportunity to contribute through the workshops that I held. I also placed this out to consultation with stakeholders.

We will continue to engage with other ombudsmen and complaint handlers who have jurisdiction over non devolved functions. We will in particular keep an interested eye on the developments in relation to the UK Government's proposal in relation to a public services ombudsman scheme to cover both UK (non devolved) and England only services.

A handwritten signature in black ink, appearing to read "Nick Bennett".

**Nick Bennett**  
**Ombudsman**

## The Role of the Public Services Ombudsman for Wales

As previously mentioned, the Public Services Ombudsman for Wales's office will potentially be subject to new legislation during the lifetime of this plan. However, at the time of its development the relevant legislation setting out the role is the Public Services Ombudsman (Wales) Act 2005. The Ombudsman has two specific roles. The first is to consider complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. The second role is to consider complaints that members of local authorities have broken the Code of Conduct

When considering complaints about public bodies in Wales, the Ombudsman looks to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it. The bodies that come within jurisdiction are generally those that provide services where responsibility for their provision has been devolved to Wales. More specifically, the organisations the Ombudsman can look into 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;
- independent care organisations, including where care is self funded.

The role in relation to considering complaints alleging that members of local authorities have broken the Code of Conduct is slightly different from that for complaints about public bodies. This type of complaint is considered under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act. In the circumstances where the Ombudsman investigates a complaint and concludes that there is likely to have been a breach of the Code requiring action against the member concerned, there is a requirement to submit the investigation report to either the relevant local authority's

standards committee or a tribunal of the Adjudication Panel for Wales. It is for them to consider the evidence we have found together with any defence put forward by the member concerned. Further, it is for them to determine whether a breach has occurred and if so, what penalty, if any, should be imposed.

## **Governance and funding**

The Public Services Ombudsman for Wales is appointed by The Queen on the recommendation of the members of the National Assembly for Wales. He is independent of government and has statutory responsibilities and powers to report directly to the National Assembly for Wales. The Ombudsman reports annually to the National Assembly on the discharge of his functions, on the service provided and the use of public money.

Whilst responsibility and accountability for the activities carried out by the office must remain with the Ombudsman, an Advisory Panel has been created. Its purpose is to provide added transparency to the work of the office and also provide support and advice to the Ombudsman in providing good governance and to offer an external perspective on the Ombudsman's service. In addition, an Audit & Risk Assurance Committee, a sub-committee of the Panel, provides particular support to the Ombudsman in relation to his responsibilities as Accounting Officer.

In recognition of the independence of the office of the Ombudsman, funding is received through the National Assembly for Wales (that is through the Welsh Consolidated Fund) and not the Welsh Government. The budget estimate submission considered by the Finance Committee of the National Assembly for Wales for the year 2016/17 was essentially flat, being net resource expenditure of £4,090,000, with a net cash requirement of £4,279,000. As in previous years, this was within 0.03% of the Welsh Block. Relevant to the lifetime of this Strategic Plan, it is anticipated that even with the additional staff that the office would require should the proposed new Public Services Ombudsman (Wales) Act become a reality, the office will be able to continue to live within that 0.03% proportion of the Welsh Block.

## Risk

Confidence in the Ombudsman's office is essential. Maintaining a good reputation is critical if the Ombudsman is to be effective in carrying out his role, and this includes ensuring independence and impartiality in all aspects of the office's work.

The nature of the Public Services Ombudsman's work limits the range and extent of risks faced. However, the risks that exist are significant. In view of the Ombudsman's role in promoting good practice and good governance by public bodies, it is important that the Ombudsman's own processes comply to the standards to which bodies under jurisdiction are expected to adhere. The Ombudsman must also ensure that the reputation and integrity of his office is such that members of the public have confidence in raising complaints, and that decisions are soundly based.

The need to avoid being seen as partial should not overrule the need for the Ombudsman to highlight areas of unsatisfactory service or practice in public services, nor should it prevent him working to drive or support improvement in those services. The Ombudsman's approach to risk is that it will be identified, assessed and managed, with appropriate action taken to mitigate or eliminate risks where possible. In managing risks, the Ombudsman will take account of the potential benefits as well as the likelihood and scale of risks. Innovation and opportunities to improve public services requires risk taking, providing that there is the ability, skills, knowledge and training to manage those risks.

The Audit & Risk Assurance Committee has an important role in monitoring and reviewing risk management practice.



## Equality

The life of the Strategic Equality Plan came to an end in 2015/16. The Equality Act requires that equality objectives are kept under review.

The Ombudsman's statement in the Strategic Equality Plan is reaffirmed here:

“As Public Services Ombudsman for Wales, I am committed to providing equal opportunities for the staff in my employment and in the service we together provide to complainants. No job applicant, staff member or person receiving a service from the PSOW will be discriminated against, harassed or victimised due to personal characteristics such as age, disability, ethnicity, sex, gender reassignment, pregnancy or maternity, sexual orientation, religion or belief, whether they are married or in a civil partnership, or on the basis of any other irrelevant consideration. I expect my staff to share my total opposition to unlawful and unfair discrimination and my commitment to conducting business in a way that is fair to all members of society.”

The Ombudsman is responsible for delivering information and services to the whole of Wales and to all sectors of the Welsh population. Providing an equitable and accessible service to meet demand will be an ongoing challenge.

Equality commitments are central to the service provided by the Ombudsman's office and it has been concluded that rather than sit in a separate document they are best integrated within and throughout this plan. In particular, they feature in the office's commitment to:

- make the PSOW's service accessible to everyone
- continue to raise awareness of the PSOW's service, particularly among people in vulnerable circumstances
- identify from the equality monitoring data gathered whether there appear to be any barriers from the office's working practices
- continue to advise people of advocacy bodies that may be able to assist them

- support the development of an inclusive society, by highlighting any trends and concerns identified from the Ombudsman's investigations that suggest that public bodies are not complying with the requirements of the Equality Act 2010
- improve the confidence of local communities that members of local authorities comply with the requirements of the Code of Conduct and in particular raise with local authority standards committees or the Adjudication Panel concerns surrounding issues of discrimination, harassment, and / or victimisation
- ensure that those we procure services from have services in hand
- provide relevant staff training
- continue to monitor the diversity of my workforce
- continue to report annually in the Annual Report on equality monitoring and activities.

## PSOW Vision, Mission, Strategic Aims and Values

In considering this Plan for the next three years, we established a Vision, Mission, Strategic Aims and the Values that underpin these. These are as follows:

Our **Vision** is:

A public service culture that values complaints and learns from them to improve public service delivery.

Our **Mission** is:

By considering complaints, to put things right for service users and contribute to improved public service delivery and standards in public life.

Our **Four Strategic Aims** are:

- 1.** To provide a complaints service that is of the highest quality, proportionate and effective.
- 2.** To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact in improving public service delivery and informing public policy.
- 3.** To continue to evolve and grow as an office, specifically planning for implementation of the Ombudsman's new powers should the National Assembly for Wales create a new Public Services Ombudsman (Wales) Act.
- 4.** To be accountable for the service we provide and the public money we spend.

Our **Values**, underpinning the above and to support our delivery of administrative justice, are:

- Equality and Fairness
- Independence and Impartiality
- Improvement and Effectiveness
- Transparency and Accountability.

## Strategic Aims

We have identified four strategic aims for delivering our mission. These are set out below, together with the supporting objectives and performance measures we will apply for assessing our success.

### Strategic Aim 1 – To provide a complaints service that is accessible, of the highest quality, proportionate and effective

The objectives below consider the various stages through the complaint journey, as illustrated in the diagram below.



## Objectives

- 1.1 To undertake additional activities to raise awareness of the PSOW service, particularly amongst people in vulnerable circumstances.
- 1.2 Consistent with our equality commitment, to continue to ensure that the service is accessible to everyone.
- 1.3 To continue to analyse equality data gathered on users of the PSOW service.
- 1.4 To seek feedback to improve the performance of our organisation and the levels of satisfaction with our service and give renewed attention to the complainant’s journey through the PSOW’s complaints handling service, obtaining the user perspective, and consider whether we need to introduce any changes to the way we operate.
- 1.5 To review the performance measures we have set, to ensure that they continue to be meaningful and appropriately challenging.
- 1.6 To further develop our quality standards for casework.

- 1.7 To refine our approach to making recommendations and place greater emphasis on securing effective and timely compliance with these, as well as gathering additional data to properly reflect the staff effort involved in ensuring that the Ombudsman's recommendations are properly implemented.
- 1.8 In respect of code of conduct complaints, to review the impact of the two stage public interest test for investigation.
- 1.9 To strengthen our overall approach to management practices to address the ever increasing casework demands, available capacity and performance.
- 1.10 To complete our paperless case handling project, so that we no longer create hard copy complaint case files.

### **Performance measures:**

- Programme of outreach activities established on an annual basis. (1.1, 1.2)
- Data on protected characteristic groups (as defined by Equality Act 2010) published annually. (1.3)
- Outcomes from complainant stakeholder satisfaction activities and stakeholder sounding boards established. , with suitably revised complaints handling procedures. (1.4)
- New key performance indicators (KPIs) for complaint handling times met (Year 1) (1.5)
- Develop and pilot new KPIs that reflect customer journey (Year 1); and implement new KPIs (Year 2). (1.5)
- New quality assurance arrangements introduced and measures agreed. (1.6)
- Improved data recording for compliance introduced, and thereafter compliance reporting requirements met. (1.7)
- Only cases with a public interest taken forward to investigation. (1.8)
- Arrangements introduced to fully utilise the revised complaints management structure. (1.9)
- Decrease in the number of hard copy files created. (1.10)

## **Strategic Aim 2 – To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact in improving public service delivery and informing public policy**

### **Objectives**

- 2.1 To enhance the level of our data capture and analysis of the complaints we receive, so that we are better able to identify trends, and any emerging concerns, in relation to the complaints received about individual organisations, as well as areas of public service delivery.
- 2.2 To develop the work commenced in 2015/16 in relation to our engagement with bodies in jurisdiction (without this compromising our independence) with a view to improving their complaints handling practices and their complaints culture.
- 2.3 To support the complaints handling landscape, by continuing to provide the Complaints Wales signposting service.
- 2.4 To produce ‘thematic’ reports based on the additional evidence that emerges from our work at 2.1 above, with a view to improving public service delivery.
- 2.5 To continue to produce the Ombudsman’s Casebooks, but review the way they are published with a view to making them more user-friendly from a knowledge management/sharing perspective.
- 2.6 To respond to Welsh Government, National Assembly for Wales, and other consultations where our insights can contribute, and add value, to public policy considerations.
- 2.7 To revise the guidance on the Model Code of Conduct to reflect developments arising from cases and any legislative changes.
- 2.8 To introduce a new communications strategy that will increase our visibility, and therefore impact, ensuring that the insights and lessons from our investigations attract appropriate public attention.

## Performance measures:

- Data capture provides sufficient detail to enable trends and themes to be identified. (2.1)
- Regular meetings with bodies who have an improvement officer assigned to them. (2.2)
- Develop an approach to identifying the impact of our engagement with bodies in jurisdiction and implement it. (2.2)
- Annual Letters issued in respect of county councils and health boards, containing details on their performance on a range of measures. (2.2)
- Annual Seminar to share learning with key stakeholders. (2.2)
- Level of strategic engagement at leadership level with key organisations to achieve improvements in public administration. (2.2 and 2.4)
- Number of complaints signposted to other bodies (i.e. public service providers or other complaint handling organisations.) (2.3)
- At least three thematic reports issued over the lifetime of this three year plan. (2.4)
- Ombudsman's Casebook issued quarterly, drawing attention to lessons to be learnt from casework. (2.5)
- Number of Welsh Government, National Assembly for Wales, and other consultations responded to. (2.6)
- Guidance on Model Code of Conduct review undertaken at least once a year. (2.7)
- A communications strategy and annual work programme in place. (2.8)

**Strategic Aim 3 – To continue to evolve and grow as an office, specifically planning for implementation of the extension of the Ombudsman’s jurisdiction in the event that the National Assembly for Wales creates a new Public Services Ombudsman (Wales) Act**

*It is necessary to factor into this three year Plan the potential that during its lifetime the National Assembly for Wales will create new law. Inclusion of this Strategic Aim does not take for granted that there will be a new Public Services Ombudsman (Wales) Act, nor is it intended to indicate a presumption about the final detail of any such Act.*

Nevertheless, the office has to be in a position to implement any new powers given to the Ombudsman. At the time of development of the Plan there are, in particular, four new areas being proposed:

- the ability to accept oral complaints, without this having to be at the Ombudsman’s discretion
- the ability to investigate complaints about private healthcare providers under certain circumstances
- the ability to conduct own initiative investigations
- a complaints standards role.

It is within the above context that the objectives and measures below are set.

## **Objectives**

- 3.1 To prepare to amend our criteria, procedures and practices for accepting complaints, with particular consideration to oral complaints.
- 3.2 To amend our practice for storing on our database those complaints made orally.
- 3.3 To issue guidance explaining the PSOW’s criteria for accepting complaints, with particular reference to oral complaints.



- 3.4 To identify the private healthcare entities that will fall within the PSOW's jurisdiction and record those on our complaints handling database.
- 3.5 To prepare to contact those relevant private healthcare entities to explain to them the new arrangements.
- 3.6 To plan for, and then put into place, the leadership, management and service delivery structure necessary to deliver the new own initiative powers.
- 3.7 To publish the PSOW's criteria for instigating own initiative investigations and introduce procedures and practices.
- 3.8 To plan for, and then put into place, the leadership, management and service delivery structure necessary to deliver the new complaints standards role.
- 3.9 To develop statutorily required principles for the complaints standards authority.
- 3.10 At the appropriate time, to recruit the necessary additional members of staff to undertake the own initiative and complaints standards roles.
- 3.11 To provide training for all of the Ombudsman's staff so that everyone understands the Ombudsman's new powers; and specific training for those recruited to the new roles.
- 3.12 To produce a communications strategy so that all of the PSOW's stakeholders understand the Ombudsman's new powers and what these mean.
- 3.13 Depending on the outcome of proposed legislation, to implement and operate any or all of the above potential new powers.

### **Performance measures:**

- Arrangements for revised criteria for accepting complaints implemented successfully. (3.1 and 3.2)
- Guidance for stakeholders on accepting complaints issued is clear, easily understood and issued in a timely manner. (3.3)
- Private healthcare providers understand the extent of the PSOW's new powers to look into complaints about a patient's privately paid for care and treatment. (3.4 and 3.5)

- Organisational arrangements in place, in time, for new own initiative powers. (3.6)
- Generic criteria for undertaking own initiative investigations published and procedures developed (3.7)
- Organisational arrangements in place, in time, for new complaints standards role. (3.8)
- Principles for complaints standards authority issued are clearly, easily understood and issued in a timely manner. (3.9)
- Additional staff recruited in accordance with established timetable. (3.10)
- Training sessions delivered to staff in time for enactment of new legislation. (3.11)
- Communications strategy in place in time for enactment of new legislation. (3.12)
- Successful and timely implementation of new powers. (3.13)

## Strategic Aim 4 - To be accountable for the service we provide and the public money we spend

This strategic aim relates to those elements that enable and support the running of the Ombudsman's service.

### Objectives

- 4.1 To develop annual operational plans to support this Strategic Plan.
- 4.2 To maximise our efficiency, taking into account cost, quality, timeliness and throughput, and despite the increase in caseload and possible extension to jurisdiction, maintain our commitment that in seeking funding to provide our service, we will request no more than 0.03% of the Welsh Block received by the National Assembly for Wales
- 4.3 To publish unqualified accounts.
- 4.4 To continue to hold meetings of the PSOW'S Advisory Panel and Audit & Risk Assurance Committee, providing those fora with the necessary information to enable them to provide both challenge and advice to the Ombudsman.
- 4.5 To provide appropriate and sound evidence to the National Assembly for Wales's committees.
- 4.6 To continue to manage risk and to avoid the unintended consequences of risk mitigation.
- 4.7 As a responsible employer, staff performance and development arrangements developed in 2015/16 in place, together with a suitable training and professional development strategy.
- 4.8 To develop a new three year IT development plan, ensuring that the office can maximise potential efficiencies in respect of case handling and channels for raising awareness of the Ombudsman's work.
- 4.9 To be an active member of the wider ombudsman community within the UK and internationally, to ensure that the PSOW is in a position to share and benefit from good practice.

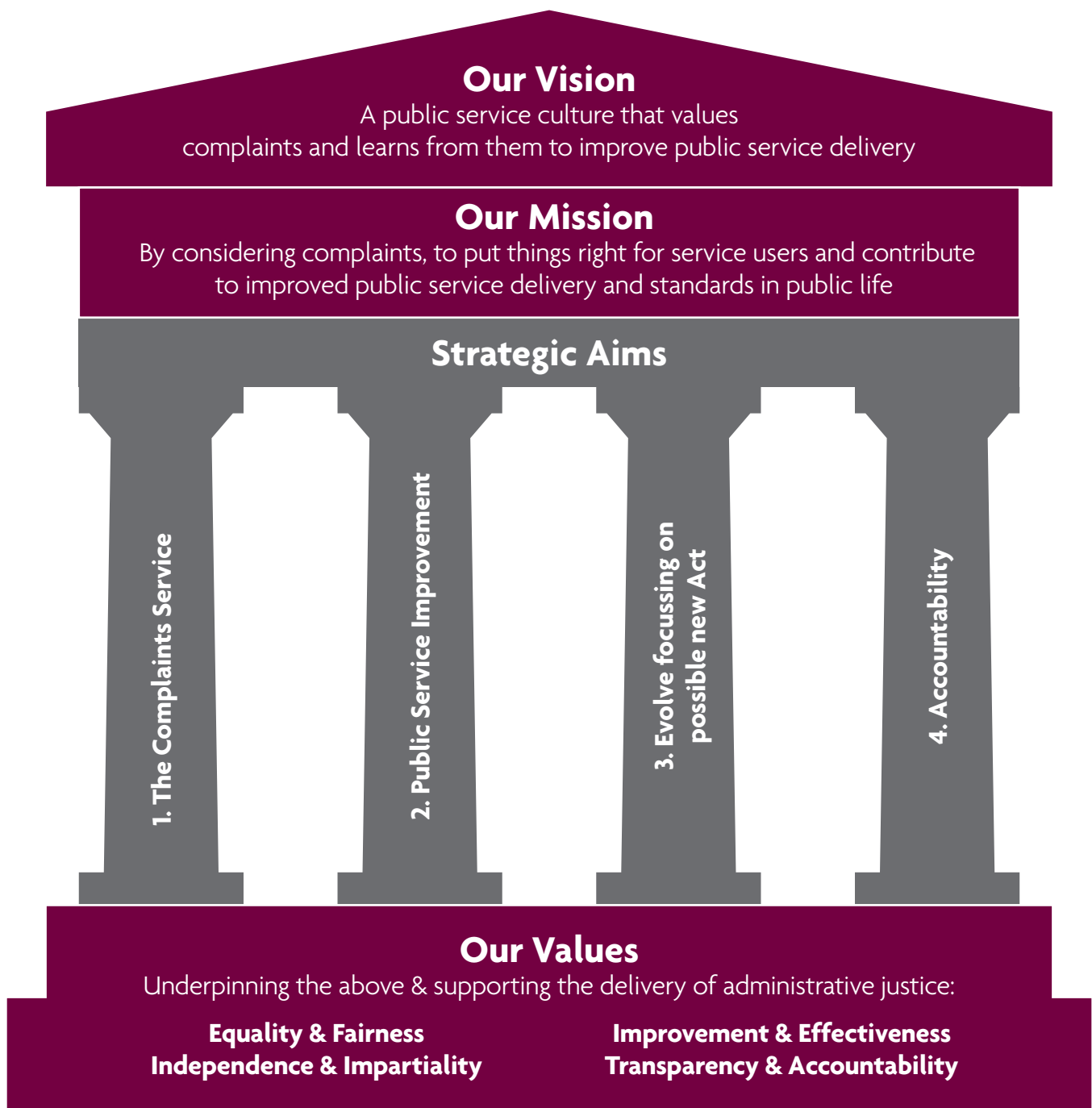
4.10 To continue to seek opportunities for collaborative working with Welsh Commissioners and the Auditor General for Wales.

4.11 To continue our efforts to be environmentally conscious in our business practices.

### **Performance measures:**

- Annual operational plans produced. (4.1)
- Budget estimate submissions to the Finance Committee of the National Assembly within 0.03% of the Welsh Block. (4.2)
- Auditor General for Wales issues unqualified accounts certificate. (4.3)
- At least four meetings of the Advisory Panel and Audit & Risk Assurance Committee held annually, with papers provided to members' satisfaction. (4.4)
- Little additional information requested by Assembly committees subsequent to Ombudsman's evidence session. (4.5)
- Audit & Risk Assurance Committee able to provide Ombudsman with assurance in relation to PSOW's approach to risk and risk management. (4.6)
- Staff survey results. (4.7 )
- Specialist advice obtained to produce suitable three year IT plan and implement to agreed targets. (4.8)
- Regular attendance at Ombudsman Association meetings, including demonstrable contributions to initiatives and developments, as well as practical engagement at international level. (4.9)
- Formal arrangements introduced for collaboration /co-operation where circumstances allow. (4.10)
- Annual sustainability report to Management Team, to assess the environmental impact of PSOW business processes. (4.11)

## Appendix - Strategic Plan 2016 / 17 to 2018 / 19 – Summary



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