

**The responses to the
consultation on the
principles and
procedures of the new
own initiative
investigation powers
created by the Public
Services Ombudsman
(Wales) Act 2019
(October 2019)**

| Consultee | Summary of Contents | Actions by the Public Services Ombudsman for Wales (PSOW) |
|-----------------------------------|---|---|
| Qualifications Wales | No comments on Own Initiative documents. | N/A |
| Newport City Council | No comments on Own Initiative documents. | N/A |
| British Medical Association Wales | <p>"We are pleased to see the formalisation of defined criteria for the undertaking of the new 'own initiative' investigations ... "</p> <p>"We consider the criteria for beginning a wider investigation are balanced. It is appropriate that evidence informing a decision whether to begin an investigation relate to suspicions ... that systemic maladministration or service failure has existed ... This could be accompanied by case studies to illustrate the types of evidence required."</p> <p>"The assessment of evidence section ... seems proportionate and takes into account factors such as the 'weight' and 'persuasiveness' of evidence. However, these terms should be defined and illustrated to remove ambiguity."</p> | <p>N/A</p> <p>We will create an information page on my website on Own Initiative Investigations, which will include examples to illustrate the types of evidence required.</p> <p>Definitions of terms will appear on the above page on the PSOW website.</p> |

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| <p>British Medical Association Wales (contd.)</p> | <p>"Conducting a [consultation] exercise would seem to be a natural step within the process and we support the inclusion of regulatory bodies and the Auditor General as sources to be consulted. We would suggest that the list of organisations is expanded to include reference to ... other recognised bodies."</p> <p>"The introduction of extended investigations, stemming from existing complaints, is helpful to address concerns some of our members have expressed in the past, around the extent to which they could be held responsible for a wider, systemic issue. The example [in] the Procedure ... is very relevant to our GP members ... "</p> <p>"We note that extended investigations, if in the context of health services, could be processed under Putting Things Right regulations. We would welcome clarity in this area ... "</p> | <p>Section 6.2 of the Procedure will be amended to include reference to other bodies.</p> <p>N/A</p> <p>Section 5.8 of the Procedure will be amended to make clear when Putting Things Right could be used.</p> |
| <p>Isle of Anglesey County Council</p> | <p>No comments on Own Initiative documents.</p> | <p>N/A</p> |

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| Snowdonia National Park Authority | <p>" ... the documents set out clear and unambiguous steps to follow. When deciding whether to initiate a new investigation or to extend the boundaries of an existing investigation; we are satisfied that there are sufficiently robust safeguards in the system to ensure that the Ombudsman uses these powers sparingly and with proper justification, when deciding whether to proceed with 'an own initiative investigation' . . . the new powers are a positive development for the Ombudsman's Office, and therefore we welcome them."</p> | N/A |
| Cardiff & Vale University Health Board | <p>"Should there be a consideration of the evidence being shared with another inspectorate or professional body if it would seem to be an area where they would be more appropriate to undertake an investigation?"</p> | <p>An additional phrase has been added to point 5 of the Criteria document, to state that other organisations may be better placed to investigate than PSOW.</p> |
| Flintshire County Council | <p>" ... the criteria for investigation under your own initiative powers ... alleviates concern in respect of additional demands on Council resources."</p> | N/A |

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| Cardiff Community Housing Association | "More detail on criteria of when they will investigate perhaps examples from the housing arena would be really useful to help us continually improve and prepare for the new system." | My office has responded to CCHA to say that our approach to the new powers will be supportive and the CSA will be developing training for public service providers. |
| Betsi Cadwaladr University Health Board | " ... needs clarification on ... the opportunity to progress the matter under 'Putting Things Right' regulations as an alternative if they wish." | The Procedure for Own Initiative Investigations will make clear when Putting Things Right could be used. |
| Gwynedd Council | " ... it will be easier to assess the new system, especially 'wider investigations' ... following practical experience of its operation. | N/A |
| Torfaen County Borough Council | No comments on Own Initiative documents. | N/A |
| Ceredigion County Council | <p>"What is the definition of 'potential' and 'wide'?"</p> <p>"With whom will the PSOW consult to seek views on merits of investigating?"</p> | <p>The PSOW website information page will include definitions of terms used, where possible. It will also explain why terms may be deliberately vague, in order to allow scope for a broad range of issues.</p> <p>Consultees are outlined in the Procedure for Own Initiative Investigations.</p> |

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| Ceredigion County Council (contd.) | <p>There is a need for " ... greater clarity ... to the arrangements being made in relation to whistleblowing."</p> <p>"What level of involvement will the Council have in the consideration by the Ombudsman to seek views on the merits of investigating [and] to advertise/publicise a proposed investigation?"</p> | <p>My website information page will clarify the role of whistleblowing in Own Initiative investigations.</p> <p>Sections 6.2 and 7.2 of the Procedure outline the consultees and when the Council would be offered the opportunity to comment on a proposed investigation.</p> |
| Carmarthenshire County Council | <p>"Own Initiative Investigations' ... would not include an ability to re-open any concluded complaints ... the Criteria would benefit from expressly saying so."</p> <p>" ... including MPs/AMs in those that can bring matters to your attention ... may introduce a political element."</p> <p>s7.1 of the Policy, " ... should also say why the alternatives ... have not been accepted."</p> | <p>This point will be clarified on the PSOW website information page.</p> <p>MPs/AMs have an important role in bringing issues to my attention.</p> <p>The wording of this section has been amended.</p> |