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MEMORANDUM OF UNDERSTANDING

BETWEEN

LLAIS

&

THE PUBLIC SERVICES OMBUDSMAN FOR WALES

March 2024

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ii. Revision History and Approval

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06 Oct 2023	Donna draft working copy	Donna Coleman
06 Dec 2023	Ania draft working copy v.2	Ania Rolewska
06 Feb 2024	Donna revised copy for TA	Donna Coleman
31 Mar 2024	Final signed copy	Alyson Thomas

1 Introduction

- 1.1 The aim of this Memorandum of Understanding is to explain the way that Llais (Citizen Voice Body) and the Public Services Ombudsman for Wales (PSOW) will cooperate well.
- 1.2 As part of this agreed way of working, the ways that each organisation must work, by law, to meet its' own responsibilities is recognised and unchanged. This MoU does not affect the existing statutory functions of Llais and PSOW or the exercise of those functions. Neither does it amend any other policies or agreements relating to their activities. It does not imply any transfer of responsibility from one to the other, nor does it imply any sharing of statutory responsibilities except where this is permitted by statute.
- 1.3 PSOW has legal duties and responsibilities in relation to Llais. These are written in the Public Services Ombudsman (Wales) Act 2019. This means that the PSOW can investigate complaints against Llais from members of the public to decide if a person has suffered an injustice as a consequence of maladministration or service failure. The PSOW can respond to any complaint about Llais, in the same way as complaints to the PSOW about other public bodies.
- 1.4 This Memorandum is not meant to be a legal document. Instead, Llais and the PSOW agree to cooperate willingly and respect each other's roles to help improve public services in Wales.

2. Co-operation and statutory powers

- 2.1 Both organisations want to help make public services excellent. This means respecting and promoting people's human rights. At the same time this means being sensitive to the needs of the people in our society who face the greatest challenges and who need the most help.
- 2.2 Both organisations are interested in the ways that Health Boards, Trusts and Local Authorities work to care for people. They are also interested in how well this care is provided.
- 2.3 Llais is an independent organisation that exists by law to listen to the citizens of Wales and to act and speak on behalf of patients, service users and the public in the National Health Service and in Social Care.

- 2.4 Where the PSOW finds that someone has experienced injustice or hardship because of maladministration or service failure by public or (in some cases) private service providers, the office will usually make recommendations to put things right.
- 2.5 PSOW and Llais agree to cooperate to make sure that necessary improvements are highlighted and put in place by public bodies in Wales.

3. Human rights, equality and the Welsh language

- 3.1 Both Llais and the PSOW know and understand that it is important to work in a way that protects and promotes the human rights of individuals. Both organisations will cooperate in a way that is in line with their duties under the Human Rights Act 1998.
- 3.2 Both Llais and the PSOW know and understand that it is important that people are treated fairly, that some people have protected characteristics or experience inequality due to socio-economic disadvantage, that people are different and that some people need support to help them be included and to take part in society. Both organisations will cooperate in a way that is in line with their duties under the Equality Act 2010.
- 3.3 Both Llais and PSOW will work in a way that enables them to fully comply with their relevant duties under Welsh Language Standards, to ensure that the Welsh language is not treated less favourably than the English language.

4. Data protection and freedom of information

- 4.1 Both Llais and PSOW will cooperate in a way that is in line with their duties under the General Data Protection Regulation (GDPR) 2016, Data Protection Act 2018.
- 4.2 When cooperating, Llais and PSOW will fully comply with the Freedom of Information Act 2000 so that people can find out more about certain kinds of information. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding.

- 4.3 All exchanges of information between Llais and PSOW will be timely, lawful and proportionate. Each organisation will follow their own data sharing protocols when transferring personal and sensitive personal data

5. The relationship in practice

- 5.1 As part of the working relationship between Llais and PSOW, there will be regular, on-going contact and sharing of information, based on what the law allows them to share.
- 5.2 Formal meetings will be held between the Chief Executive of Llais and the Ombudsman as needed and at least every 6 months. This will provide a time to discuss how the arrangements between both organisations are working in practice and to what extent they help them to provide an effective service. The Chief Executive or the Ombudsman may exceptionally ask another individual to do this task on their behalf.
- 5.3 Other formal meetings to discuss matters may also be held between other Llais staff and PSOW staff as they are needed.
- 5.4 There may also be regular meetings between relevant Llais representatives and PSOW Team Managers. These meetings should take place every 6 months unless there is reason for them to take place more or less often.
- 5.5 Llais and PSOW agree to:
- Proactively share information about relevant trends, data, policy, initiatives and consultations, annual reports, guidance and strategic plans;
 - Proactively share electronic copies of reports of investigations that may be relevant to both organisations. People's names and place names mentioned in these reports will not be shared, so that people cannot be identified;
 - Make sure that where Llais or PSOW produce guidance, reports or press statements that refer to the other organisation, that this is proactively discussed before it is published;
 - Make sure that information about good practice is shared where it is relevant to the work of the other organisation;
 - Ensure that enquirers and potential or actual complainants are given helpful and accurate information about the other organisation, where that information could be helpful to them.

- 5.6 Llais and PSOW will share details of their internal complaints policies and procedures.
- 5.7 Llais will ensure that its staff are aware of the role of PSOW and the statutory framework within which it is required to operate.
- 5.8 PSOW will ensure that staff are aware of the role of Llais and the statutory framework in which it is required to operate.
- 5.9 Llais and PSOW will ensure that their staff are aware of this document and the ways that both organisations will work together and are respectful of each other.

6. Referral in individual cases

- 6.1 Llais and PSOW will refer concerns or cases to each other where it is appropriate to do so. For example, PSOW staff may refer a matter to Llais if they feel that the people involved would benefit from support and advocacy in pursuing their concerns. Llais may refer people to the PSOW where a complaint falls within its jurisdiction and the requirements set out in the Public Service Ombudsman (Wales) Act 2019 are met.
- 6.2 PSOW commits to clearly explain the procedure that it expects Llais staff to follow when referring complaints to ensure that these complaints can be considered efficiently and in a timely manner. As part of this commitment, PSOW can consider organising training for Llais staff.
- 6.3 Llais commits to ensuring that, as far as reasonably possible, its staff follow PSOW requests and guidance when referring complaints.
- 6.4 Llais commits to ensuring that, notwithstanding its duty to support and/or represent complainant wishes, it will take reasonable steps to manage complainant expectations about what PSOW can and cannot do.
- 6.5 Both organisations commit to sharing regular and constructive feedback on how the referral of individual cases is working in practice.

7. Reconciliation of disagreement

Both organisations will try to resolve any disagreements amicably at an operational level. If a disagreement cannot be resolved at that level, senior managers from both organisations will try to resolve any issue.

8. Review

This document will be reviewed and updated by agreement as required and as a minimum every two years.

9. Signatures

<p>Alyson Thomas Chief Executive, Llais</p> <p>Signed <i>J A Thomas</i></p> <p>Date 31 March 2024</p>	<p>Michelle Morris Public Services Ombudsman for Wales</p> <p>Signed <i>M.M. Morris.</i></p> <p>Date 8 April 2024</p>
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Appendix A

Roles and responsibilities

The role of Llais

Llais represents the interests of patients and the public in Wales regarding their NHS services and social care services. We do this by :

- Continuously engaging and gathering people's views and experiences of health and social care services, to help us understand what works well and how services may need to be improved.
- Making representations to make sure that people's views and experiences are shared with decision makers at a local, regional and national level so that this results in improved health and social care services for everyone.
- Enabling people to make complaints about health and social care services when things go wrong.

The role of the PSOW

PSOW does three things. The office

- investigates complaints about public services
- considers complaints about councillors breaching the Code of Conduct
- drives systemic improvement of public services and standards of conduct in local government in Wales.

PSOW can look into complaints about most Welsh public services – for example, healthcare and social care. PSOW can also look into complaints about private social care and some private healthcare.

Appendix B
Contact Details

1. Contact details

Llais	PSOW
<p>Alyson Thomas Chief Executive Llais Third Floor 33-35 Cathedral Road Cardiff CF11 9HB</p> <p>Telephone: 02920 235558 enquiries@llaiscymru.org</p>	<p>Katrin Shaw Chief Legal Advisor and Director of Investigations</p> <p>Katrin.shaw@ombudsman.wales 01656 641182</p>

2. Named contacts between **Llais** and **PSOW** for MoU management purposes are as follows:

Llais	PSOW
<p>Ben Eaton Strategic Director of Organisational Strategy & Engagement Ben.eaton@llaiscymru.org 02920 235 558</p> <p>Daniel Price Corporate Lead – Partnerships Daniel.price@llaiscymru.org 02920 235 558</p>	<p>Ania Rolewska Head of Policy, Communications and EDI Ania.rolewska@ombudsman.wales 01656 644203</p> <p>Angela Garfield Head of Casework Support Angela.garfield@ombudsman.wales 01656 644203</p>