

## **One Voice Wales Consultation Response**

### **CONSULTATION ON AN ENQUIRY INTO THE CONSIDERATION OF POWERS OF THE PSOW.**

#### **INTRODUCTION**

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over three-quarters of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning. Our sector is therefore well placed to contribute to a successful future nation, building community and public services from the bottom up.

#### **GENERAL**

Question 1 – The PSOW service is well established within Wales and its role is understood and respected by community and town councils. The service appears to work effectively and its decisions are communicated through the production of annual reports and full updates. The Code of Conduct guidance available to community and town councils is widely available and its content has been used in the development of training materials delivered by One Voice Wales.

#### **OWN INITIATIVE INVESTIGATIONS.**

Question 2 – Rigid procedural adherence is often necessary to protect both the complainant and the person(s) to whom the complaint has been made against. However, it is possible that on limited occasions, intelligence may be received which highlights concerns that might be harmful to individuals and for whatever reason the individual(s) find themselves powerless to complain in a formal sense. Such intelligence could be revealed through a range of sources (e.g. information from third parties, press reports etc.) and it is important that the PSOW has the power to investigate in order to assess whether there is a serious matter requiring investigation. It is important that individuals who may be unduly restricted for whatever reason from raising the alarm by way of making a complaint should be protected. Effective arrangements would need to be in place to require the PSOW to liaise with other relevant bodies such as the Police, Older Person' Commissioner etc.

Question 3 – There would inevitably be issues relating to over-lapping responsibilities and proper mechanisms would need to be in place to ensure that effective communication and co-ordination of activity was in place. It may be necessary to establish a forum of key players that would meet as necessary to consider the possible involvement of the PSOW in appropriate cases. There are many models in place within other sectors such as Case Conferences, MAPPA arrangements etc.

Question 4 – One Voice Wales has no particular view on the financial costs and benefits except to say that proper investigation of own initiative investigations could save time and money in the longer term but more importantly could prevent the continuation of poor practices which have adverse effects on individuals.

### **ORAL COMPLAINTS**

Question 5 – The case made by the PSOW for enabling complaints to be submitted electronically or orally is compelling and it is vitally important that all members of society do not face unnecessary obstacles which might prevent them from having their complaint properly investigated. There will however, need to be some ground rules established to ensure the appropriateness of complaints not submitted in writing in order to prevent an escalation of vexatious type complaints where a proper assessment of the nature of the complaint has been given scant attention by the complainant.

Question 6 – E-Mail, website form and text messages should all be accepted as a legitimate means of complaint submission. In the case of oral submissions it is important that if necessary complainants in such cases should have the opportunity of an interview where the nature of their complaint would be recorded by a competent individual.

Question 7 – There could be additional costs involved in seeking additional information from complainants as electronic methods of making a complaint would not follow a questioning technique that is built in to complaints forms. There would also be additional costs associated with the arrangement of interviews for those who are unable to communicate in writing.

### **COMPLAINTS HANDLING ACROSS PUBLIC SERVICES.**

Question 8 – One Voice Wales would support a model complaints and concerns policy becoming mandatory for public service bodies in Wales. In order to save on time and costs it would be appropriate for models to be produced for each sector body e.g. NHS, Unitary Authorities, Community and Town Councils etc. A mandatory model would ensure greater consistency across Wales and set a desired standard for the handling of complaints.

Question 9 – There would be little in the way of additional costs as there is already a model in place. The additional direct cost of producing variable models for each sector would be more than offset by the reduced costs incurred by each body in adapting their own.

### **OMBUDSMAN'S JURISDICTION.**

Question 10 – In general terms the Ombudsman's jurisdiction is about right. However, where there are overlapping elements into private healthcare or private nursing homes it is fundamentally wrong to restrict the extent of an investigation which is frustrating to both the investigator but more importantly to the aggrieved.

Question 11 – One Voice Wales would support the proposed extension of the Ombudsman's role.

Question 12 – Perhaps charging could be on the basis of a charge per case based on time spent on the investigation which would not be applied if the performance of the private provider was found to be acceptable.

Question 13 – No comments.

**LINKS WITH THE COURTS.**

Question 14 – One Voice Wales considers that it would be important to provide the complainant with the choice. This would help resolve the matter without the costs and individual pressure that Courts processes can entail.

Question 15 – One Voice Wales has no particular strong view on this though accepts that having this recourse may be appropriate in specific cases so would not be averse to such a development.

Question 16 – No comments.

**OTHER ISSUES.**

Question 17 – No comments.

Question 18 – There is a need to amend to reflect the formation of Natural Resources Wales.

Question 19 – One Voice Wales would suggest ‘after 5 years.’

Question 20 – There is a possibility that there could be an escalation in complaints received and some of these might be lightweight or inappropriate.

Question 21 – No comments.

Question 22 –

**Jurisdiction** – No comment

**Recommendations and Findings** – They should be binding subject to appropriate appeal arrangements being in place.

**Protecting the Title** – One Voice Wales agrees that the PSOW should give approval to use of titles by others.

**Code of Conduct Complaints** – It is considered important that the PSOW retains his current remit for our sector where internal resolution arrangements are not in place.

Question 23 – No comment.

Question 24 – No comment.