

PPSOWA3 – An Individual

Senedd Cymru | Welsh Parliament

Y Pwyllgor Cyllid | Finance Committee

Adolygiad ôl-ddeddfwriaethol o Ddeddf Ombwdsmon Gwasanaethau
Cyhoeddus (Cymru) 2019 | Post-legislative review of the Public Services
Ombudsman (Wales) Act 2019

Ymateb gan: Unigolyn | Evidence from: Individual

1. Have you used the Ombudsman's service to make a complaint?

Yes

1a. What did your complaint(s) relate to?

(We would be grateful if you could keep your answer to around 500 words).

BCUHB denial of proper assessment and delayed medical treatment after a private diagnosis (under shared care) for ADHD for my daughter. Failure to follow NICE guidelines, relying on a single test instead of whole person treatment. Changing the treatment pathway without communication. Making diagnostic decisions without ever meeting my daughter. This resulted in significant distress for my daughter over many years, leading to her being suicidal (mental health care was denied) and struggling with school, leading to school refusal. Failure to address complaint

1b. If your complaint was about health which included a private health related element, do you have any comments about the process of making that complaint?

(We would be grateful if you could keep your answer to around 500 words).

My original complaint was in August 2023. I got a "final" response in November 2023. I complained to the ombudsman in February 2024. The result of that complaint is that BCUHB was non-compliant. They exceed the 30 days, didn't respond to the full complaint and the output was derisory, not even addressing my complaint but changing the wording in the report. The result. A letter saying non-compliant. And now I have to start the process AGAIN. This time complaining about them being non-compliant and the report being bad. It is toothless. I have 30 days to raise a complaint or I am out of time. PTR gives the health board 30 days to respond. They have not done so ONCE in this process. Yet there is no penalty and

a letter that says “you didn’t do what your promised” with no consequences. Completely pointless and disheartening process as the one complaining.

1c. Was your complaint(s) made on or after 23 July 2019?

Yes

1d. How did you make your complaint(s)?

Via the PSOW website

1e. Do you have any comments about the process of submitting an oral complaint to the Ombudsman?

(We would be grateful if you could keep your answer to around 500 words).

I didn’t make an oral complaint – but have spoken repeatedly to the ombudsman through the process, and found the investigating officer sympathetic but powerless. It literally makes no sense having a body that only has the power to write reports but has no power to sanction the health board.

2. Have you made a complaint to a public body since 23 July 2019?

Yes

2a. Do you have any comments on the standard of complaints handling at public bodies, and whether they have improved since the Act came into force in 2019?

(We would be grateful if you could keep your answer to around 500 words).

In short shockingly bad. They don’t care, they don’t listen, they don’t respond and there is no consequences for just not answering a complaint. The Public Ombudsman has no power to compel BCUHB to do anything. IF I had the money (which I don’t) and the BCUHB treated a court the same way, they would be held in contempt. In my experience, not having money to pay to take this to court means my complaint can be ignored. If you are rich you can get your complaints heard. If I compare this to employment rights – I can represent myself and take an employer to court. I don’t have that right with a public body. There is no incentive to improve or to reply to complaints properly.

3. If you are a public body, have you engaged with the Ombudsman or used resources and/or guidance produced by the Ombudsman to change or improve your complaints handling policies and processes?

Not applicable

3a. Do you have any comments in this area?

(We would be grateful if you could keep your answer to around 500 words).

4. Are you aware that the Ombudsman can investigate on their own initiative where evidence suggests that there may be systemic service failure or maladministration?

Yes

5. Are you aware that the Ombudsman can extend an investigation of a complaint into matters that have a substantial connection with a matter already being investigated?

Yes

6. Have you been involved in an own initiative investigation conducted by the Ombudsman and/or read or used an own initiative report, such as the report about homelessness in Wales (<https://www.ombudsman.wales/own-initiative-wider-investigations-reports/>)?

No

7. Do you have any comments about the Ombudsman's own initiative powers?

(We would be grateful if you could keep your answer to around 500 words).

They don't seem to want to use them. There are so many complaints they don't have the resources to go deeper. Given the non-compliance and issues in my complaint, why did the Ombudsman choose not to investigate further? Instead, a letter was issued "non-compliant" and I have to submit a NEW complaint.

8. Do you have any views on how the changes implemented by the 2019 Act compares with current best practice, both within the UK and internationally?

(We would be grateful if you could keep your answer to around 500 words).

If this is better than it was in 2019, then God help us. Is it best practice for a body to have no power to bring a public body to heel for non-compliance? Is it best practice that the public body can just continue to ignore a complaint or provide a response that isn't worth the paper it is written on with NO consequences. Is it best practice that I only get 30 days to make a complaint but the public body is given extensions AFTER they haven't bothered to submit a report on time – with no explanation or effort to stay IN time? The power is all in the hands of the public body choosing, or not choosing, to respond. They can literally NOT respond and there are no consequences. Meanwhile, the public have no recourse to have their complaint resolved properly, in good time. It is an UNFAIR process for the public who are relying on the public ombudsman to resolve an unresolved complaint.

9. Do you have any other comments regarding the 2019 Act which are relevant to the Committee's Terms of Reference for this inquiry?

(We would be grateful if you could keep your answer to around 500 words).

As a member of the public who has relied on the public ombudsman to investigate my unresolved complaint, my understanding is the purpose is to make sure that the public body acts fairly and provides good service, and fundamentally that the public body learns from complaints.

My experience is that:

The process is tilted in favour towards the public body.

The Public Ombudsman has no powers to ensure or help anything

There is no recourse for a member of the public who is not rich to make sure the public body acts correctly, honestly AND actually puts things right

In short – as a member of the public, public bodies can act with impunity. We are lucky that my daughter is still alive. She was harmed because of their negligence (a point repeatedly ignored). We can never get back the two years of chaos caused by arrogance, cover up and lies and 16 months later I am having to RESTART the

complaint process with the Ombudsman after BCUHB were deemed non-compliant. My complaint remains unresolved.

It's exhausting, time consuming and a huge imbalance of power, because you literally can't hold a public body to account unless it CHOOSES to take responsibility. Otherwise, it can simply ignore you, and the Public Ombudsman.