

Written Response to the Finance Committee Inquiry into the Consideration of Powers of the Public Services Ombudsman

1. Care Forum Wales is grateful to the Finance Committee of the National Assembly for Wales for the opportunity to comment on the proposed amendments to the Public Services Ombudsman (Wales) Act 2005. Care Forum Wales is the main professional representative group for independent health and social care providers in Wales. Our 450 members provide services to all age groups, from looked after children to older people and cover all settings, including domiciliary care, supported living, residential care homes and hospices.
2. Care Forum Wales works in a public service ethos. We see our members as providing a public service, particularly since the majority of care services provided by our members are funded by statutory partners in the Local Authorities (social care) and NHS (health care). We are firmly committed to providing inclusive, citizen centred services that provide equally high quality outcomes whether self-funded or publicly funded. Our members do not, at present, tend to include private hospitals.

3. Power to Initiate Own Investigations

We can see the logic in the Ombudsman having the power to own initiate investigations, but paragraph 2.1 (d) is a very important proviso and we would expect the majority of cases to be referred to the regulators or commissioners. The care sector is the most heavily regulated and inspected of sectors and we would not want to see more inconsistency or duplication introduced. Any additional scrutiny would need to demonstrate additional value.

4. Oral Complaints

There is a strong argument for extending the use of oral complaints to make the system more inclusive. However, we would like to see more detailed planning of how this would be implemented in practice. Independent providers are in a relatively vulnerable position to complaints and whistle blowing and our experience has shown how important it is to capture and record oral complaints accurately. For example, some local safeguarding boards accept oral complaints without being backed up in writing and on occasion this has led to providers being asked to investigate alleged incidents of abuse or neglect on the basis of incomplete or inaccurate information. We would want to see a mechanism in place that enables the complainant to confirm the accuracy of the record of the complaint.

5. Complaint Standards Authority

We agree with the proposal to give the Ombudsman the role of Complaint Standards Authority provided that this drives improvements and consistency in complaints handling rather than simply creating another layer of auditing.

6. Extension and Reform of Jurisdiction to Healthcare

The extension of the scheme to private healthcare is likely to improve consistency. However, it is difficult to comment on this proposal fully without further detail. The majority of members of Care Forum Wales who provide health care services are commissioned by Local Health Boards to provide nursing, either in a residential care home or occasionally in someone's own home. As such we would not foresee a great impact on our members. We would, however, have concerns about any plans to introduce a fee or levy for organisations providing private care without further information and consultation given the current issues with financial stability within the care home sector.

7. Links with the Courts

We would favour any delineation or streamlining of functions that helps reduce duplication and resolution times. Complaints against the care sector can have serious reputational consequences for the provider; they can lead to lengthy suspension of staff during the process of investigation (often at odds with employment law) which is not only difficult for a business to sustain but also contributes to care practitioners and nurses leaving the sector. In principle, the ability to allow the PSOW to take over complaints from the Courts could be better for all parties, but we would not want to see further delays in resolving the complaint.

8. We would be happy to answer any further queries that the Finance Committee may have in relation to our response.

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Finance Committee

Consideration of powers: Public Services Ombudsman for Wales

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