



# Information for independent care providers

## Introduction

We can look into complaints about:

- self funded care – that is, services provided by a care home to an adult who pays for their own care. We can consider matters relating to both personal and nursing care.
- domiciliary care – that is, where people have purchased their own personal care provided at their home.
- independent palliative care services – this can include hospice and community palliative services. (We can only consider a complaint if the service has received public funding in the three years before the issue being complained about arose.)

The factsheet is intended to help you as an independent service provider to understand what we can and cannot do and also what we expect from you.

## Who can complain?

We can consider complaints made by members of the public where they have experienced injustice or hardship. We can also consider complaints from someone acting on behalf of a member of the public.

In most cases, we need to see that the person had already complained to you as a service provider and that you looked into their complaint.

We usually expect people to complain to us within 12 months of the issue or when they became aware of the issue. We have some discretion to consider complaints outside of this timeframe.

## **What about informing people of their right to complain to you?**

As an independent care provider, you must have a complaints procedure in place. We expect you to include in this procedure information about our role as the Ombudsman.

For example,

### **The Ombudsman**

If you are not happy with how we responded to your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all care providers and government bodies, and can look into your complaint if you believe that you, or the person you represent:

- have been treated unfairly or
- received bad service through some failure on our part, and
- suffered injustice or hardship as a result.

The Ombudsman generally needs you to raise your concerns with us first and to give us a chance to put things right.

You can contact the Ombudsman:

- by phone: [0300 790 0203](tel:03007900203)
- by e-mail: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)
- through the website: [ombudsman.wales](http://ombudsman.wales)
- By writing to: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

## **What happens once you receive a complaint?**

There is detailed information on how we deal with complaints about services [here](#).

We will make sure that you have had a chance to investigate the complaint and respond in the first instance.

We may decide that it is appropriate to try 'to settle' a complaint. This can be a suitable quick means of resolving issues, without going to a full formal investigation. If we decide to resolve the complaint early or settle it as we investigate, we will let you know how we would like you to put things right for the complainant.

We may also decide not to investigate or to discontinue an investigation at any point. In all these cases we will explain our decision and share it with the complainant and with you as the service provider.

If we decide to investigate a complaint we will write to you and complainant setting out what we will investigate. We will usually need to see records and policies and procedures which were in place at the time.

We may ask you for comments. Occasionally we may also need to interview the complainant, your staff or someone acting on behalf of your organisation or anyone else that we think we need to speak to.

In some cases, we may take advice from one of our Professional Advisers.

If we identify any serious concerns we may need to refer them to other agencies. For instance, we would report any child or adult protection concerns to the local authority/police and Care Inspectorate Wales (CIW).

## **What happens once the investigation is completed?**

We will write a report on our findings. We will share this report as draft for comment with you, the complainant, and any other relevant parties before we issue the final version.

If we uphold the complaint, we will make recommendations. We usually recommend that an organisation apologises or looks at its procedures and practice. We may also recommend some form of financial redress. However, we are not a compensatory body.

We may share our reports with other relevant bodies such as the CIW and Healthcare Inspectorate Wales (HIW).

On our website, we publish summaries of complaints that we investigated or resolved early on our website. The service provider is not named in these summaries unless we consider it is in the public interest to do so”.

Sometimes, we may decide to publish our findings as a public interest report. We publicise these reports more widely and they receive media attention. You may be asked to contribute towards the cost of publicity.

We expect you to comply with our recommendations within the time we agreed. You will have to let us know what you did to comply.