

Information Leaflet for Independent Providers of Care Homes, Domiciliary Care and Palliative Care Services



From 1 November 2014, the Public Services Ombudsman for Wales's jurisdiction changed. This is as a result of the Social Services and Well-being (Wales) Act 2014. He now has an extended role in relation to care homes, domiciliary care and palliative care services.

The Ombudsman has always been able to consider complaints made by individuals whose care has been arranged by public services (or by someone acting on their behalf), for instance in care homes. The new arrangements, however, now mean that he can also consider complaints from people who arrange and fund their own care.

In respect of independent palliative care services, this is a new area in jurisdiction. In this case, in order for the Ombudsman to be able to consider a complaint, the service must have received public funding (e.g. from a health board or council) in the past three years prior to the matter being complained about.

Who can make a complaint?

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

The Ombudsman will in most cases require the provider of the service to have investigated the complaint themselves before he gets involved.

The Ombudsman would usually expect a complaint to be made to him within 12 months of it coming to light. He has some discretion to consider complaints outside of this timeframe and in relation to complaints which relate to the period before the new arrangements came into force.

What about informing people of their right to complain to the Ombudsman?

All independent care providers are required by law to have a complaints procedure in place. The Ombudsman now expects care providers to include in their own complaints procedure, that is, in the information they provide to their service users, the following details about the role of the Ombudsman:

The Ombudsman

If we do not succeed in resolving 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 personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on the part of the organisation providing it
- have been disadvantaged personally by a service failure.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- phone: 0300 790 0203
- e-mail: ask@ombudsman-wales.org.uk
- the website: www.ombudsman-wales.org.uk
- Twitter: @OmbudsmanWales
- writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

You can also ask us for a copy of the Ombudsman's booklet, which will give you more information about his role and how you can complain to him.

What happens once the Ombudsman receives a complaint?

The Ombudsman will assess any complaint made to him. He will however normally make sure that the provider has had a chance to investigate the complaint and respond in the first instance.

The Ombudsman 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. He can also decide not to investigate or to discontinue an investigation at any point. In all these cases the Ombudsman will produce a statement of his reasons for the action taken and will share this with the complainant and the provider of the service. He may also supply it to others upon request and publish this more widely if it was in the public interest.

If the Ombudsman decides that a complaint requires full investigation he will write to the provider and complainant setting out the nature and scope of the complaint. The Ombudsman will usually need to access records and policies and procedures which were in operation at the time. The Ombudsman will seek the comments and observations of the provider.

As part of the process one of the Ombudsman's Investigators may also need to interview the complainant, the provider of services/person acting on the provider's behalf, staff member or anyone else the Ombudsman decides necessary in the circumstances.

The Ombudsman may take advice from one of his Professional Advisers in some cases.

If the Ombudsman identifies any serious concerns as part of his investigation he may need to refer these to other agencies. For instance, in the case of any child or adult protection concerns these would be reported to the local authority/police and the Care and Social Services Inspectorate Wales (CSSIW).

What happens once the investigation is completed?

The Ombudsman produces a report on the findings of his investigation. This is shared in draft form for comment by relevant parties such as the provider and complainant prior to the final version being issued.

Where a complaint is upheld the Ombudsman will make recommendations. These will normally include an apology and possible changes to procedures and practice and may also include some form of financial redress. The Ombudsman is not however a compensatory body.

The Ombudsman makes his reports available to a number of relevant bodies such as the CSSIW and Healthcare Inspectorate Wales (HIW). He will normally make a report available to anyone who asks for a copy. A summary of complaints investigated are included on the Ombudsman's website. The service will be named.

The Ombudsman expects any recommendation that he has made to be met in the timescale specified. The provider must notify the Ombudsman of the action taken.

The Ombudsman will sometimes identify service failure which is of a nature that he decides it is in the public interest to publicise the report more widely. The Ombudsman's public interest reports often receive media attention. The Ombudsman may draw attention to this type of report and you may be asked to contribute towards the cost of publicity.

Contacting the Ombudsman



Phone	01656 641150
Email	ask@ombudsman-wales.org.uk
Visit the website	www.ombudsman-wales.org.uk
Twitter	@OmbudsmanWales
Write to:	Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ