

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

This response is also available in Welsh.



**Response by the Public Services Ombudsman for Wales  
to the Carers' National Plan for Wales**

I am pleased to have the opportunity to respond to the Welsh Government's consultation on the Carers' National Plan for Wales.

**Our role**

As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare. The 'own initiative' powers I have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow me to investigate where evidence suggests there may be systemic failings, even if service users themselves are not raising complaints.

My comments on Welsh Government's approach to developing a national plan for carers in Wales is set out below. I am not in a position to assess the general impact of the National Plan on carers' lives in Wales, but have reflected upon evidence from my office's casework, and it is in this context that I am responding to the consultation.

**General Comments**

Many of the complaints I receive relate to failings in service for carers and the vulnerable adults and children that they care for, so I welcome the commitment to a National Plan for Carers in Wales. Improving public services is a cornerstone of my tenure as the Ombudsman in Wales, so I welcome the Plan's aspirations to

strengthen existing priorities that reflect all aspects of carers' lives. This will be a positive step towards the provision of a fair and just service for carers and the people they care for.

I am pleased to see the additional priority to make workplace and educational settings more inclusive and supportive for carers. This is in line with the approach that I take with my own staff policies, that allow my managers to respond promptly, sympathetically and consistently to staff having to balance the demands of domestic and work responsibilities at times of urgent and unforeseen need.

However, I am disappointed that there is no reference in the consultation document about the complaints process that carers can access if the service and support they are entitled to fails. The established complaints handling processes in health and social care has a critical role in upholding justice for carers. As well as the redress for carers that the process can afford if complaints are upheld, complaints are an important indicator of systemic problems and provide opportunities for learning that can help improve support services across the wider public service. I would welcome a discussion with Welsh Government officials and my Office about how the National Plan can promote the opportunities that carers can take when they believe service providers have failed them.

### **Themes from my Casework**

My casework data allows me to identify some general themes of the problems that carers in Wales face. Maladministration in service provision for service users has a direct consequential impact for their carers, as they try to meet the caring needs that services have failed to supply. Poor communication between carers with service providers is a common theme with our complaints, as is failure to provide support for care funding. Often these failures can be a result of poor planning and communication across different sectors of the public sector.

I wish to draw attention to two of these individual cases, to provide insights into the stories of real people behind the complaint statistics.

### **Conwy County Borough Council and Betsi Cadwaladr University Health Board - Services for vulnerable adults**

[Case Number: 201900898 & 201806745](#) – Report issued in January 2020

Ms A complained the Council and the Health Board failed to consider her mother's application for NHS Funded Continuing Health Care ("CHC") in a timely manner and the decision was pre-judged, procedurally incorrect and therefore failed to consider her mother's needs at the time. She also complained about the Council's handling of her complaint. In relation to the Health Board, Ms A said that it failed to carry out an assessment of her mother's application for CHC and had accepted the Council's decision and therefore failed to independently consider her mother's needs.

The Ombudsman's investigation found that a lack of clarity around the CHC process, including deviations from the CHC process by both the Council and the Health Board, contributed to poor communication and misunderstanding about the process which caused Ms A distress. The Ombudsman recommended that both the

Council and the Health Board apologise to Ms A. The Council and the Health Board were asked to work collaboratively to ensure that a CHC process is developed, along with clear guidance, about the CHC process so that individuals, relatives and carers are aware of what steps they could take if they remained unhappy with the CHC outcome, as well as to put a mechanism in place for ensuring that planned reviews are undertaken in a timely manner.

**Newport City Council – Services for vulnerable adults**

[Case Number 201607041](#) - Report issued in April 2017

Mrs L complained that Newport City Council (“the Council”) reduced her sister’s respite care package but made its decision without seeing her and before carrying out the appropriate assessments. On appeal the care package was increased slightly, but not to the previous level and Mrs L explained this had a detrimental effect on her sister and her carers. The Council refused to escalate Mrs L’s concerns through the statutory Social Services Complaints Procedure on the grounds that this process cannot be used to lodge an appeal against a decision. The Ombudsman found that Mrs L’s concerns around the process followed in making the decision, particularly in relation to the timeline of the assessments that were made, were matters that should be considered via an independent review and were matters appropriate to be considered under the Social Services Complaints process. The Council agreed to commission a Stage 2 Social Services Complaint Investigation in settlement of the complaint within 12 weeks of the Ombudsman’s decision.

**Closing remarks**

I trust that you will find my comments useful. Should you wish to discuss any of my points further, please do not hesitate to contact Tanya Nash, my acting Head of Policy ([tanya.nash@ombudsman.wales](mailto:tanya.nash@ombudsman.wales)).



**Nick Bennett**

**Public Services Ombudsman for Wales**

**January 2021**

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