



**Ombwdsmon
Ombudsman**
Cymru • Wales

Consultation response: British Sign Language (Wales) Bill

Organisation name: Equality and Social Justice Committee
Submitted: 31 October 2025

As Public Services Ombudsman for Wales (PSOW), we have three main roles:

- We investigate complaints about public services.
- We consider complaints about councillors breaching the Code of Conduct.
- We drive systemic improvement of public services and standards of conduct in local government in Wales.

We are independent, impartial, fair and open to all who need us.
Our service is free of charge.

ombudsman.wales

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.

This document is also available in Welsh.

Thank you for inviting us to contribute evidence to your scrutiny of the British Sign Language (BSL) Bill.

Our process for handling of complaints from BSL users

We want to make sure that we offer a fair and equal service to all. Some people may find it more difficult to complain than others and there are many ways in which we can help. This year, 86% of our complainants said that we are easy to contact.

While we could always offer reasonable adjustments to facilitate access to our service, since 2019 we have explicit powers to accept complaints other than in writing. Last year, this service was used by just over 160 people. We can now also more easily accept complaints in BSL.

Our nation-wide awareness research shows consistently that about three quarters of respondents know that we can accept complaints other than in writing. However, just over a half know that we can accept a complaint via British Sign Language (BSL). This shows that while the level of awareness of this option is generally good, but could still be improved. Therefore, we take opportunities to raise awareness of this power through our outreach and communications channels.

Our website features a page called 'How we can help you to use our service'. Within that page there is a section dedicated to support we can offer to service users who are Deaf or have a hearing impairment. It includes a link to the 'SignVideo' (interpreting service for BSL users).

In 2021/22, we took our first complaint in BSL. The same complainant approached us several times in the following years, also asking for BSL interpretation.

- **202105382 & 202303340** - Ms A complained about an ill-fitting dental brace which was causing her severe headaches. We took her complaint through a BSL signer and via video recording. Because Ms A had consulted a private dentist and her treatment was not provided by the NHS at all, we were not legally able to look further into her complaint. We explained our decision to her in a Zoom meeting (in addition to sending a written decision letter) and we advised her how to pursue her complaint with the private practitioner. The same person subsequently complained to us again, 18

months later, about an issue related to her social landlord. This shows confidence in our office and the accessibility of our service

Overall, since 2020, three complainants have either asked us for BSL interpretation or signalled that it may be required.

Complaints about access to BSL interpretation

We interrogated our case records since 2020 and identified 12 cases which involved access to BSL interpretation. Of these cases, we upheld two:

- **202103248** – Ms A complained that Cafcass Cymru failed to provide her with appropriate support, to include access to a BSL interpreter. Cafcass informed us that Ms A's complaint was out of time, and it was therefore unlikely it could investigate her concerns. However, we found that Ms A had faced communication barriers and obstacles caused by the pandemic, when trying to access appropriate timely support to raise her concerns. We sought and gained Cafcass' agreement to exercise discretion under its Complaints Policy to accept and consider Ms A's complaint, and to discuss her needs throughout the complaints process, in relation to reasonable adjustments and access to a BSL interpreter.
- **202308108** - Miss T complained the care and treatment provided to her mother, Mrs Y, by Hywel Dda University Health Board. Miss T also complained about communication with herself, as a deaf carer, by the Health Board. At the commencement of the investigation the Health Board agreed to issue a further letter to Miss T apologising and recognising the barriers she had faced as a deaf carer. It also agreed to provide an update to the Ombudsman on the actions it was taking to address these communication issues. The investigation therefore focused on the care and treatment provided to Mrs Y during 2 hospital admissions. This specifically considered if there was a lack of reasonable adjustments, taking into consideration Mrs Y's cognitive impairment, including support with fluid intake and involvement of Miss T as a carer.

Of the remaining 10 cases, we declined to investigate them on one of the following grounds:

- they were premature (the organisation has not had sufficient opportunity to respond)
- they were out of time (brought to us too late)
- they were out of our jurisdiction.

Overall, we must conclude that access to BSL interpretation features very rarely in our complaints. For context, we handle in the region of 3,000 duly made complaints about public services every year.

Our role and provisions of the Bill

We welcome the guiding principle of the Bill to promote and facilitate the use of BSL in Wales. We strongly believe that no community should face barriers when accessing public services and complaints processes.

We note that the proposed position of a BSL adviser does not currently include any responsibility for the handling of complaints about non-compliance with the duties that would be introduced by the proposed Bill. This is different to the arrangements in place for the users of the Welsh language, who have a clear complaint route via the office of the Welsh Language Commissioner. Indeed, we note that while the original [Explanatory Memorandum](#) proposed the establishment of the BSL Commissioner, with responsibility for investigation of complaints, these proposals are not reflected in the Bill as introduced (July 2025).

We believe that the Bill or any guidance should offer more clarity on the options available to the BSL users who find that public services are not meeting their duties under the proposed legislation.

To confirm, **as the Ombudsman, we are the appropriate organisation for complaints from individuals experiencing injustice or hardship due to issues with accessibility of public services in Wales.** Public service providers in Wales are already under duties to ensure that their services are accessible and that they consider requests for reasonable adjustments for disabled service users. Furthermore, our statutory Model Complaints Policy and Guidance (which we have by now issued to all local councils and Welsh Health Boards as well as most Housing Associations in Wales) already specifies that complaints processes must be accessible. People can complain to us that services or complaints processes

are not as accessible as they should be. Indeed, in January this year we issued [a thematic report](#), presenting a number of cases highlighting difficulties disabled people have experienced in accessing public services. As noted above, we have also received in the past some complaints raising concerns about availability of BSL interpretation. Better publicity, including as a result of the proposed Bill, could result in the BSL users approaching us with such complaints more often.

However,

- we are always very clear that **it is not our role to conclude that someone has been discriminated against**. In other words, we cannot make a finding of discrimination under the Equality Act 2010. If this remedy is expected, we always clarify that it can only be achieved through the Courts. We cannot investigate a complaint when the complainant has such a remedy available to them in the Courts.
- we can look into complaints only when there are signs that the alleged failings had a negative effect on the complainant or the person they are complaining for. **We cannot look at matters that do not involve personal injustice or hardship**. We would therefore be unable to look into complaints that the Welsh Government or the listed bodies did not comply with their planning or reporting duties under the proposed Bill.

To ensure better access to justice for the BSL users, we would suggest that the Bill places a duty on the BSL adviser to prepare and issue guidance on the appropriate route for complaints about access to services by BSL users. The BSL adviser should be under a duty to consult on that guidance with our office, to ensure that our role is accurately reflected and that the guidance is aligned with our Model Complaints Policy and Guidance.

Closing remarks

We would like to thank you again for the opportunity to submit our evidence. If you would like to discuss our response further, please let me know or contact our Head of Policy (ania.rolewska@ombudsman.wales).

MMA. Mamis.

Michelle Morris

Public Services Ombudsman for Wales

October 2025