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Response by the Public Services Ombudsman for Wales: The impact of the Covid-19 outbreak, and its management, on health and social care in Wales

We are pleased to respond to the inquiry into the impact of the Covid-19 outbreak, and its management, on health and social care in Wales.

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Our role

As Public Services Ombudsman for Wales (PSOW), we investigate complaints made by members of the public who 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.

We are 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.

In addition, we consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life.

Under the Public Services Ombudsman (Wales) Act 2019, we are also equipped with further powers to drive systemic improvement of public services through investigations on our own initiative and setting complaints standards for public bodies in Wales.

Our casework

We recognise that, as a result of the Covid-19 pandemic, many people are more reliant than ever on public services. Apart from temporarily suspending complaints about GPs and pharmacists, we have continued to provide our service throughout the lockdown – albeit acknowledging that we may take longer than usual to respond and that we may need to adopt a more flexible approach when progressing complaints.

Between January and August this year, we have seen a reduction in complaints about maladministration and service failure as well as complaints about health bodies specifically (with the exception of complaints about dentists):

New complaints received	1 January to 31 August 2019	1 January to 31 August 2020	% change
all complaints about maladministration and service failure	1465	1242	-15%
Local Health Boards/NHS Trusts	535	452	-16%
GPs and pharmacists	114	94	-18%
dentists	18	19	+6%

Furthermore, across these complaints, the percentage that has so far proceeded to investigation has been lower compared to the same period last year:

New complaints received	% that proceeded to investigation	
	1 January to 31 August 2019	1 January to 31 August 2020
all complaints about maladministration and service failure	13%	8%
Local Health Boards/NHS Trusts	25%	16%
GPs and pharmacists	22%	9%
dentists	17%	0%

Given the unprecedented effect of the pandemic on all aspect of public life in Wales, we have expected to see in our complaints increasing references to Covid-19 – either as the main subject or an important circumstance.

However, analysis of our casework between January and August this year suggests that we have received relatively few such complaints. Since January, we have closed 36 such complaints about maladministration and service failure – all at Assessment stage. In many of these cases, we decided that the complaint was premature and signposted the complainant back to the body.

Unexpectedly, health and social care services have so far not been a prominent subject in these complaints, with only a small number relating to a delay in appointments or treatment due to Covid-19. The low volume of relevant complaints so far makes it difficult for us to identify any firm trends at this stage.

Possible explanations for our casework trends

The trends outlined above may have several explanations. In view of the current pressures on public services in Wales, we made it clear to potential complainants that we are discouraging submission of minor complaints to public bodies or to our office; and that if the matter is minor or trivial with limited personal impact, we will not

take it forward. The reduction in the volume of new complaints overall, as well as the proportion that have so far progressed to investigation, could reflect the effect of this advice.

We are also aware that the unprecedented nature of the pandemic generated a surge in the levels of support and appreciation for health and social care services in Wales, which could make members of the public more reluctant to complain.

At the same time, we also have grounds to believe that there have been some delays in complaint handling by some NHS bodies. We normally expect complainants to pursue their concerns with the relevant body before contacting our office. If these concerns are not considered promptly by the relevant bodies, it may result in a delay before they reach us. We will discuss these trends in more detail below.

Impact of Covid-19 on complaint handling by NHS bodies

The Committee will be aware that this year we made large steps to start to implement our new Complaints Standards role. Our new Complaints Standards Authority (CSA) focused its efforts in the first place on Local Authorities, requesting quarterly data on the complaints handled by these bodies. However, over recent months, the CSA team was also able to engage more closely with the Local Health Boards, including to discuss the arrangements for the sharing of data on complaints under 'Putting Things Right'.

Side by side with these efforts, we have continued to call for swift progress on the 'Once for Wales' project, which promises to introduce more consistency and transparency into complaint handling by the NHS in Wales. We remain concerned that the current system (Datix) isn't set up to provide useful data on complaint trends – since individual bodies can configure the system to their requirements, there is little scope to meaningfully compare their performance. We are also alert to the fact that not all complaints received by the Health Boards are currently being recorded. We would like to take this opportunity to emphasise that the Covid-19 pandemic must not delay the progress of the Once for Wales project, nor undermine the broader crucial work of improving the complaint handling culture within the NHS.

Whilst the above means that concrete and consistent figures on Health Board complaint handling remain unavailable, several Health Boards indicated to us that:

- after the initial drop in complaints, their volume is now returning to, or exceeding, the previous levels
- there have been some delays in finalising investigations into complaints, particularly due to difficulties in engaging with clinical staff, due to the prioritisation of clinical care
- delays in treatment and the transmission of Covid-19 within hospital settings have been among some of the prominent themes in the complaints received.

Although the above trends are only anecdotal at this stage, they suggest that the Covid-19 lockdown could result in the near future in a storm of delayed complaints about health reaching our office.

Our work with NHS bodies during the lockdown

From the beginning of the lockdown, we remained in touch with the NHS bodies and other bodies in our jurisdiction to determine whether and how we could progress complaints.

We acknowledged from the outset that their ability to supply information to us may be compromised due to reduced capacity and we adopted a more flexible approach to our timescales. We have also been more flexible on the implementation of Early Resolution, allowing bodies in our jurisdiction to lead on timeframes for action. In another move, we suspended our use of Egress (software used to encrypt messages), as we discovered that it not only facilitated our internal communication but also made it easier for staff of many bodies in our jurisdiction to access our messages when working from home.

We also encouraged the bodies in our jurisdiction to manage the expectations of complainants and set realistic timescales regarding their ability to respond.

We will continue to keep these measures under review and remain flexible and responsive to the needs of public service providers, who face unprecedented pressures at this time. At the same time, we are clear that the pandemic must not erode standards of good administration at the time when individuals may be most reliant on public services and we will continue to communicate this message strongly to the bodies in our jurisdiction.

Closing remarks

I trust that you will find this response useful. We look forward to analysing trends in our casework more thoroughly when more data becomes available and we hope to be able to provide an updated response to the Committee at that time.

Should you wish to discuss any of the above points further, please do not hesitate to contact Ania Rolewska, our Head of Policy [REDACTED]



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October 2020
