



## **Response to The Equality, Local Government and Communities Committee inquiry into the general principles of the Public Services Ombudsman (Wales) Bill**

### **Introduction**

1. Citizens Advice Cymru welcomes the opportunity to provide evidence to the Equalities, Local Government and Communities Committee to help scrutinise the general principles of the Public Services Ombudsman (PSOW) (Wales) Bill. We would also welcome the opportunity to discuss any of the areas raised in this paper with the Committee or broader issues around the role of the Public Services Ombudsman.
2. Citizens Advice is an independent charity, founded in 1939, covering England and Wales. In Wales we have a network of 19 local Citizen Advice, all individual charities, staffed by nearly 800 dedicated volunteers and staff.
3. We provide advice on a range of everyday issues to anyone who needs it, from debt, money and welfare benefits to housing, employment, discrimination and relationships. Our financial education sessions and income maximisation programmes also help people to take control of their finances and ensure those in need are claiming all the financial support they are entitled to.
4. We remove the barriers to advice by going to places where people need us most, delivering advice from over 375 community locations in Wales, as well as offering services over the phone and online.
5. Every year across England and Wales millions of people turn to us. This gives us a unique insight into their needs and concerns. We use this knowledge to campaign on big issues, both locally and nationally. So one

way or another, we're helping everyone – not just those we support directly.

## Our response

6. During 2016-2017 local Citizens Advice in Wales helped over 114,000 people with more than 436,000 problems, a number of these relate in some form to the administration of public services in Wales, including those that fall under the jurisdiction of the PSOW and those that are non-devolved. Nearly half of all clients we helped in 2016-2017 (49%) are disabled or have a long term health condition (compared to the population average of 23%). Internal analysis has also found that around two-thirds of our clients in Wales are living below the poverty line.
7. Citizens Advice Cymru recognises the essential role played by the PSOW in making sure that people in Wales can have their concerns heard and investigated by an independent body. We have previously advocated for changes to the PSOW's powers including own initiative powers; oral complaints; complaints handling across public services; a complaints handling authority; the PSOW's jurisdiction and links with the courts.
8. We believe that public authorities in Wales should welcome and recognise the value of complaints and identify where they can improve services to avoid making the same mistakes in the future.

## Oral Complaints

9. Citizens Advice Cymru **fully supports amending existing legislation to allow the Ombudsman to accept oral complaints and improve accessibility** to the PSOW.
10. As the Committee will be aware, the PSOW has discretionary powers to accept oral complaints, but these are considered on a case by case basis. Allowing the Ombudsman to accept oral complaints would be in line with Equality legislation and our own evidence on how people prefer to communicate, in particular, reflecting changes to technology and digitalisation.
11. The services of the PSOW must be accessible to all and access to redress should not be discretionary. Accepting oral complaints will remove barriers and ensure those who do not feel comfortable or able to make a

complaint in writing have the same access to redress. In addition, we believe that for vulnerable groups or those that feel less able to make a complaint themselves, trusted intermediaries such as advice agencies should be able to support people to bring a complaint to the PSOW. This will remove barriers faced by some of the most vulnerable people and ensure they feel able to make a complaint.

12. Finally, we believe consideration should be given to the cost to the individual of making a complaint and recommend that costs to be kept to a very minimum. Examples include the cost of calling from mobile phones, in particular, pay as you go phones. Having to pay up front costs can be prohibitive for some people and a call back service or alternative options should be considered.

## Undertake own initiative investigations

13. **We believe existing legislation should be amended to allow the PSOW to undertake own initiative investigations**, this would bring the Ombudsman in line with the majority of ombudsman schemes across Europe. The PSOW will have seen cases that appear to present a wider systemic issue, having powers to undertake own initiative investigations should mean that wider issues can be identified and rectified sooner. Citizens Advice Cymru believes it is important that the PSOW is able to undertake own initiative investigations on a broad range of scenarios, including where external organisations present evidence warranting further investigation.
14. Looking at our own experience, we are able to draw comparisons and trends from client cases. This helps us to identify possible issues, as they arise, for further investigation. This information is essential in helping us identify and improve policies and practices and provide evidence to external organisations. Where appropriate, this could include the PSOW. For example our client data on Universal Credit (UC) meant we were able to identify problems with the administration of UC and highlight these to central government before their own data was available. Using our data this way helps identify and deliver service improvements and can lead to wider changes to practice across public services.
15. We would welcome the opportunity to work with the PSOW by sharing relevant strategic information, this could include the types of issues our clients are facing and raising any specific issues in a particular place or within a certain sector.

16. If the PSOW powers are amended to include own initiative investigations, we believe the following principles should be considered:
- Clear eligibility criteria and referral routes for investigations (i.e. what can be investigated and how external organisations/individuals can suggest matters/issues for investigation)
  - Transparency around how investigations are chosen
  - Clear parameters on how to engage in an investigation, which could include calls for evidence
  - Timely communication of outcomes
17. **There is a wealth of evidence around why people do not complain and we know that for every complaint made there are many more that aren't.** Giving the Ombudsman power to undertake own initiative investigations can help address issues and concerns for those who do not make formal complaints.

### **Investigate private medical treatment including nursing care in a public/private health pathway**

18. We **fully support extending the Ombudsman's powers to allow investigation of complaints in a public/private health service pathway.** However, it is not clear if this option excludes any particular groups or individuals. Whilst no specific groups come to mind, we would like to seek assurance that there will be ongoing monitoring to ensure this does not happen.
19. In 2016/17 local Citizens Advice in Wales saw 1,941 clients with 2,763 issues relating to health and community care. Ensuring that a complaint can be resolved seamlessly, even when it involves different sectors is crucial for the individual concerned. It can also highlight problems that may be missed by different sectors around the provision of services to an individual or groups of individuals. For example, the type of service being offered is not appropriate but due to miscommunication neither sector nor service provider is aware of this.
20. As the population ages, health and social care services aim to become more integrated. We strongly believe the complaint should follow the

individual rather than the sector as the individual will often not have a choice over the sectors providing their health and care.

## Undertake a role in relation to complaints handling standards and procedures

21. **We fully support amending existing legislation to strengthen the Ombudsman's role in securing effective complaint-handling across the public sector in Wales**, in particular to include a complaints design, implementation, oversight and data collection role.
22. Citizens Advice Cymru has previously called for the PSOW to be given powers to consider and adapt the Scottish PSOW's approach to complaint handling. This model was developed collaboratively with consumer bodies in Scotland and we believe a similar approach should be developed in Wales, ensuring citizens views are taken into account as the model is developed.
23. We believe a complaints handling authority would help drive up standards on complaint handling across public authorities in Wales. Citizens Advice Cymru also believe it would improve consistency across Wales and allow for comparisons to be made.

## Other

24. We believe clarity should be provided around how far the role of the PSOW extends to the tribunals listed below in so far as they relate to public services in Wales and if the remit of the PSOW does not extend to these bodies consideration should be given to include them:
  - Special Educational Needs Tribunal for Wales
  - Residential Property Tribunal Wales
  - Mental Health Review Tribunal Wales
  - Welsh Language Tribunal

## Conclusion

25. We believe the Public Services Ombudsman (Wales) Bill strengthens the role of the Ombudsman service in Wales, driving up standards for complaint handling, identifying areas for further investigation and

importantly, ensuring everyone is able to make a complaint to the Ombudsman, in writing and orally.

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