

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

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**Response by the Public Services Ombudsman for Wales
to the Welsh Government's 'Age Friendly Wales: Our Strategy for an Ageing
Society'**

I am pleased to have the opportunity to respond to the Welsh Government's consultation on the Welsh Government's 'Age Friendly Wales: Our Strategy for an Ageing Society'.

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. The Act also establishes the Complaints Standards Authority (CSA) to drive improvement in public services by supporting effective complaint handling through model procedures, training and collecting and publishing complaints data.

General Comments

I welcome the Welsh Government's commitment to a strategic approach to ageing in Wales, which establishes a clear sense of direction and purpose. The strategic intent of the document, with its clear rights-based approach which has been co-

produced with older people that celebrates and appreciates their value is to be commended. The four key aims and the priorities moving forward are broad enough to cover key aspects of ageing but focused enough not to be overly ambiguous. The actions identified to deliver the strategic vision are positive and make pro-active contributions to each of the individual aims. However, I am concerned that this strategic ambition is not reflected in the development of the rest of the document.

Whilst there are some new proposals, the document primarily brings together commitments and actions that are already under development or in the pipeline. As such the Welsh Government is at risk of missing the benefits a truly strategic approach can have in identifying potential opportunities to address the difficulties that cut across the whole of the public service. Such an approach can lead to the development of integrated, innovative solutions that are more holistic and deliver on the wider systemic issues.

I would like to refer to the provision of advocacy services to illustrate this point. I welcome the Welsh Government's support of the HOPE advocacy project, and Race Equality First advocacy support programmes. However, the Strategy does not reference how advocacy services can be further developed into a seamless coherent service across Wales for older people. We are aware from the complaints that we receive that there is a paucity of consistent, coherent and accessible advocacy services in Wales. It is disappointing that this issue has not been considered explicitly as part of the Strategy.

As this is a Welsh Government strategy, the lack of reference to complaints and complaints handling is not unexpected. However, complaints-handling and the new powers granted to my office by the PSOW Act 2019 provide a good opportunity for sharing intelligence from our complaints investigations, our reports and the CSA data, which would be valuable when monitoring the progress of the Strategy as well as inform the development of public sector policy and programme interventions. We would welcome the opportunity to explore ways in which we could work with Welsh Government and other service providers to use this evidence to deliver continued improvements in public services for older people in Wales.

Themes from my Casework

It is unclear how the Strategy is addressing areas where things are not going right. My casework data allows me to identify some general themes of the types of problems that older people in Wales face. The complaints I receive highlight several areas of maladministration and service failure resulting in injustice and hardship, such as poor collaboration between care providers, inadequate communication between health boards and social care providers, handling of service user information, poor discharge planning or disjointed advocacy provision.

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 that 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 subsequent 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.

Powys Teaching Health Board - Clinical treatment in hospital [Case Number: 201803259](#) – Report issued in July 2019

Mr and Mrs X complained about the care and treatment Mr X received from the Health Board's Memory Service. They complained that the Health Board did not provide Mr X with accurate information about his potential diagnoses, did not offer appointments and advice within a reasonable time, and did not prepare an appropriate Care Plan, or a Shared Care Agreement with Mr X's GP. Mrs X also complained that she was not offered adequate support as the carer for Mr X. We found that Mr X was not advised of the change in his diagnosis of vascular dementia when it was changed to one of mixed dementia, or given the opportunity to discuss this change with the Memory Service. The investigation found that Mr X did have an adequate Care Plan, but that the Shared Care Agreement was not implemented correctly. The complaint that Mrs X was not offered adequate support as the carer for Mr X was not upheld, as it was determined that the Local Authority was the body responsible for this. The investigation noted that the Health Board had recently developed an Operational Policy for the Memory Service which addressed some of the findings identified. As well as payments to Mr and Mrs X in recognition of their time and inconvenience in having to pursue a complaint, we recommended that the

Health Board should amend its Operational Policy to include reference to situations where a diagnosis has been revised or changed and amend the Shared Care Protocol to clarify when the agreement with GP partners comes into effect.

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).



Nick Bennett

Public Services Ombudsman for Wales

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