



**Ombwdsmon**  
**Ombudsman**  
Cymru · Wales

## Consultation response

**Regulating special school residential services and amending regulations with supporting guidance relating to other areas of regulated social care services**

**Welsh Government - Care home policy branch**

Submitted: 07 August 2023

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](https://ombudsman.wales)

---

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.  
This document is also available in Welsh.

## General comments

Thank you for the opportunity to respond to this consultation.

The proposals involve prescribing special school residential services as a regulated service under the Regulation and Inspection of Social Care (Wales) Act 2016 – though designating them as different to care home services.

We understand that these changes are proposed primarily to facilitate CIW inspection work. However, we want to ensure that there is clarity regarding our power to investigate complaints about care provided in those settings.

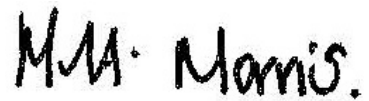
The definition of 'care home' under Public Service Ombudsman (Wales) Act 2019 relates to care services being provided to persons aged over 18. Given this, we would not be able to look into complaints about care provided in special school residential services. Furthermore, although governing bodies of schools (community, foundation or voluntary schools) fall within our remit, this is only to a limited extent in relation to limited matters such as admissions.

We note that the proposed 'Statutory Guidance for service providers and responsible individuals of special school residential services on meeting service standards' states that the providers need to establish and publicise a complaints procedure, and in that context refers to publicising the right to complain to us.

This wording appears to suggest that the intention is for us to be able to consider complaints about care provided in special school residential services. If so, we would welcome further discussion on how to ensure that there are no gaps in access to justice for people receiving care in those settings.

## Closing remarks

We trust that you will find these comments useful. Should you wish to discuss any of our points further, please do not hesitate to contact Ania Rolewska, our Head of Policy ([ania.rolewska@ombudsman.wales](mailto:ania.rolewska@ombudsman.wales)).

A handwritten signature in black ink that reads "MMA. Morris." The signature is written in a cursive, slightly slanted style.

**Michelle Morris**

**Public Services Ombudsman for Wales**

August 2023