



Care Council for Wales' response to the inquiry into the consideration of powers of the Public Services Ombudsman for Wales

The Care Council for Wales (Care Council) is the regulator of the social care profession in Wales. We register social workers, social work students, social care managers and residential child care workers, and investigate allegations received regarding their fitness to practise.

The Care Council is a listed authority in Schedule 3 of the Public Services Ombudsman (Wales) Act 2005.

We welcome the opportunity to respond to the inquiry.

Please see our comments to some of the questions imposed below:

- *Own-initiative powers – this would enable the Ombudsman to initiate his own investigations without having first received a complaint about an issue;*
1. We support the proposal that the Ombudsman is able to initiate his own investigations since we believe this will enhance the protection offered by the Ombudsman's office particularly to those more vulnerable members of society who may be more reluctant to initiate a complaint against public services.
 2. We would suggest that if this power is provided to the Ombudsman, it will be essential that bodies such as ourselves work closely with him/her and that consequently consideration is given to the establishment of information-sharing protocols which would set out each organisation's responsibilities and which organisation should lead during an investigation, even though we are a listed authority in the Ombudsman Act. There is a good precedent for this as we have an information-sharing protocol in place with the Older People's Commissioner for Wales, even though we are a body reviewable under section 3 of the Commissioner for Older People (Wales) Act 2006.
- *Oral complaints - at present, the Ombudsman can only accept complaints in writing;*
3. We would support this proposal for the reasons outlined above.

- *Complaints handling across public services – this would enable the Ombudsman to have a role in advising on complaints handling across public services;*
- 4. We believe that greater consistency in approaches to complaints handling would be of benefit to the public sector in Wales and would therefore support this proposal. While we do not feel a standardised approach across the public sector is feasible or desirable, further consistency would be helpful particularly where a range of organisations may be dealing with the same complaint at varying points in time.
- *The Ombudsman’s jurisdiction (to include private health services) –this would extend the Ombudsman’s jurisdiction to enable him/her to investigate when a patient has received private healthcare (self-funded, rather than being commissioned by the NHS) in conjunction with public healthcare;*
- 5. We would support this proposal as a measure that would achieve greater equality of opportunity for investigation and possible redress for the range of mechanisms by which healthcare may be funded.
- *Links with the courts - the removal of the statutory bar to allow the Ombudsman to consider a case that has or had the possibility of recourse to a court, tribunal or other mechanism for review (this would give complainants the opportunity to decide which route is most appropriate for them).*
- 6. While in principle the Care Council would support this development, we would be concerned if this resulted in further delays in the time taken to resolve matters or delayed the time taken for complaints to the Care Council being able to be taken forward. We would wish further detail and assurance regarding the implications of such a development before wholly supporting such a change.

Care Council for Wales
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For more information please contact:

Mr Ceri Williams, Policy Officer
Ceri.williams@ccwales.org.uk
029 2078 0543