

**Grŵp
Cartrefi
Cymunedol
Cymru**



**Community
Housing
Cymru
Group**

**Response to the National Assembly for Wales Finance
Committee's inquiry into the consideration of powers of the
Public Services Ombudsman for Wales**

Community Housing Cymru Group

1. About Us

The **Community Housing Cymru Group (CHC Group)** is the representative body for housing associations and community mutuals in Wales, which are all not-for profit organisations. Our members provide over 153,000 homes and related housing services across Wales. In 2011/12, our members directly employed 7,500 people and spent over £850m in the Welsh economy.¹ Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales.

Our objectives are to:

- Be the leading voice of the social housing sector.

¹ Measuring the Economic Impact of Welsh Housing Associations, November 2012

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- Promote the social housing sector in Wales.
- Promote the relief of financial hardship through the sector's provision of low cost social housing.
- Provide services, education, training, information, advice and support to members.
- Encourage and facilitate the provision, construction, improvement and management of low cost social housing by housing associations in Wales.

In 2010, CHC formed a group structure with Care & Repair Cymru and CREW Regeneration Wales in order to jointly champion not-for-profit housing, care and regeneration

Introduction

This paper is a response to the National Assembly for Wales Finance Committee's consultation on "an inquiry into the consideration of powers of the Public Services Ombudsman for Wales". CHC welcomes the opportunity to respond to the consultation and overall supports the proposals to give the Ombudsman wider jurisdiction and increased powers. However, any additional powers must be matched with the resources to maximise the effectiveness of these.

In responding to the inquiry we have considered in full the consultation questions and have noted key points below.

Key Issues

CHC believes that the Ombudsman is a critical service which supports social justice and drives improvement in public service delivery. However, the Public Service Ombudsman Act 2005 is 10 years old and does not reflect socio-economic and demographic changes and new models of service delivery.

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To maximise the effectiveness of the Ombudsman service it is essential that the legislation is updated to reflect changes and trends that we know will continue well into the future.

We fully support and recognise the importance of the Ombudsman having the power to take oral complaints. Vulnerable people receiving public services may struggle with basic literacy skills and many may lack confidence in expressing their concerns in writing (this includes groups whose first language isn't English or Welsh). Some individuals with disabilities may also rely on others to communicate on their behalf and may not wish to burden them with making a complaint. Therefore by insisting that complaints are made in writing one unintended consequence of the current legislation is that the service isn't equally accessible to all and therefore discriminates against vulnerable groups.

We are aware and are concerned that a lack of confidence can prevent complaints being made. It takes a lot of effort to make a complaint and in many cases this is not done lightly especially if the individual is dependent on the provider for ongoing support. The impact of an ageing society could mean in future there are more individuals in vulnerable positions either unable or afraid to complain. For these reasons we agree that the Ombudsman should have investigations powers to initiate his/her own investigations.

CHC would like to see more support for providers where complainants have not followed due process and are acting unreasonably. We would also ask for more consistency and transparency in complaint handling by the investigators and a focus on proactive resolution rather than penalisation.

CHC is supportive of the two stage complaints process (followed by appeal) as best practice. Housing Associations generally have a two or three stage complaint process and most are aware or have adopted the model complaints policy issued by the Welsh Government. We agree that there should be a standard policy for complaints and encouragement given for all public service providers to adopt this, however, we would not want this as a legislative requirement as there may be circumstances in which a two stage process is impractical. It is in the interests of both parties to come to a resolution quickly and limit the burden on organisations

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under investigation. We believe a two stage process and the move to an electronic system will:

- help alleviate the burden on providers
- ensure more consistency in decisions, and
- improve communication and transparency.

An ageing population and current funding challenges for the NHS in Wales suggests that in future more people are likely to be accessing private health care and combinations of private and NHS care. Therefore to ensure the effectiveness of the service we believe it is necessary to extend the jurisdiction of the Ombudsman to enable him/her to investigate when a patient has received private healthcare (self-funded not commissioned by the NHS) in conjunction with public healthcare. We also believe/agree that the investigation of private health care complaints should be funded on a case by case basis.

This together with a focus on innovation and service integration focused on the needs of the service-user make it crucial that the Ombudsman has the power to investigate complaint handling across public services. Having said this information requests should only relate to any investigation in hand.

We also support 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 and would hopefully minimise legal costs).

Conclusion

Complaints should drive service improvement and where complaints are not easily resolved with the service provider then the Ombudsman service allows for further examination of the issues and in doing so supports the wider aims and objectives of Welsh Government in ensuring social justice for all. The current legislation governing the Ombudsman's office is outdated and needs to reflect developments and best practice across the UK. Therefore CHC is supportive of the proposals.

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