

Look into the way parents are being treated by public services

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Petitions Committee | 1 October 2019

Reference: RS19/10342-1

Petition Number: [P-05-900](#)

Petition title: Look into the way parents are being treated by public services

Text of petition: We call on the National Assembly for Wales to review the way parents and families, particularly those with disabled children, are treated by public services including the NHS, schools and social services. Families are being wrongly threatened and treated badly by professionals such as social services, doctors, nurses and staff in schools. This must stop.

1. Background

1.1. Support for parents

In addition to a focus on how children and young people are involved in decisions which affect them, the Welsh Government has published a number of documents which may be relevant to the petition in terms of parents. Some examples include:

- [Support for parents;](#)
- [Parenting engagement and support: guidance for providers.](#)



1.2. Schools and Education

In terms of guidance and policy there are a range of references to parents depending on the aspect of education being looked at, for example:

- [Special educational needs guidance for carers and parents](#);
- [Additional learning needs factsheet for children, young people and parents](#).

Section 29 of the [Education Act 2002](#) requires governing bodies of all maintained schools in Wales to establish procedures for dealing with complaints and to publicise such procedures. Governing bodies may put in place a complaints procedure of their choice but the Welsh Government recommends that they adopt the model complaint procedure set out in their 2012 guidance, [School Governing Body Complaints Procedures](#).

1.3. Social services and well-being (Wales) Act 2014

The [Social Services and well-being \(Wales\) Act 2014](#) came into force in April 2016. It aims to improve the well-being of people who need care and support, and carers who need support. The Act changes the way people's needs are assessed and the way services are delivered. As a result, people should have more of a say in the care and support they receive. The Act imposes a number of duties on local authorities, health boards and Welsh Ministers. It requires them to work to promote the well-being of those who need care and support, or carers who need support. The *Social Services and Well-being Wales Act* aimed to change the social services sector, so that:

- People have more control over what support they receive, and make decisions about their care and support as an equal partner;
- People receive an assessment of their care and support needs which looks at capacity, resources and the outcomes people need to achieve, and then identify how they can best be supported to achieve them;

- Carers have an equal right to assessment for support as those people for whom they care;
- Easy access to information and advice is available to all;
- Powers to safeguard people are stronger;
- A preventative approach is taken to meeting care and support needs; and
- Local authorities and health boards come together in new statutory partnerships to drive integration, innovation and service change.

The Welsh Government has published a document which explains the essential elements of the Act. Each local authority will have its own complaints procedure in terms of social services and this should be detailed on their individual websites.

1.4. NHS Wales

This NHS Wales webpage refers to 'patient centred care' and states:

Co-production can support the delivery of person-centred care, which prioritises putting patients, their families and carers at the heart of all decisions and plans about health care.

It also refers to health and care standards with supporting guidance. There is also information on accountability in the NHS in Wales and on 'putting things right'.

1.5. Equality Act 2010

The majority of public authorities are covered by 'the general duty' under the provisions of the Equality Act 2010. The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. Public bodies are required to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

[Guidance](#) for public authorities on implementing their duties was published by the EHRC in 2014.

The [Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011](#) sets specific duties that came into force in April 2011. This includes Regulation 10 that requires an authority to make such arrangements as it considers appropriate for promoting amongst its employees knowledge and understanding of the general duty and of the duties in these Regulations. An authority should also identify and address any training needs of its employees in relation those duties. The regulations also require engagement, by public bodies, with people affected by the decisions taken by public authorities.

1.6. Public Service Ombudsman for Wales

The Public Service Ombudsman website has [guidance on how to make a complaint about a public body](#). This sets out that the Ombudsman:

- Will usually expect a person to have complained to the public body first and given it the chance to respond to the complaint. There are exceptions if the Ombudsman consider that the complaint is very urgent;
- Cannot look into the complaint if there is a legal right of appeal or the right to take the matter to court;
- Normally expects complaints to be made within 12 months of becoming aware of the problem. However, if time has already been spent complaining directly to the body concerned, they will take that into account.

The guidance suggests that potential complaints should be discussed with the Complaints Advice Team on 0300 790 0203 who can provide advice on whether the matter is something that the Ombudsman can consider and how best to proceed.

Complaints can be made [online](#), or using a form from the [Ombudsman's website](#). If the Ombudsman believe that the complaint is one that they can consider and they believe that there has been a failing on behalf of the public body, they will consider if it is possible to sort out the matter informally. If not, and if it appears that there may have been a serious failure on the part of the public body, they will begin a formal investigation.

1.7. Children's Commissioner for Wales

The office of the Children's Commissioner for Wales provides free case work and advocacy support to children and families. In certain circumstances they will take up the case of individual children and can liaise with relevant parties on their behalf. The [website](#) states:

Our Investigation and Advice service is free and confidential. It's there to advise and support children and young people or those who care for them if they feel that a child has been treated unfairly.

2. Welsh Government's response

In response to the Petition on 13 August 2019, the Minister for Health and Social Services has said:

The Welsh Government is committed to ensuring equality for people with disabilities and their families. We have a wealth of legislation and guidance in place to ensure disabled people and their families are supported. Following consultation, we are finalising the Welsh Government's new Framework - 'Action on Disability: The Right to Independent Living', which will be published later this summer. One of the aims is to promote equality of opportunity and support

disabled people to more easily and readily access resources and mainstream services.

All public bodies have a complaints procedure to follow should individuals be unhappy with the services they have received or the way they have been treated. Should they submit a complaint and be unhappy with the outcome then they could ask the Public Services Ombudsman for Wales to investigate.

The Action on Disability: 'The Right to Independent Living' framework was published in September 2019.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.