



advice and support for older age
**Independent
Age**

**A Public Service Ombudsman: A Consultation
Cabinet Office**

16 June 2015



About Independent Age

Founded 150 years ago, Independent Age is an established voice for older people, their families and carers, offering free advice and information and providing services, such as befriending, to promote wellbeing and reduce loneliness.

In addition to this, we use the knowledge and understanding gained from our frontline services to campaign on issues that affect older people, like poverty, loneliness and carers' rights.

For free and confidential advice, call 0800 319 6789 or email advice@independentage.org

For more information, visit our website www.independentage.org

Independent Age is also a member of the Care and Support Alliance: a consortium of over 75 organisations that represent and support older and disabled people campaigning to keep adult care funding and reform on the political agenda.

Response completed by:

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Forward

In early 2015 Independent Age and the Parliamentary and Health Service Ombudsman (PHSO) ran three focus groups (London, Manchester and Poole) in order to understand the issues that older people face when trying to complain about public services. This work was motivated by the PHSO having identified older people as a social group who are underrepresented among people who complain about public services despite high service use.

Independent Age broadly welcomes the proposals emerging from the Gordon Review and Public Administration Select Committee for a reformed Ombudsman service.

1. Do you agree that these principles should underpin reform of the Ombudsman service?

1.1 Independent Age agrees with the three principles identified to underpin reform of the Ombudsman service. We strongly agree with the first principle ensuring the Ombudsman is easily accessible and intelligible to members of the public. Through our work with older people we have identified awareness of government Ombudsman and which Ombudsman is appropriate for the nature of any given complaint as a barrier to making formal complaints. For example, a participant in our consultation in Poole said,

“You don’t do it because you don’t know who to go to.”

1.2 Similarly during our three consultations out of 35 respondents (the majority aged 65+), only 13 had heard of the Parliamentary and Health Service Ombudsman and within this group there was a high degree of uncertainty over which public services are covered by the Ombudsman. Despite our support for the second and third principles Independent Age would want to dissuade any downgrading of function and/or capacity to achieve these outcomes.

2. Would you welcome the creation of a single Public Service Ombudsman service and are these the right services to be included?

2.1 Independent Age supports the creation of a single Public Service Ombudsman. As noted in response to the first question awareness of existing Ombudsman is poor and it is hoped that the creation of a single Ombudsman

could permit more effective public awareness campaigns. Furthermore the Ombudsman operating a 'no wrong door' policy for complaints would be of huge benefit to individuals and the Ombudsman itself in pursuing rapid resolution and gathering information. The recent survey of 4,623 people, conducted by the PHSO, finding that two thirds of people dissatisfied with public services do not complain reinforces how important it is that government improve in this area.

2.2 Independent Age particularly welcomes a single Ombudsman at a point in time when the interface of health and social care services is becoming increasingly complex. For example, a participant in our consultation in Manchester said,

"Everybody has got their procedure. The hospital has got its procedure, the surgery has got its procedure."

2.3 Simplification of the complaint procedure in this area will be crucial for improved health and social care outcomes for older people in keeping with the objectives of the Better Care Fund.

3. If so, do you agree that these are the right founding principles for such organisation?

3.1 Independent Age agrees that the proposals have identified the right founding principles for such an organisation. We would note that the principles should be pursued with equal consideration and urge caution when considering any reduction in capacity and function of the organisation in order to reduce costs. We agree that value for money is crucial, especially at a time of extreme pressure on public finances, but that the funding for such a service should follow a full assessment of what the Ombudsman is being set up for therefore ensuring adequate resources are made available.

4. Should a single public service ombudsman organisation also retain specific sector facing services and staff eg Health or Housing?

4.1 Independent Age would very much encourage the maintaining of sector specific functions within the new organisation. As an effective final tier of the redress process we would agree with the proposals that the new Ombudsman "will need to maintain the high level of expertise and experience which exists in the current organisation, ensuring no diminution in the provision of service to the public or to the sector involved". We believe that sector specialisation is a key strength in the current system which should be protected. For example, the recent Local Government Ombudsman's report investigating a complaint made against Tameside Metropolitan Borough Council by the family of an elderly care home resident concerning top-up fees revealed poor practice. The need to maintain technical expertise to achieve similar outcomes in future will be essential.

5. Should each sector within the organisation be led by a senior Ombudsman (or someone of equivalent status) eg a Housing, Local Government or Health Ombudsman?

5.1 Independent Age would recommend each sector within the organisation being led by a senior Ombudsman. We believe this structure would ensure the maintenance of expertise within specific sectors and create a structure in the organisation which would facilitate the identification of challenges across different sectors and promote good practice. Independent Age would suggest the system consider how the Care Quality Commission operates with a Chief Inspector being made responsible for a specific sector eg mental health and reporting to the Chief Executive.

6. Is 'Public Service Ombudsman' the appropriate title for a new organisation?

6.1 Independent Age would suggest that the new service be named 'Public Service Complaints Commission'. We believe that using 'complaints' in the title of the new service will make it more intelligible to the public. We believe that calling the service a 'Commission' remains authoritative and echoes the Independent Police Complaints Commission and the Care Quality Commission.

7. Do you agree that there should be the widest possible routes of entry to a Public Service Ombudsman?

7.1 Independent Age welcomes the introduction of a 'no wrong door' policy for members of the public who wish to pursue a complaint. Older people we have consulted regarding complaints procedures regularly explain how they lack confidence in identifying the right organisation to lodge their complaint and have been passed between organisations when trying to identify the appropriate individual to communicate their complaint to. The creation of a single accountable Ombudsman across frequently overlapping public services would be a significant improvement in improving accessibility and intelligibility to members of the public. Independent Age would also suggest that this policy will improve the quantity and quality of complaints which could in turn improve public services.

8. In what ways could it be made easier for citizens to access resolution and redress?

8.1 Despite the welcome move to create a single Ombudsman, Independent Age would recommend public awareness campaigns to communicate the functions of the Ombudsman. We would particularly recommend awareness campaigns which partly targeted older people, who are a significant user group of public services such as the NHS, but who have been identified as unlikely to make a formal

complaint. This recommendation is derived from our consultation work with older people. For example, a participant in our consultation from Poole said,

“All the time I have been in hospital and in the care home I have never once seen a sign or a poster that said, ‘If you have problems or if you would like to complain, this is how you can get hold of us.’”

8.2 Currently two thirds of NHS clients are aged 65 and over which reinforces how the new Ombudsman will need to consider the needs of older people throughout its work if it is to achieve its objectives. On the recommendation of older people Independent Age would suggest materials being distributed in GP surgeries, pharmacies, geriatric wards and care homes. Independent Age would also encourage the new Ombudsman to contain within its materials an explanation that complaints are crucial to improving services and are a positive action for people to take. The latter follows on from the views expressed by older people. For example, a participant in our consultation in Poole said,

“We were brought up from very young not to complain. When I was younger nobody asked my opinion for anything, I was to be seen and not heard.”

8.3 Independent Age knows that older people can feel intimidated by authority figures and sympathise more readily with staff who they may feel are overworked. For example, a participant in our consultation from Poole said,

“I think there is this big difference between a nurse and a surgeon or a doctor. There is a difference in authority and that makes you reluctant about complaining about someone with that authority.”

8.4 In addition older people may be put off making a complaint because the event has now been resolved (to their satisfaction or not), fear of the loss of services and the idea that their complaint would be meaningless. It is imperative that complaints be shown as a sign of success rather than failure across all public services and that the Ombudsman ensure the easy resolution of complaints. Frequently the satisfactory resolution of a complaint for older people should focus on a full apology, explanation and safeguards the service has introduced to prevent another person finding himself or herself in the same position.

8.5 Independent Age knows that some older people find government forms very challenging and confusing. It would be a welcome move for the new Ombudsman to try to ensure forms are accessible and intelligible to members of the public. The provision of a guide to how to fill out a form and what information is required would be another welcome step in this area. The offer of face-to-face support for registering a formal complaint would be of further benefit to both the public and Ombudsman in ensuring the resolution of complaints and raising standards through improved information. The need of an older person to have ongoing support from family and friends to see a complaint through is restricting

who can complain within the current system. The research and campaigning organisation Ageing Without Children has estimated that by 2030 there will be 2 million people aged 65 and over without children. The new Ombudsman cannot rely on older people having adult children to assist them in completing the complaint procedure. The availability of advocacy services or a named contact within the Ombudsman to oversee a complaint for vulnerable members of the public would be a very welcome initiative within the new organisation.

8.6 Many older people use the internet but many do not. The offer of an offline means of communicating complaints eg letter writing will be essential in gathering as much information as possible and ensuring access to members of the public. The inclusion of a phone line is welcomed by Independent Age, however, we would recommend that this phone line be free and any automated system minimised and tested with older people.

9. Would you support a wider role for a PSO as a champion of effective complaints handling across the public sector?

9.1 Independent Age would support a future Public Services Ombudsman being a champion of effective complaints as long as it has command of public confidence. We would also recommend a memorandum between the Ombudsman and the regulator (for example the Care Quality Commission) to monitor and react to trend analysis indicating where services are failing the public.

10. What range of investigative tools do you think the PSO might need?

10.1 Independent Age does not feel in a position to comment or make recommendations regarding the investigative tools most appropriate for the PSO.



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