

# Consultation Response: Our draft Strategic Plan 2023-2026 (Public Services Ombudsman for Wales)

Submitted on behalf of the Learning Disability Consortium and the Paul Ridd Foundation. Deadline 22 November 2022

## **About the Learning Disability Consortium**

The Learning Disability Consortium is a group of third sector organisations in Wales that represent the interests of people with learning disabilities and their families/carers: [All Wales Forum of Parents and Carers](#), [All Wales People First](#), [Learning Disability Wales](#), [Down's Syndrome Association \(Wales\)](#) and [Mencap Cymru](#).

## **About the Paul Ridd Foundation**

The [Paul Ridd Foundation](#) was created to support people with a learning disability, their families and carers when needing secondary healthcare. It was set up by the siblings of Paul Ridd, a man with a learning disability who died in hospital in 2009 as a result of inadequate healthcare.

## **Contact**

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## **Summary**

The Ombudsman fulfils an important function for the people of Wales and we are very happy to see a strategic plan focusing on “delivering justice with a positive impact” and “increasing accessibility and inclusion”. We are also very happy to see you focusing on outreach and communications. We know that many people, including many people with a learning disability, are not aware of their rights and do not feel comfortable complaining, even when they know they have been treated unfairly.

However, we believe that more needs to be done to ensure your processes are adapted to the specific needs of people with a learning disability. Reasonable adjustments need to be made within your organisation to ensure investigators fully understand that people with a learning disability are often affected differently by poor service delivery than the general public. Specialist knowledge is required and we therefore believe that all cases involving a person with a learning disability should be allocated specially trained investigators and reviewed by a learning disability specialist.

### **Being proactive about people's rights**

It is important to understand that people with a learning disability often have a lot of experience of having other people make decisions for them and feeling helpless about being able to have control over their own lives. Therefore, they may not be able to identify when they have been treated badly or believe that it is worth complaining about. Producing more easy read information about what the Ombudsman is and what you do might be helpful here. It would also be good to produce some material that informs people of their rights and what kind of standard they should be expecting from public bodies. Apart from not knowing what rights they have or being able to recognise when services are treating them badly, people with a learning disability might not understand what is to be gained from complaining. Developing an accessible guide to the whole process would be helpful.

### **Website accessibility**

You mention a planned overhaul of the website with ambitions to make it accessible. While we appreciate that it might not be possible to do a whole website in easy read it would be good to have a few summary pages in easy read format as well as a selection of easy read documents on relevant topics eg understanding your rights, when and how to make a complaint, how to get support etc.

When developing the website, it is important that you involve people with a learning disability during the development stages to advise on accessibility and test the website.

## **Investigations**

We are very concerned about the data related to the number of cases involving people with a learning disability upheld by the Ombudsman. Given the vast amount of research and anecdotal evidence that people with a learning disability are more likely to receive poor health care and die prematurely, it is very worrying that the Ombudsman has upheld so few cases involving a person with a learning disability since 2011. We understand that between 2011 and 2021, only 2 public interest reports out of 83 involved a person with a learning disability in primary or secondary healthcare, and there have been none since March 2012.

The fact that there have been no public interest reports involving people with a learning disability in healthcare published since 2012 is very worrying. We are all too aware of the serious health inequalities faced by people with a learning disability, so why are cases not being investigated and upheld? This issue needs to be addressed urgently as there is clearly a problem with the complaints system - are people just not making complaints when they should be or are cases not being investigated properly with the right level of knowledge and expertise to understand the complexities of these types of cases? Either way, the Ombudsman has a duty to tackle these issues to ensure equity of access to justice.

In both the cases mentioned above (September 2011 and March 2012), the advisers included a peer review adviser and a specialist with a learning disability (Dr Jim Blair). However, we understand from more recent cases that it is no longer deemed necessary to involve a specialist advisor with specific knowledge of learning disabilities. This is extremely worrying as we believe that the input of a specialist is vital in cases involving people with a learning disability to ensure that their specific needs are fully understood as well as the ways they are impacted differently to other members of the public when in receipt of poor care. We believe that all

cases involving a person with a learning disability should be allocated specially trained investigators and reviewed by a learning disability specialist.

One of the significant issues for people with a learning disability when accessing services is a lack of reasonable adjustments. It is not enough to simply treat people with a learning disability the same as everyone else and this is covered by the Equality Act. This must be taken into account when investigating any cases involving people with a learning disability to ensure that services have made the necessary adjustments in line with the person's specific needs. We believe that this is where a learning disability specialist is needed to review specific cases.