

This Factsheet is about complaints relating to Healthcare Inspectorate Wales (HIW). It should be read together with our general information leaflet about our service.

Healthcare Inspectorate Wales (HIW) is the independent inspectorate and regulator of all health care in Wales. HIW reviews and inspects NHS and independent healthcare organisations in Wales to provide independent assurance that services are safe and of good quality. If you think that HIW has not followed the law, regulations or guidance, the Ombudsman may be able to consider your complaint.

HIW's main responsibilities include:

- undertaking inspections, reviews and investigations into NHS healthcare services;
- registering and regulating independent healthcare providers in Wales including the investigation of concerns from members of the public that an independent provider has breached regulations that govern its activities;
- performing the role of the Local Supervising Authority for the statutory supervision of midwives;
- providing a review service for mental health, including the application of the Mental Health Act 1983 and providing a Second Opinion Appointed Doctor service for patients being treated and detained under the Mental Health Act; and
- monitoring the implementation of Deprivation of Liberty Safeguards by the NHS.

What the Ombudsman can do

The Ombudsman can:

- look at complaints about procedural and administrative shortcomings arising from a HIW inspection or review of a Regulated Service (including activities linked to a complaint or concern);
- look at complaints about procedural and administrative shortcomings arising from an inspection or review by HIW of NHS services;
- look at complaints about procedural and administrative shortcomings arising from HIW's role as the Local Supervising Authority for the statutory supervision of midwives;
- look at complaints where HIW has failed to provide a response;
- consider complaints about HIW's reporting process;
- look at complaints of poor administration by HIW.

What the Ombudsman cannot do



The Ombudsman cannot:

- consider any issues of suspension, discipline or any personnel issues concerning HIW officers or those officers from a service that HIW is investigating;
- consider action taken by HIW in relation to a matter that is, or has been considered by the courts;
- question a properly-made decision that HIW is entitled to make.

Issues to bear in mind



It is not HIW's role to deal with complaints from patients about the treatment they received from the NHS. This is a matter that can be dealt with under the NHS complaints procedure. HIW will however act on any such information that may indicate a systemic failure of NHS services. Similarly, it is not HIW's role to deal with complaints from patients about the treatment they received from independent healthcare providers. HIW will usually expect that the provider will have had an opportunity to investigate the complaint in the first instance, unless there is a good reason to not do this. However, HIW will consider complaints and concerns from patients and professionals that independent providers may have breached relevant regulations.

Where providers of services or persons registered with HIW are not happy with any registration or enforcement action that HIW has undertaken, these complaints should be dealt with through the routes expressly provided for this purpose.

Further information



Further information about HIW, including their complaints procedure, can be found on its website: <http://www.hiw.org.uk>

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do.

Examples of cases that the Ombudsman has looked at can be found on our website. Please see www.ombudsman-wales.org.uk .

If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:

- **phone** 0845 601 0987;
 - **e-mail** ask@ombudsman-wales.org.uk;
 - **visit the website at** www.ombudsman-wales.org.uk;
 - **write to:** The Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
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