

Response from Healthcare Inspectorate Wales in relation to the Post-legislative Review of the Public Services Ombudsman (Wales) Act 2019

Introduction

Healthcare Inspectorate Wales (HIW) welcomes the opportunity to provide evidence to the Finance Committee's post-legislative review of the Public Services Ombudsman (Wales) Act 2019. In this submission we will outline our role and responsibilities, and highlight the importance of our collaborative relationship with the Public Services Ombudsman for Wales (PSOW).

HIW's Role and Responsibilities

HIW is the independent inspectorate and regulator of healthcare in Wales. This operational independence is set out in the Memorandum of Understanding (MOU) between the Welsh Ministers and the Chief Executive of HIW¹. Our primary functions include inspecting NHS services to ensure compliance with standards, policies, guidance, and regulations, and regulating independent healthcare providers to monitor quality and safety.

We also safeguard the interests of individuals under the Mental Health Act and other relevant laws and address systemic failures in healthcare delivery through special reviews and investigations.

We look at the quality, safety and effectiveness of the services that are being provided to people and communities, drawing attention to good practice where we find it, and calling out practice that could cause harm to those who are receiving it. Our purpose is to ensure that healthcare services are provided in a way which maximises the health and wellbeing of people in Wales. We place people at the heart of our work, ensuring independence, objectivity, decisiveness, inclusivity, and proportionality in our operations.

HIW publishes its reports to drive and inform improvement in healthcare services. By making our findings publicly available, we ensure transparency and accountability, providing valuable insights into the quality and safety of healthcare services. These reports highlight areas of excellence as well as those requiring improvement, offering clear recommendations to healthcare providers.

Statutory and Legislative Framework

HIW's main functions and responsibilities are underpinned by several pieces of legislation.

¹ [HIW Memorandum of Understanding Between the Welsh Ministers and the Chief Inspector Of Care Inspectorate Wales and the Chief Executive of Healthcare Inspectorate Wales](#)

The [Health and Social Care \(Community Health and Standards\) Act 2003](#) provides the basis for HIW to undertake reviews and investigations of healthcare provided by and for Welsh NHS bodies. This legislation gives HIW the power to enter and inspect NHS premises, and to require information and documentation from NHS bodies. HIW inspects healthcare services provided by and for Welsh NHS bodies and looks at how these services meet the [Health and Care Quality Standards](#), or any other relevant professional standards and guidance that are applicable.

For independent healthcare services, HIW carries out regulation and inspection functions under part 2 of the [Care Standards Act 2000](#) in relation to independent health care in Wales. HIW ensures registered services comply with the [Independent Healthcare \(Wales\) Regulations 2011](#). The broad types of registered services include:

- Private dental practices
- Independent healthcare services:
 - Independent hospitals
 - Independent clinics
 - Independent medical agencies

HIW has a statutory role and responsibility relating to the Mental Health Act, aiming to protect the interests of individuals whose rights are restricted under that Act. Our role includes reviewing the use of the [Mental Health Act 1983](#) and the Mental Health (Wales) Measure 2010 to ensure its proper application on behalf of Welsh Ministers. We verify, through our work, matters such as ensuring that patients are lawfully detained and adequately cared for and that patients are informed about their rights under the Act.

HIW monitors the use of the Deprivation of Liberty Safeguards and works with Care Inspectorate Wales (CIW) to monitor the implementation of the Safeguards by the NHS and registered independent hospitals.

HIW is also responsible for monitoring compliance against the [Ionising Radiation \(Medical Exposure\) Regulations \(IR\(ME\)R\) 2017](#). The regulations are intended to protect patients from hazards associated with ionising radiation. This means that HIW inspects services such as NHS radiotherapy, radiology and nuclear medicine departments and NHS and private dental practices in Wales.

Memorandum of Understanding

The [Memorandum of Understanding \(MoU\)](#) between HIW and the PSOW, was last reviewed and updated in October 2024, and has been in existence between the organisations for over a decade.

The MoU supports the working relationship between the partners by facilitating the efficient, appropriate, and secure communication and sharing of information and intelligence about the safety and quality of healthcare services in Wales.

It outlines the roles and responsibilities of both HIW and the PSOW, emphasising the importance of mutual understanding of each other's duties to ensure that both

parties are aligned and complemented in our combined objective to benefit healthcare recipients.

The MoU is not legally binding but commits both organisations to adhere to its principles, respect each other's activities, and work together to promote improvement in healthcare services.

Partnership Engagement with the PSOW

Underpinned by the MoU, HIW periodically engages with the Ombudsman to discuss strategic issues pertaining to our respective roles and to exchange intelligence and data related to our areas of work.

Further partnership communication occurs as and when required between HIW and the PSOW, with a focus on sharing intelligence on patient safety matters. Regular contact and open sharing of information underpin the working relationship.

Healthcare Summits

The PSOW is a long-standing and essential member of the [Healthcare Summits](#), which HIW hosts on a twice a yearly basis and which provide a platform to enable discussion between audit, inspection, regulation and improvement bodies. The summit provides all members an opportunity to share knowledge and intelligence on the quality of healthcare services provided by NHS Wales.

The PSOW attend these meetings to share the trends and themes arising from the complaints that are escalated to their organisation, at both Health Board level and nationally across the NHS in Wales. They also provide insight into the Health Board's complaints handling process, governance framework, lessons learned practices and engagement in relation to their work with the PSOW.

Furthermore, the PSOW have undertaken specific risk focused reviews, own initiative reports, sharing the outcome of this work at Summits.

HIW and other partners at the Summit use the information shared, along with their own knowledge, to inform their work own programmes and to address areas of concern and/or to identify areas for development.

Collectively the intelligence shared at each Summit is triangulated and high-risk concerns are agreed and used to form the feedback to the Director General - Health and Social Services and NHS Wales Chief Executive and the Chief Executives of the NHS Health Boards.

Concerns about healthcare

HIW's statutory role does not include investigating individual concerns or complaints related to a patient's care and treatment. Even so, the public can report [concerns](#)

[about healthcare services to HIW](#). Information received in this way is recorded and monitored in order to form a picture of the overall quality and safety of health services. For the NHS, we will refer complaints to the formal NHS complaints process, '[Putting Things Right](#)'. The PSOW has a specific role within the Putting Things Right process. Accordingly, when HIW receives complaints from individuals who are dissatisfied with a response they have received from their healthcare provider, we direct them to the PSOW. This includes providing complainants with contact information for the PSOW, such as telephone numbers, website links, and addresses. We ensure that individuals understand the role of the PSOW and how it can assist them in resolving their complaints.

The information we receive from concerns informs our assurance work, including inspections and reviews. For instance, if multiple similar concerns are raised about a health service, it may prompt an unannounced inspection activity or inform decisions about our programme of work. The information can also highlight common concerns across Wales, potentially leading HIW to conduct a review.

When we become aware of concerns or complaints, we may request that the health service provider keeps us informed of their investigation outcomes to ensure that the concern or complaint has been appropriately addressed.

Sharing Intelligence

The PSOW shares its public interest reports with HIW when published. These reports independently review the actions of public healthcare bodies. The summary of these reports is uploaded onto our customer relationship manager database so that the intelligence can be accessed across HIW's different functions.

The issues raised in the PSOW public interest reports form part of the wide evidence base which informs our inspection and review programme and how we effectively use our limited resources to provide assurance. The evidence supports the identification of appropriate settings and services, where patients are at most risk of not receiving good care, to cover as part of our risk-based inspection programme.

Furthermore, HIW's inspectors are made aware of PSOW reports relating to the setting that they are inspecting, to support the identification and prioritisation of areas that may require attention, improvement or assurance that the issues have been addressed.

The PSOW reports can be escalated for discussion at HIW weekly intelligence meetings, which receives a variety of information to identify trends and areas of concern that require immediate attention by HIW.

Conclusion

The insights and recommendations from PSOW's reports and investigations are of great importance to HIW. The role of the two organisations is complementary with each having a shared focus on the quality of health services, albeit through a

different lens. As a result, the collaborative relationship between HIW and PSOW, underpinned by a Memorandum of Understanding, contributes positively to the overall quality and safety of healthcare services in Wales.

Alun Jones

Chief Executive, Healthcare Inspectorate Wales

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