

Calculating Redress Recommendations Factsheet



The Ombudsman can make various recommendations to bodies in his jurisdiction when he upholds complaints against them. He may choose to recommend that financial redress is paid to complainants, but this is not always the case.

Assuming that a decision to uphold a complaint and recommend redress has been made, this Factsheet explains how the Ombudsman calculates the amounts of redress he recommends are paid to complainants.

QUANTIFIABLE LOSS

In an upheld complaint where there is direct evidence that the complainant has suffered a quantifiable loss, e.g. loss of earnings or allowances, the Ombudsman will aim to restore them to the position that they would have been in, if the identified maladministration/service failure had not occurred. He will recommend a redress payment of a quantifiable figure; perhaps a weekly, monthly, or annual figure, multiplied as necessary. For example, the failure to pay an allowance to foster carers of £5 per week for 52 weeks would be calculated as a redress recommendation to the responsible body to pay the complainant £260.

NON-QUANTIFIABLE LOSS

The Ombudsman tries to ensure he takes a consistent approach to the figures he recommends are paid to complainants. Sometimes, the complainant's loss cannot be measured; it could be intangible or a potential loss. He therefore uses a calculation process based on categories, or levels.

There are four categories of redress payments to choose from – known as **Levels 1, 2, 3 and 4** – depending upon the level of injustice suffered by the complainant. The monetary value of each Level is quoted below.

Level 1 £250 – All considerations of redress start with the assumption that the standard rate of payment is appropriate. A percentage of the standard rate may also be used.

Examples – poor complaint handling; missed appointments; failure to return calls.

Level 2 £500 – Certain situations may be considered as more significant than payment at the standard rate would imply.

Examples – unnecessary delay in the provision of treatment; failure to provide appropriate information.

Level 3 £1,000 – Only cases deemed as serious would prompt the consideration of this payment of redress.

Examples – missed diagnosis; poor quality treatment with repercussions for the patient.

Level 4 £2,000 – This rate should be reserved for extremely serious cases.

Example – an avoidable death.

These Levels may be multiplied to reflect the duration of ongoing injustice or the severity of injustice suffered by the complainant.

EXPLAINING OUR CALCULATIONS



The calculation process and Levels used will be explained in PSOW's decisions.

Further information



The Ombudsman has produced his 'Principles for Remedy' guidance, which can be found at www.ombudsman-wales.org.uk.

Also on the above website are examples of other cases that the Ombudsman has determined and the 'Ombudsman's Casebook'.

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

- **phone** 0300 790 0203;
 - **e-mail** ask@ombudsman-wales.org.uk;
 - **visit the website at** www.ombudsman-wales.org.uk;
 - **follow us on Twitter:** @OmbudsmanWales;
 - **write to:** The Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
- 