

## **The Public Services Ombudsman for Wales's Standards in Clinical Care Cases**

The Ombudsman has the power to set his own standard to support decisions on whether there has been service failure in the exercise of clinical judgement or practice in the Wales.

When we are considering complaints about clinical care and treatment, we consider whether the clinical care and treatment have been appropriate. We aim to establish what would have been appropriate care and treatment in the situation complained about and to decide whether the care, treatment or decisions complained about fell short of that.

We will seek to establish what constituted appropriate clinical care and treatment on the facts of the case by reference to a range of material, including relevant standards or guidance, the accounts of the complainant, the clinician or organisation complained about and any other relevant records and information.

Relevant standards or guidance we may consider in health cases include National Institute for Health and Care Excellence (NICE) guidance and guidance endorsed by NICE, clinical pathways, professional regulators' Codes of Practice and guidance, guidance from Royal Colleges, national and local protocols or policies, Welsh Government directives and other relevant guidance.

In deciding whether a standard or guidance was relevant in the situation complained about we will consider factors such as whether it was in place at the time of the events complained about and whether it was applicable to the care and treatment the person received and to the setting in which the care and treatment took place.

We will ask the clinician or organisation complained about to tell us what if any standards or guidance they based their practice on, whether they followed them or departed from them in the situation complained about and why. If there is a relevant standard or guidance and the clinical decisions, actions and judgements do not appear to have been in line with it, we will consider what evidence there may be to explain this. We will reach a decision about whether there has been appropriate clinical care or treatment. In doing so we will consider the explanations of those complained about and balance them against the relevant standards or guidance.

We will also consider the 'Principles of Good Administration and Good Records' insofar as they apply to the clinical context.