

Mr William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee
By email only



8 December 2020

Dear William,

I am writing following the Public Administration and Constitutional Affairs Committee's scrutiny hearing, which I attended alongside PHSO's CEO, Amanda Amroliwala, on 23rd November.

Streamlining data about PHSO's casework and performance

During the hearing, we explained that PHSO is embarking on a review of the data that is published about PHSO's casework and performance. The intention of this review is to streamline and simplify the data we publish so it is easier for external readers to understand.

I welcome any views the Committee may wish to share to inform decisions about what data we publish in future and how this is presented.

As the Committee is aware, we will also be publishing PHSO's casework decisions on our website from the start of the 2021-22 financial year onwards.

PHSO's Annual Report

My Office will review how we present information in PHSO's Annual Report, including the terminology we use to describe different aspects of the casework process. This will make it easier to understand the data in the Annual Report.

As highlighted during the hearing, making these changes may mean, of course, that, in some cases, it is not possible to make direct comparisons with previous Annual Reports. We will seek to make clear what data is comparable in future Annual Reports.

Transparency about PHSO's performance

I explained to the Committee during the hearing that we intend to publish more information about PHSO's performance in future, as part of PHSO's commitment to transparency and value for money. I am considering how best to do this, with advice from PHSO's Audit Committee. This process will conclude at the end of March and I will update you on what we plan to publish, and how frequently, in due course.

Published data about PHSO's casework

The Committee asked for further information regarding the publication of data on the complaints PHSO handles about Government departments and agencies. I



wrote to you on 14 May 2020 to explain that we had removed this information (in relation to the complaints that PHSO handled in 2018-19) from PHSO's website on 28 April, after it was identified that this data erroneously enclosed hidden tables. These tables included a list of complainants' names and some limited information about their complaints. My letter of 14 May set out the steps we took to address this error.

On 10 November 2020, we re-published [information about the complaints PHSO received about Government departments in 2018-19](#).

MPs' involvement in mediation

During the hearing, the Committee asked a number of questions about PHSO's use of mediation to resolve complaints to the satisfaction of both complainants and the organisations complained about.

In particular, Mr Russell-Moyle asked whether MPs could be more closely involved in the mediation of any complaints they refer to PHSO. I would welcome the Committee's perspectives on how MPs and their offices may wish to participate in mediation so we can consider how this fits with the model that we currently use. For instance, would Committee members see MPs' offices' role as supporting their constituents through the mediation process, or would MPs' offices wish to participate actively in mediation meetings where this may be relevant?

This is an area we would be happy to explore with Parliament as part of the next Comprehensive Spending Review (CSR) process to see how the training we are developing for our own staff could be extended to MPs' offices. This may indeed fit within the scope of the Academy of Learning Project that we had hoped to begin next year, but in light of the constraints imposed by HM Treasury for 2021-22, will instead be revisiting as part of our plans for the next 3-year CSR, assuming that proceeds next year as the Government has indicated.

In the interim, we are developing a number of resources to share some of the key techniques and approaches used in mediation with casework staff more widely. While most of these resources are specific to PHSO's casework process, we could explore the possibility of making the relevant elements of these resources available to MPs and their staff in future. This may also depend on the Committee's views on MPs' offices' potential role in mediation.

PHSO's next Corporate Strategy

In relation to this point, I note that the topic of PHSO's future plans and strategy was not explored at the scrutiny hearing. I will write to you again in January, following the next PHSO Board meeting, to update the Committee on PHSO's plans for 2021-22 in light of the one-year funding settlement from Government.

Ongoing impact of COVID-19

PHSO responded promptly as the COVID-19 crisis emerged in March 2020, moving rapidly to a remote working model and pausing consideration of health complaints to allow NHS staff to focus on responding to the pandemic. However, like many other services, PHSO continues to face challenges as a result of the impact of the pandemic. For example, my Office is seeing delays in how promptly organisations can provide the information we need to progress complaints at different stages of PHSO's process, as public services focus resources on their response to the pandemic. This is especially true for NHS organisations, and this in turn affects the speed at which PHSO's caseworkers can progress complaints about the NHS, which comprise the great majority of complaints we handle.

There are also practical challenges associated with the new ways of working PHSO has had to adopt. For instance, when caseworkers are working remotely, they cannot access large paper files as quickly or as easily. We have also had to make rapid changes to the way we induct and train new caseworkers and the ongoing professional development and support offered to casework teams, as these opportunities were previously delivered face-to-face.

We continue to provide a full service to complainants despite these challenges, but there is an ongoing impact on PHSO's ability to deliver timely casework at the current time.

Looking ahead, early indications from advocacy groups, NHS organisation and Government departments suggest that there is likely to be an increase in the number of complaints PHSO receives over the next period, although the timing of when they will reach PHSO's service remains uncertain. It is also likely a number of these cases will bring added complexity as we continue balance the demands placed on staff in the NHS and public services during the pandemic with the essential requirement to provide an effective service.

As PHSO is the last step in the complaints process, the full extent of any increase in demand may not be seen for 12-18 months. We will continue to monitor the volume of incoming complaints closely and we will update the Committee during the next scrutiny inquiry.

Yours sincerely,

Rob Behrens

Rob Behrens CBE
Ombudsman and Chair
Parliamentary and Health Service Ombudsman