

Dear Simon Hoare and members of PACAC,

On 24th March, the committee called Paula Sussex, Ombudsman and Rebecca Hilsenrath CEO as witnesses when scrutinising the work of the Parliamentary and Health Service Ombudsman (PHSO).

This was the first PHSO scrutiny session for you as Chair and for the new committee. We have been Ombudsman watchers since 2013 and have attended many scrutiny sessions. Unfortunately, many of us were unable to attend on this occasion due to the late notification, but we were able to watch the event via Parliament TV and read the transcript.

On a number of occasions, the committee were misled by the responses of the witnesses and we feel that it is important to put the record straight.

Q9 Lauren Edwards: *"Do you think you are getting the balance right at the moment between supporting organisations to foster a more positive complaints culture while ensuring that you are perceived by the complainants to be properly independent of the organisations you are investigating?"*

Paula Sussex: *"Yes. The statistics will underpin that because we uphold or partly uphold around 60%. That does not indicate any bias towards the organisations."*

The Ombudsman should have made clear that the 60% uphold rate applies only to cases which have received a 'detailed investigation'. A decision made earlier in the process is simply a decision to continue with the case or dismiss it.

On page 35 of the 2024/2025 Annual Report, we can see that only 722 cases received a detailed investigation. That's less than 2% of all the complaint decisions made that year. So, 60% of 2% were

upheld, meaning that over 98% did not receive an upheld decision. Knowing that there is only a 2% chance that PHSO will investigate and an even smaller chance that the complaint will be upheld gives the public bodies something of a green light when it comes to maladministration. Also, a 98% v 2% balance in favour of the public bodies does look very much like bias, as confirmed by the many negative reviews on Trustpilot.

Decisions made

We made 37,454 decisions on complaints.

Stages in the complaints process

Decisions made at each stage in the complaints process	2020-21	2021-22	2022-23	2023-24	2024-25
Decided following initial checks	18,689	29,213	27,492	28,075	28,311
Resolved by mediation	14	29	74	72	58
Decided following primary investigation	3,864	6,760	7,484	8,140	8,363
Decided following detailed investigation	557	612	612	695	722
Total complaint decisions	23,124	36,614	35,662	36,982	37,454

Q21 Luke Taylor: *"We have heard concerns about the PHSO's review and feedback process. I am sure that many of us, as constituency MPs, have had residents come to us. My particular interest in this was from a conversation I had on a casework call with residents in my constituency. The problem revolved around the PHSO essentially marking its own homework. Do you see a problem with the fact that the only way of raising concerns about a decision or the PHSO's service is through the very caseworker who issued the decision, or delivered the service, or their manager?"*

Paula Sussex: *"I am slightly puzzled by the perception that there is no route to escalate, so I will go through what we do as regards my assurance team. Those complaints about our decision or the handling of the case come in directly to me and they often come in to Rebecca as well."*

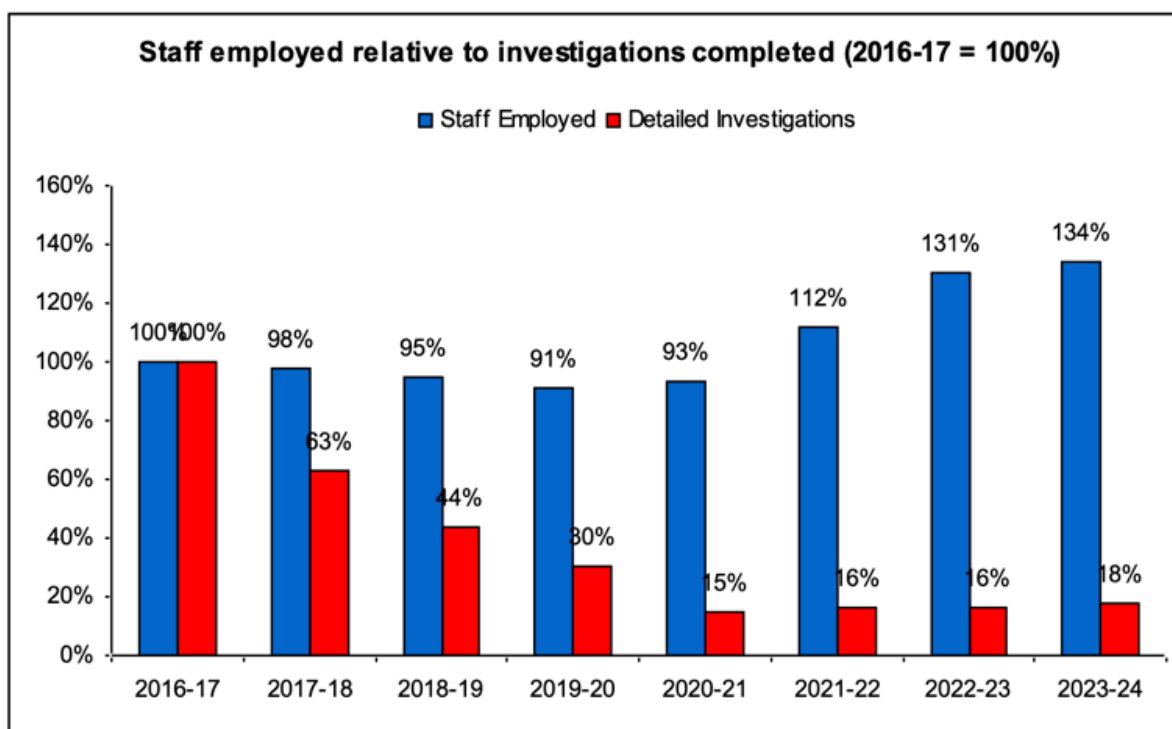
"It is really important that they can come through to my email address, which seems to be a fairly frequent route."

On your own website, you have a statement that PACAC receives a high volume of complaints concerning PHSO. People come to you because they have been unable to escalate their complaint past the caseworker they are complaining about or their line manager. Luke Taylor's description of 'marking their own homework' was spot on. We were sent correspondence from a complainant who was trying to escalate his complaint to senior management and received the following response.

Finally, despite you initially respecting this, I see you have again copied in or contacted senior staff despite my requests on 15 May and 24 April that you not do so. I previously advised you that if this continued, we would consider restricting your communication with us. This is because we must use our resources, including employee time, effectively to deliver value for money to the public. This might mean that we cannot respond to every complaint or issue in the way you would like. Senior staff have busy diaries and receive a level of contact that means they are unable to respond to everything personally. In your case they have delegated responsibility for responding to you to myself and others at PHSO.

It is laughable to suggest that Paula Sussex's inbox is open to complainants. She would do nothing more than deal with the many angry complainants who have been mistreated and let down. Again, the evidence is available on Trustpilot and via MP's first-hand experience. Where PHSO get their high satisfaction data from has always been a mystery. But the fact that the scores don't change, regardless of policy initiatives, tells its own story.

Finally, there was much talk about 'wanting to do more' but being short of staff or short of funds. The committee should be aware that currently the PHSO employs more staff than at any other time in a decade. It would appear that the staff spend most of their time defending their decision not to investigate or not to uphold and PACAC should determine whether this is a good use of resources.



We hope that this information is useful and will be shared with the full committee. Perhaps you will publish it alongside other written evidence on your website? In 2016, members of PHSOtheFACTS gave evidence to PACAC and we would be happy to do so again if the committee wish to hear a different perspective as part of their scrutiny of the Ombudsman.

Yours sincerely,

Della Reynolds
Coordinator
PHSOtheFACTS

Sent via email on 7.4.26

Sent by post on 20.4.26