

From the Ombudsman **Robert Behrens CBE**

William Wragg MP

Chair, Public Administration and Constitutional Affairs Committee



**Parliamentary
and Health Service
Ombudsman**

Sent by email

31 August 2021

Dear William,

I hope you have had a restful summer.

At our most recent meeting in June, I informed you that I had written to the European Commission for Democracy through Law (Venice Commission) to seek their opinion on whether provisions in the Health and Care Bill to prohibit PHSO from accessing information held in 'safe space' by HSSIB contravenes the international standards set out by the Council of Europe's ***Venice Principles on the Protection and Promotion of the Ombudsman Institution***. The Commission is an advisory body of the Council of Europe, comprised of independent experts in the field of constitutional law. ***The Venice Principles*** have recently been adopted with UK support and endorsement by the United Nations General Assembly.

I am pleased to report that the Commission has agreed to examine the proposed legislation in light of international standards in this field. To inform this process, the group of appointed rapporteurs will meet relevant authorities and all those interested in the opinion to gain a better understanding of the context before presenting their findings to the Commission.

I am writing to give advance notice that the Commission will be seeking the Committee's view. They also plan to speak to Rt Hon Sajid Javid MP, the Secretary of State for Health and Social Care, and Keith Conradi, Chief Investigator of HSIB. I have been invited to meet the rapporteurs on 6 September.

I would like to thank you for raising the concerns of my Office on safe space with the Secretary of State for Health and Social Care. I appreciate his clarification of the Government's position, though not his general stance on PHSO and safe space.

Finally, following helpful logistical exchanges, I look forward to engaging with the Committee in the autumn.

Yours sincerely,

Rob Behrens

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Parliamentary and Health Service Ombudsman



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