

Mr William Wragg
House of Commons
London
SW1A 0AA



Sent by email

23 March 2020

Dear William,

I am writing to give you an update on the impact that the pandemic is having on PHSO's service and how we are responding.

Despite previously being a predominantly office-based service, we have mobilised technology quickly to enable the vast majority (82 per cent) of staff to now work from home, including all of our public enquiry line call handlers. We expect to add further to those able to work from home this week, moving quickly towards 100 per cent

However, it is becoming increasingly clear that the pressures on the NHS in dealing with the pandemic will impede our ability to operate as normal. NHS Trusts are telling us they are losing capacity to progress complaints because clinicians are under extreme pressure dealing with the emergency and that complaints staff are being deployed instead to front line support roles e.g. bereavement counselling.

We have considered carefully how we respond to this. We put matters to the PHSO unified Board last Thursday. We explained that in these difficult and unprecedented times, we do not want to add any further pressure into the system or risk diverting precious NHS resource away from dealing with the pandemic. To support the national response, and with the full support of our Board, we have therefore made the difficult decision to cease accepting new complaints about the NHS *for the time being*. We will also pause existing complaints about the NHS until further notice. We intend to make this decision public on Thursday [this week].

Our phone lines will remain open to the public during this time and we will continue to accept and progress complaints about Government departments and other public bodies where we are able to do so. We will also continue to provide advice about the complaint process and signpost people to organisations that can help. We consider this an important public service, and demonstrates a balanced approach, even if we do not accept new health complaints for the next few months.



Millbank Tower
Millbank
London SW1P 4QP

Telephone: 0300 061 4308

Email: Rob.Behrens@ombudsman.org.uk

www.ombudsman.org.uk

We will be informing staff of our decision in the next 48 hours and will ensure that they have other meaningful work to do. This may include not only continuing professional development but also supporting the wider response efforts nationally as well as locally. This situation will be kept under regular review and NHS complaints consideration will recommence as soon as the health system is able to provide responses to pre-pandemic issues.

I hope this is helpful. Please let me know if you would like to discuss any aspect of our emergency plan. I will of course update you as events unfold.

Yours sincerely,

Rob Behrens

A horizontal line drawn across the page, likely representing a signature or a separator.

Rob Behrens CBE
Ombudsman and Chair
Parliamentary and Health Service Ombudsman



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Rob Behrens CBE
Ombudsman and Chair
Parliamentary and Health Service Ombudsman
By email

31st March 2020

Thank you for your letter dated 23 March 2020 on the steps the PHSO is taking in response to the coronavirus. I agree it is sensible not to burden the NHS while it is dealing with the coronavirus pandemic. I would be grateful to receive clarification on the following points:

- For how long do you propose not to accept new NHS cases?
- What do you plan to do in the short term with ongoing investigations involving the NHS?
- What plans do you have to help ensure there is not a large backlog of cases when you reopen NHS complaints?

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee
(approved by the Chair remotely)

From the Ombudsman **Robert Behrens CBE**

Mr William Wragg MP
Public Administration and Constitutional Affairs Committee
House of Commons
London
SW1A 0AA



By Email only

6 April 2020

Dear William

Thank you for your letter dated 31 March 2020, in reply to my own letter to you and following the announcement to pause most of PHSO's work on complaints about the NHS in England. You asked a number of follow-up questions. I have set out my response to each of these questions below.

For how long does PHSO propose not to accept new NHS cases?

I plan to resume our consideration of health service complaints as soon as realistically possible. We will keep the situation under close review and on a weekly basis.

We will take into account the pressure on the NHS as a result of the COVID19 pandemic. We will also consider the ability of NHS complaints teams to provide the information required for us to progress complaints, as some teams have been moved temporarily into other roles to help with the COVID19 response.

In addition, since my previous letter, NHS England and Improvement have issued guidance to NHS organisations advising them to pause most complaints for three months to allow health care providers to concentrate their efforts on the front-line response to COVID19.

What does PHSO plan to do in the short term with ongoing investigations involving the NHS?

We will continue to progress health cases up to the point we need to get clinical advice or contact an NHS organisation.

This means we will continue to work on some complaints about the NHS. For example, if we have already received all the evidence available to us about a complaint, we can continue to examine this evidence and reach a provisional view about whether failings occurred.

PHSO's caseworkers are currently reviewing the health complaints they are working on to identify which cases we can continue to progress and which we will need to pause. We are contacting complainants over the coming days to let them know what will happen to their complaint and why.



Millbank Tower
Millbank
London SW1P 4QP

Telephone: 0300 061 4308

Email: Rob.Behrens@ombudsman.org.uk

www.ombudsman.org.uk

What plans does PHSO have to help ensure there is not a large backlog of cases when you reopen NHS complaints?

We are currently progressing as much of our existing casework as far as we can, to reduce the number of outstanding complaints as much as possible. However, as we are unable to progress casework that involves contacting NHS organisations - and we are increasingly finding that there are challenges in progressing parliamentary complaints too - we know that we will have outstanding work to progress once we restart work on complaints.

During this period, we will consider further what we can do to reduce the backlog of incoming complaints when the crisis diminishes. We have work planned in the coming weeks to model different volume scenarios, one of which might be that we receive fewer complaints about more minor issues about the NHS. There was already some evidence in the week before we paused our service of people choosing to withdraw more minor complaints in recognition of the pressures on the NHS. Once we have the results of the modelling, we will have a clearer idea of the resources we will need or any changes in approach that we might need to take to address any backlog. I will keep you updated on our thinking as it develops on this issue over the coming weeks.

Yours sincerely

Rob Behrens

A horizontal line drawn across the page, likely representing a signature or a separator.

Rob Behrens CBE
Ombudsman and Chair
Parliamentary and Health Service Ombudsman