

Written evidence from Maureen Rudley (PHS34)

Public Administration and Constitutional Affairs Committee Parliamentary and Health Service Ombudsman Scrutiny 2021-22

It is my belief that the PHSO is not fit for purpose and that, rather than being of assistance it actually causes further extreme distress and harm to the complainant.

My complaint of negligence at an NHS hospital was taken to the PHSO, after the death of my husband when it was clear that the Trust involved were denying the events and what actually occurred, which, in my opinion, was a cover up. The PHSO accepted the case but rather than assist in the matter, they immediately showed a preference for statements made by the Trust, the subject of my complaint. The situation quickly became quite stressful and difficult as the investigator was reluctant to investigate and I spent a great deal of time and effort in attempting to do the work for him. This is not what is expected of an organisation which is set up to help the public in times of real distress.

The caseworker had no medical knowledge or experience, did not accept my evidence, did not question the evidence given by the Trust, he simply relied on the version by the Trust without further investigation. He did not give full and adequate medical information to the expert witnesses to enable them to give an accurate opinion, and took a year to finalise a report which supported only a small part of the complaint, the part that the Trust had already accepted as fact, a delay. A further complaint, therefore, was sent to the Ombudsman himself regarding the inaccuracies within the final report, the copying of the Trust's fabrications, and the lack of proper investigation by the caseworker. A review was commenced due to the acceptance that the investigation had not been thorough and that greater care should have been taken. My distress at the PHSO's handling of my case was noted. The review was an improvement but the same reluctance to find fault with the Trust, despite the evidence being very clear, was evident. The review, however, did expose the proof of a significant incident, the consequences of the delay already acknowledged, crucial to my complaint, and which had always been evident in the medical notes, and worryingly missed during the first investigation. The expert witness for both the first investigation and the review were the same person who was supposedly in possession of all medical files throughout but there was no explanation as to how this crucial piece of evidence was either missed or ignored initially. However, despite this significant piece of evidence being found in the review, evidence which was proof that my complaint was valid, especially due to the Trust's constant denial of the event, it was purely mentioned in the review but obviously not properly considered as the end result, the conclusion, was not materially changed. The review did not adequately right the wrongs of the first report, despite the apology that it had not been thorough, and gave a conclusion which was completely at odds with the evidence of negligence belatedly found. This ineffectual review report allowed the Trust to declare that the Ombudsman's report was in their favour, despite evidence of a massive failing, an incident which is accepted as life threatening in any medical situation. Indeed, the seriousness of the situation was played down throughout in favour of the Trust.

It is my opinion that the PHSO is not fit for purpose. I found the caseworkers lacking in their understanding, and in their investigative skills. Their lack of communication, the constant e-mails with a response of 'on leave' were frustrating. The time taken from start to finish in my case is totally unacceptable, over three years, which also benefits the Trust due to the time limit of three years to bring such a matter to Court. My case was, and still is serious, it is now proven enough with expert advice to bring to Court, with the only present obstacle being the time limit. The Trust have very recently, for the first time, confirmed the negligence via their lawyer, very probably safe in the knowledge that it will be difficult now to act upon it. They have also confirmed that the evidence was at all times in the medical files. I find this alarming. Obviously, the Trust should tell the truth in the first place, but if such a serious case is brought to the PHSO and they fail to identify a significant episode, the major part of the complaint they are alerted to, then I fail to see the usefulness of such an organisation. Their preference to believe the Trust, which is stated within the report, I believe is insulting and demoralising.

My dealings with the PHSO have caused immense stress, a great deal of time and energy and have so far prevented me from achieving closure on the distress of losing a husband in such circumstances. The Trust's untruths and the PHSO's lack of professionalism have resulted in my case being out of time, unless a way around this problem is found. This cannot be considered a fair outcome. The PHSO is not fit for purpose and public money should not be allocated to a questionable organisation which prefers the version of events given by the subject of the complaint rather than the complainant.

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