

Written evidence from Christine Mullen (PHS 24)

Public Administration and Constitutional Affairs Committee Parliamentary and Health Service Ombudsman Scrutiny 2019-20 inquiry

In October 2017, as a result of Mr Behrens appointment promise to work with members of PHSOtheFACTS, Mrs Christine Mullen (and others) were invited to a seminar with Mr Behrens and his team. We were all optimistic that under new leadership we would be provided with justice and closure for historic complaints which had been badly handled under the previous administration. (An administration which Mr Behrens accepted had 'lost its way'.)

Mrs Christine Mullen made her own way from Scotland to present her case to the Ombudsman and was assured that he would personally investigate her complaint regarding the DWP and a failure to pay her awarded damages for her recognised industrial injury as secured by a Judicial Review in her favour at the Edinburgh Court of Session in December 2001.

Since that meeting, Mrs Mullen has continued to pursue this matter, but she has received no satisfactory outcome from Mr Behrens, who is now refusing to communicate further. She has enclosed conclusive evidence that the decision in 2011 to time bar her investigation was flawed. This decision erroneously stated that she did not contact her MP until 2010, two years after her knowledge that the DWP had acted with maladministration towards her. Mrs Mullen provided Mr Behrens and staff at PHSO with copious evidence that she was in touch with her MP from 2007. Despite receiving this evidence in full, Mr Behrens re-stated the earlier decision that her case was time-barred. Did he even look at the evidence and if so, why did he dismiss such a wealth of supporting evidence, as presented here to the PACAC committee?

We are hoping that you will appreciate that this example of injustice is a window into the way in which those in authority are able to act with maladministration with the assistance of the Ombudsman, whose silence on the matter makes his office complicit in the act.

You are the last hope for justice and remedy for a woman who has fought for industrial injury benefit not just for herself but for others who have life-changing injuries from inappropriate safety measure whilst working in care. Ms Mullen fought and won a Judicial Review on this issue – she has the law on her side – but no official body will carry out the judgment of the court on her behalf.

Evidence timeline:

1. March 2011: Following a decision by PHSO under Dame Julie Mellor not to investigate her complaint against the DWP on the basis of a 'time bar' Mrs Mullen receives confirmation that a review of this decision will be undertaken by Carole Auchterlonie.
2. May 2011: Correspondence from PHSO states that the reason for the time bar is because Ms Mullen did not approach her MP prior to August 2010 when the events should have been reported from October 2008.
3. June 2011: Mrs Mullen confirms that she has supplied evidence to PHSO that her MP, Thomas McAvoy, was involved from June 2007, so the premise for the time bar is

false. She asks for the time bar be waived so that she can have a full investigation of her complaint.

4. December 2011: PHSO refuses to engage with regard to the evidence of involvement of her MP continuously since 2007 and ceases contact with Mrs Mullen.

The following evidence was supplied to PHSO in 2011 and again in 2017

5. June 2007: Letter from Lesley Strathie, Job Centre Plus, DWP to Thomas McAvoy MP confirming his involvement in supporting Mrs Mullen with her complaint.
5a. Page 2 of the same correspondence states that two doctors examined Mrs Mullen with regard to her industrial injury on 28th May 2002. Mrs Mullen has evidence which confirms that only one doctor examined her and that doctor (Dr Schrieber) refused to sign the final report stating that Mrs Mullen was assessed at just 4%, which is significantly lower than the threshold of 14%. This medical report was used to block her receipt of industrial injury payment, even though she had been awarded £50 a week by the high court of Scotland.
6. Aug 2007: Correspondence between Mrs Mullen and her MP Thomas McAvoy demonstrating his involvement in her case.
7. Sept 2007: Evidence that her MP Thomas McAvoy was involved in her complaint in the form of a letter from his office.
8. Sept 2007: Letter from Mrs Mullen to Mr McGonigle, Job Centre Plus attempting to correct errors where the office is in contempt of an agreed court finding from December 2001. This letter confirms that all correspondence should be sent also to her MP, Thomas McAvoy.
9. October 2007: Further correspondence between Mrs Mullen and Lesley Strathie, Job Centre Plus which confirms the involvement of her MP, Thomas McAvoy and her option to approach ICE via her MP.
10. April 2007: Confirmation that Mrs Mullen won a unanimous decision at Edinburgh Court of Session on 7th December 2001 which changed the law regarding industrial injury. The court awarded her benefits, but no official body has ever ratified this legal agreement and benefits have been denied to this day.
11. November 2007: Letter to Lesley Strathie, Job Centre Plus confirms that the doctor who examined her, Dr Schrieber refused to put her signature on the report confirming just 4% disability level. At this time Mrs Mullen believed that this report was signed by Dr Mulford, a doctor who had not examined her. However, she later discovered, in a telephone conversation with Tony Middleton, an officer at the DWP, that he has signed the report using Dr Mulford's name without her permission, which is an act of fraud. There is also confirmation that the report took 14 months to finalise when it would normally take just 4 – 6 weeks. The questions which needed urgent investigation by the Ombudsman were; why neither Dr Schrieber nor Dr Mulford would sign off the report, what happened during the long delay, and why a DWP caseworker signed a medical report which could officially be signed only by a doctor?
12. August 2016: Mrs Mullen reports the DWP caseworker's fraudulent signature to the MET Police under the law of Misconduct in Public Office.
13. February 2018: Correspondence between Mrs Mullen and PHSO which confirms that following the seminar Mr Behrens stated he would personally investigate her case. This correspondence confirms that the evidence of fraud and the false assumption regarding the time bar has been provided to Mr Behrens and PHSO.
14. April 2018: Despite witness of the evidence, presented here, that the time bar was used erroneously, Mr Behrens reiterates the same false claim that Mrs Mullen did not

raise her complaint with her MP in time (taking nearly two years) and therefore PHSO are prevented by law from investigating her complaint. Why has he ignored the evidence?

15. June 2018: Mrs Mullen re-confirms her evidence in correspondence with Mr Behrens, including an updated letter from her previous MP, now Lord McAvoy confirming his involvement throughout until August 2010, when he was elevated to the House of Lords.
16. July 2018: Further correspondence from Mrs Mullen to Mr Behrens confirming the evidence of fraud and that the time bar was used erroneously to prevent the examination of her complaint.
17. March 2019: Further letter from Mrs Mullen to Mr Behrens confirming the evidence which has been supplied in support of her case to himself, to Carole Aucherlonie back in 2011 and to Bernard Jenkin, Chair of PACAC.
18. June 2019: Correspondence from Mrs Mullen to Mr Behrens confirms that he has refused to acknowledge further correspondence even though he closed his review of her case using the same false premise as before and one which has been clearly shown to be erroneous.

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