

## Written evidence from Philip Butcher (PHO 10)

### Public Administration and Constitutional Affairs Committee Parliamentary and Health Service Ombudsman Scrutiny 2020-21 inquiry

After 4 months of NHS investigation without positive result other than an apology, my complaint was accepted at Stage 1 of the PHSO process on 4<sup>th</sup> April – although I was told that 75% fail to progress beyond this point. It was then passed to a caseworker for consideration at Stage 2.

My sole purpose in pursuing this issue was to try to prevent what happened to me happening to someone else. There is no question of any financial compensation being sought and communication between all parties has been conducted in good faith and in a courteous manner throughout.

All the criteria for the investigation to proceed were met but a new financially based ‘scale of injustice’ was apparently introduced at some time between the 4<sup>th</sup> April and the 4<sup>th</sup> August. This last date was their next contact with me via a phone call when ‘triage’ was given as the sole reason for their decision not to investigate. My complaint was apparently assessed as ‘low status’ because of the likely compensation value if upheld, despite the fact that the dangerous procedures at the hospital concerned remain unchanged and could easily lead to the death of another patient if they are not lucky enough (as I was) to find a different technician who is prepared to ignore the current procedures.

Most of the caseworker’s single phone call to me was taken up with an account of his own difficulties in coping with a formerly huge caseload as one of only two investigators in the Manchester HQ and now how difficult it was to explain to the many people like myself that their complaints, after meeting the necessary criteria, would simply not be looked into at all.

I believe it was inevitable that a large waiting list would build up with such a limited staff resource available to deliver the PHSO service and these new arrangements are transparently a way of relieving the pressure on the organisation. They are followed at the cost of failing in their statutory duty provide a fair remedy for thousands of complainants. Other similar bodies such as the FCA have continued their service without such significant reductions in service to users and indeed make it clear [in their current guidance](#) (please see the extract copied below) what they expect from all organisations in very difficult times for everybody – patients as well as trusts are equally affected.

*“More generally, we expect firms to:*

- *Have sufficiently robust systems and controls to continue to operate effectively in a stressed situation with business continuity plans to manage this.*
- *Act fairly, honestly and professionally in accordance with the best interests of customers.*
- *Ensure that all customer communications are clear, fair and not misleading.*

- *Firms should consider, along with other challenges, the impact of staff absences and the need to ensure staff wellbeing on continuity of service.*
- *Firms must identify how staff absence or inability to use business premises can be sufficiently mitigated to ensure critical services are provided to customers. Where firms identify gaps through their planning that will, or could, cause harm to customers, they should notify the FCA through their usual supervisory contact.”*

I believe the PHSO has fallen far short of the expectations outlined by the FCA above.

In summary, my experience of its revised case handling system is very negative. Procedures are still in place at Wythenshawe hospital that could conceivably cost someone their life if not improved.

If they are improved it will be without any input from the Ombudsman. I was informed on the 4<sup>th</sup> April my case was passed to a stage 2 caseworker and their attached leaflet at that time showed all the requirements for it to be investigated had been met. Their next communication was 4 months later in a phone call saying that was no longer the case and a new process meant my complaint was now assessed as of low importance and would not be investigated at all. My request for an online copy of the decision to pass my MP was ignored (twice).

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