

Written evidence from Brenda Prentice (PHO 16)

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

My name is Brenda Prentice and I have brought my witness statements and evidence to PACAC for over 10 years now. I appreciate you are looking back for only five years but all the years seem the same after all this time. Any changes are never good for complainants. Simply tinkering with locations and systems does not improve outcomes.

My complaint is that PHSO found my son's death was avoidable but, like so many other complaints before ours, and after, did nothing about it. This leaves the same errors to occur again and again. I've been told if the Ombudsman makes a recommendation, (he has apparently no power of enforcement), organisations will be foolish not to follow them.... I can say from experience, if organisations choose not to follow PHSO recommendations, they don't and there is nothing that can be done about it.. I do appreciate that your committee does not look at individual cases but I use my son's case as an example.

Ombudsman decisions make very little impact on organisations.

Is ignoring wrongdoing like that of my son's care a deliberate way of reducing the population, like for example, when care homes were left unprotected at the start of Covid. Many people think so.

Over the time I've been bringing evidence to PACAC, I have not seen any improvement in standards or service to the public.

The main concern for me is that there is no improvement in the appeal system.

Any appeal is not judged on what any normal person might expect, that is, a look at the decision; no it is a question of was the laid down process followed. If it was, then the decision must be right!!!!

That is perverse; particularly when staff take expert evidence from the wrong discipline of expert! That won't make any difference to an appeal as they did take expert advice!!!!!! They followed the policy of taking expert advice!!!!!! Even though it was wrong. This was my experience and I know I am not alone in that.

Staff training has not addressed this issue.

Over time the Ombudsman and staff change which brings a new fresh approach to the process. I myself have dealt with three Ombudsman now. We, the members of the public, are left to start all over again to try to educate new staff into what the problems are. Tired and exhausted, we can't refresh, we try to go on looking for justice which never comes.

Asking for help from PHSO various committees is fruitless.

When we tell the truth the present Ombudsman simply will have nothing to do with us, refusing any contact. Simply throwing his toys out of the pram will solve nothing! This is

documented in the book 'What's the Point of the Ombudsman'. Mr Behrens clearly reads the blog and uses it when it is useful.

The Venice Commission is the advisory body on constitutional matters to the Council of Europe, of which the UK is a full member. The Opinion is attached and will repay very careful reading. It sets out in detail the breach of the Venice Principles.

- *The requirement that the Ombudsman must now apply to the High Court to seek access to the 'safe space' is a clear reduction in the powers of the Ombudsman which (until now) has itself had the powers of the High Court to require attendance of witnesses and examine both witnesses and documents. Given that Coroners are to be allowed into the safe space, the exclusion of the Ombudsman has the potential to undermine **public trust** in the Ombudsman scheme which acts as a last resort in articulating citizen rights*

Please note. The public who have used the Ombudsman Service has **NO TRUST** in the Ombudsman service. A 2% uphold in cases is not justice.

Value for money...if the present Ombudsman is there to protect the 'status quo' he is excellent value for money. For those who came to him for a fair and open complaints process, there is no value for our tax money.

The Ombudsman does NOT answer to PACA for its administration, there is so much past evidence for that, I can't repeat it all again.

The Ombudsman is NOT answerable to the Court for its decisions. JR's and court proceedings are out of the financial reach of ordinary people.

We, the public, are at the mercy of the clerks of the committee who organise what happens or does not happen in your committee. They are not always sympathetic to the public. On occasions there are ones who treat us fairly but most of them are quickly moved on.

Bernard Jenkin promised much but delivered little. Will the next chair have more concern for fair, open and transparent justice? Simply laying reports in front of the government does nothing.

Many people better educated than I am have submitted evidence in a more formal way, but it seems none of us have managed to get the change needed to stop this sham perpetrated on the public, at public expense.

After ten years I have given up expecting any justice in this supposed democracy!

October 2021