



Parliamentary
and Health Service
Ombudsman

Casework File Structure & Audit Trail PHSO Guidance

Andrew Medlock

Objectives

1. A better understanding of how PHSO organises its casework files
2. Understanding the principles behind the need for a careful audit trail
3. Knowledge of what information needs to be kept where
4. How and why we synchronize the physical and electronic files of a complaint

So why do we need keep our files in good working order?

- So the next person who picks up the file can see clearly what has happened
- Keeping a track on sensitive or confidential information
- We have a clear audit trail of what we have considered, when we considered it and how it may have affected our decision
- Ensuring we able to comply with our DPA, FOI and other legal responsibilities (Kay Judgment)



Most importantly...

We reflect our own Principles of Good Administration...

“Public bodies should create and maintain reliable and usable records as evidence of their activities. They should manage records in line with recognised standards to ensure that they can be retrieved and that they are kept for as long as there is a statutory duty or business need.”

If we expect others to do this, we must be exemplar in return...

Material evidence

- Judicial Review (Kay) set out expectation that PHSO would disclose to external parties the evidence we considered (and relied upon) to come to a decision
- Not just evidence that supports the decision, but also evidence that may also go against
- Key thing to remember is to make a clear and careful note of the evidence you have considered
- We are looking to disclose more through our decisions but also looking at enclosing evidence along with our decisions.

Our (current) two-file structure

Why two files? Because we receive much of our information (from complainants/bodies) in hard copy, but we conduct our work electronically

- Visual Files - electronic record of what we have done on a complaint. Must have full history and be up to date
- Physical File - ‘hard copy’ store for all evidence we receive on a complaint and the key actions/correspondence we produce

Although VF is the ‘main’ record, most of our work is done via use of the physical file.

The PHSO Complaint File

- White Folder - Health Service Ombudsman Complaint
- Blue Folder - Parliamentary Ombudsman Complaint
- Red Folder - (used in Review Team)

Ordering of physical file

- The physical File should mirror VF and be in 'History Item' order (i.e. order actions were created on VisualFiles).
- Files are not arranged in chronological order but rather the date of when PHSO received information and what PHSO then did next.

So, what needs to be kept on the physical file?

- All the 'evidence' we receive from a complainant/organisation
- Everything we have 'relied upon' in reaching a final decision
- For assessors that will normally include:
 - Complaint form;
 - Evidence we have got from complainant or organisation
 - Research/clinical advice taken
 - Assessment form, record of decision and decision letters (final/latest draft)
 - Notes of key casework discussions (eg panel notes - but can include other important discussions)
 - Key correspondence to and from PHSO

How the complaint file is divided

- divided into: Preliminary Assessment; Further Assessment; Assessment Evidence; Investigation; Post Decision & review.
- Case Work Policy and Guidance contains the guidance for what should be kept in each section.
- Information and evidence in the core file should be kept in the order we received or created it.
- Contains a list of must dos and don'ts

Further Assessment divider

Everything you do will go in here!

‘Assessment Evidence’ divider

- Remember what we said about ‘material evidence’?
- This is the key divider for assessors to identify and store material evidence
- Must include the assessment form as a matter of course. But should also link to the actual evidence (e.g. clinical advice, other key documents you’ve considered etc)
- In the main, assessors identify the evidence and then this is ‘scanned’ into VF - more secure that way

Investigation Divider

- Very similar to assessments - a record of what happens during an investigation!
- Currently, evidence from assessments can move over to the investigation tab (or be put into an evidence file (see next) but only if the 'Assessment Evidence' is secure

Post decision & review divider

- Does what it says: any correspondence that comes into PHSO once the following has occurred:
 - We have issued a final decision not to investigate the complaint
 - We have issued a final investigation report
- Any complaint or dissatisfaction with the decision made needs to be contained in this section.

Other ways of organising a file

“The Evidence file”

- Not really used in assessments. Used in investigations to deal with large numbers of papers.
- Not really good Records Management (unless you number/paginate all the documents)
- As with Assessment Evidence, this file must identify all of the evidence taken into account & relied on when reaching a decision.

Who is responsible for upkeep of a file in this way?

- The “Case Owner” is responsible at all times.
This is a reference to VisualFiles - basically the person assessing/investigating the complaint.



- One of the ‘must dos’ is to return a file to the previous holder if the file has not been properly maintained.
- “file holder” will be expected to ensure that what they do on a case is stored correctly on the file and VisualFiles

When new information comes in

- i.e: Letters, emails, faxes.
- Record it on VisualFiles: “Incoming Correspondence (with a brief description if received by a caseworker)”: that will produce a unique History Item number
- For non-electronic items place the paper copy on the file and record the HI number on the correspondence

What do we mean by Quality Assurance?

- Casework is checked regularly throughout the life of a complaint so to ensure quality (including compliance with Policy & Guidance) and to accord with the Delegation Scheme arrangements.
- Most formal QA is done via the manager and then during delegation sign off arrangements.
- Informal QA: casework discussions and peer checks.

What do we mean by Quality Assurance?

- Each ‘milestone’ QA check should be retained (on VF)
- Why? It provides an audit trail of what we have considered, discussed and decided upon.
- For assessment forms/decision letters/investigation reports - new versions need to be created during the QA process (Via VisualFiles) - “showing the working out”
- Casework discussions: must be recorded on file - particularly when the outcome of the discussion means you are taking a different line or course of action
- Casework discussions also include discussions that occur at Panel

How do we reference to documents?

- No ‘universal’ way at present, but we are working on that
- Most caseworkers use ‘Tabs’ to flag and refer to evidence in their analysis etc (i.e. “I have read Joe Bloggs letter of 20 July 2000 (Flag C)”
- You must use a referencing system when seeking clinical advice - flagging up evidence to the Adviser
- It is good practice to start flagging/referencing documents in this way on all of your work...

Exercise

- You have a bundle of documents and a blank file:
- Sort out the documents in the order you think they should be in (remember HI order - not chronological)
- Put them in the dividers you think they should be in
- Have a think about whether any of these documents may be better off staying on the electronic file only

Thanks for listening

Outcomes & Learning

Any Questions?