

From: ++Public Affairs
Sent: 15 April 2021 14:24
To: ++Public Affairs <PublicAffairs@ombudsman.org.uk>
Subject: Changes to PHSO's service in April 2021

Good afternoon,

I hope you are well. I wanted to inform you of the operational changes PHSO is introducing in response to the impact of the COVID-19 pandemic on our service.

Productivity in our casework teams has been diminished significantly by sickness, caring responsibilities and resilience levels during multiple lockdowns. This has been compounded by continued difficulties in investigating complaints, with some organisations in the health sector experiencing their own challenges in responding to complaints and therefore asking us to delay our work or needing significant extensions to the deadlines we provide.

Although PHSO entered the pandemic in a position of relative strength, escalating pressures have led to the queue of unallocated cases standing at over 3,000. This is expected to continue to grow. A growing queue would lead to members of the public waiting an unreasonable length of time for their complaint to be considered. We have already taken a number of steps over the past two years to streamline our decision making. However, notwithstanding these, without further action now to bring down the queue, all complainants, including those bringing serious failings to us, will be required to wait for excessive lengths of time.

We have considered carefully how to respond to this situation. Every complaint is important to the person who makes it, and every complaint may offer valuable learning for the organisation complained about, so this gives rise to difficult choices. We have, however, concluded that PHSO's resources must be focused on those complaints which raise the more serious issues, where people may be facing the more significant injustices, and the potential for organisations to learn may be greatest. This approach to deciding which cases to progress to investigation is common among the Ombudsman community. For example, the Local Government and Social Care Ombudsman, as a matter of long-standing policy, only investigates cases that raise serious issues of injustice.

Given the current circumstances this is the appropriate way forward in relation to our health casework. It also means that NHS bodies will not be required to look into less serious issues that arose many months or, in some cases, years ago while they are dealing with the aftermath of the pandemic. To ask them to do so would not be useful for either complainants or NHS organisations, given the current crisis.

The intention is that this will allow PHSO to look at complaints more promptly than would otherwise be possible in the exceptional circumstances we are operating in. In practice, this will mean continuing to examine all complaints brought to PHSO. If a complaint can be resolved quickly, we will do so. But if it cannot, and the impact of the claimed injustice on the complainant is relatively limited, we will not consider that complaint any further.

To determine the impact of a failing, PHSO uses a [Severity of Injustice scale](#). This change will apply to all complaints about the NHS in England where, if we were to uphold them, the likely impact would be at level 1 or 2 on the scale. It will apply to new complaints as well as those already lodged, but not yet allocated to a caseworker for consideration.

Making this change now will allow PHSO to focus on helping complainants who have faced the more serious failings and to ensure that those failings are addressed as quickly as possible. Complaints involving Government departments or agencies outside the health sector will be progressed as usual. We will review the impact of this change initially in the autumn and update the Public Administration and Constitutional Affairs Committee at that point on the impact it has had.

In parallel with progressing casework, PHSO is committed to working with local complaint handling teams to improve the way complaints are dealt with on the front line. This is why we have worked with the NHS and patient representative groups to develop new [Complaint Standards](#), which we launched before Easter and plan to pilot with a number of NHS bodies over the next period. These Standards set out clear expectations for how complaints should be considered and resolved locally. Longer term, as the Standards are adopted more widely, our collective ambition is that many of the complaints currently brought to us will be resolved without the need for our intervention.

PHSO is committed to delivering a high quality and timely complaint-handling service to the public, underpinned by independence and transparency. The current context creates additional challenges which make it harder to deliver that commitment, and we believe that these changes are necessary if PHSO is to address the more serious issues raised in the complaints we see. In implementing this change, we will ensure that frontline NHS bodies, advocacy organisations and complainants are advised about how we are making decisions on what we are, and are not, progressing to investigation and the reasoning behind this.

We will keep you updated as the situation evolves. Please do not hesitate to get in touch at publicaffairs@ombudsman.org.uk if you have any questions.

Kind regards,

Public Affairs and Insight Team
Parliamentary and Health Service Ombudsman