

Issue

- Do we have the power and, if so, should we “re-open” investigations or retake a decision.
- What is the point in our process when we are not able to take further decisions

Background and context

We currently have a number of complaints and challenges, including legal challenges, regarding revisiting our decisions and investigations. They range from challenges where we are not intending to revisit and people wish us to, to challenge about our powers to do so where we consider it appropriate to do so.

Andy Medlock has undertaken a review of customer care, including looking at our process for review and so having clarity on the corporate position on this issue is timely. Whilst we get a level of dissatisfaction with our decision making, despite the fact that it may be phrased as a challenge to our decision, it is most often a result of either failure to manage expectations around our role or failure to communicate the extent, nature, evidence and basis of our decision.

There are, however, a number of instances where there is a real question of whether our decision is sound. The recommendations arising from the customer care review explain how we propose to get to this point of determining whether our decision is sound and we will not revisit them here

The question then becomes, if we find that our decision is potentially not sound, what do we do and what do we have the power to do.

Findings

From: Mende Philipp
Sent: 01 February 2018 16:37
To: Wibberley Lyn; Seddon Warren; Banister Karl
Cc:
Subject: RE: Letter from the Ombudsman to the Chair of PACAC

Excellent, thanks!

From: Wibberley Lyn
Sent: 01 February 2018 08:34
To: Mende Philipp; Seddon Warren; Banister Karl
Cc: Swift Charlotte
Subject: RE: Letter from the Ombudsman to the Chair of PACAC

Thanks Philipp

I am going to email Bernard tomorrow sharing a copy of the letter to the with him in confidence. Will bcc you.

Lyn

Lyn Wibberley
Chief of Staff
Parliamentary and Health Service Ombudsman

W: www.ombudsman.org.uk

From: Mende Philipp
Sent: 01 February 2018 16:30
To: Seddon Warren; Banister Karl; Wibberley Lyn
Subject: FW: Letter from the Ombudsman to the Chair of PACAC

FYI

From: @parliament.uk]
Sent: 01 February 2018 08:29
To: Mende Philipp
Subject: RE: Letter from the Ombudsman to the Chair of PACAC

Thanks Philipp

I would expect we'll publish it on Tuesday.

Regards

From: Mende Philipp [<mailto:Philipp.Mende@ombudsman.org.uk>]
Sent: 01 February 2018 16:23
To [@parliament.uk](#)>
Cc: Seddon Warren <Warren.Seddon@ombudsman.org.uk>; Wibberley Lyn
<Lyn.Wibberley@ombudsman.org.uk> [@parliament.uk](#)>
[@parliament.uk](#)>
Subject: Letter from the Ombudsman to the Chair of PACAC

Further to the letter of 12 January, please find attached a letter from the Ombudsman to the Chair of the Committee regarding our approach to quashing or withdrawing our investigation reports. I would be grateful if you could share this with the Chair. We have also written today to the complainants who raised this issue.

Kind regards

Philipp

Philipp Mende
Public Affairs & Insight Manager
Parliamentary and Health Service Ombudsman

W: www.ombudsman.org.uk

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