

Dame Julie Mellor
Parliamentary and Health Service Ombudsman
Millbank Tower
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London SW1P 4QP

Monday 11th January 2016

AvMA response to the Parliamentary and Health Service Ombudsman survey on her draft service charter, January 2016

Dear Dame Julie

In answer to the two main questions posed in your online survey, AvMA's response is as follows:

Do you feel the draft charter has sufficiently covered all areas?

Answer:

"NO.

1. There needs to be a commitment in the section dealing with what you do when you receive a complaint not to exclude a complaint from consideration for investigation unless you genuinely "cannot" legally investigate it. (For example, to end the tendency on occasion to turn complaints away on the basis of perceived alternative legal remedy when in fact you are legally able to investigate).
2. You need to explain on what basis you will decide whether or not to investigate a complaint once it has been established you "can" investigate.
3. You need to commit to objectively review a decision not to investigate that is challenged and ideally to have some independent and/or arm's length involvement in that review (eg external or non-executive).
4. You need to commit to act without delay to raise concerns about safety or probity identified in the course of investigations with the body concerned and the relevant regulator /authority.
5. You need to commit to doing your utmost to ensure that recommendations stemming from investigations are implemented through follow up with the organisation and contact with the relevant regulator / authority."

How would you like us to communicate how we are delivering our promises outlined in the service charter?

Answer:

“Particularly bearing in mind the bad press that the PHSO has received over recent times and the resultant effect on public confidence, it is important that publication of the charter is accompanied by publication of an action plan on what the PHSO is doing to ensure that promises are lived up to and that there has been learning from what PHSO has not done as well as it should in the past.

Otherwise there is a danger that the charter will simply be perceived as empty promises.

There then needs to be an annual report on how well you are doing against the objectives in your action plan and the promises made in your charter. We would suggest that your board monitors such performance at each meeting and that these meetings and the papers for them are open to the public.”

Yours sincerely

Peter Walsh
Chief Executive