

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee



Sent by email - pacac@parliament.uk

29 June 2022

Dear Chair,

Thank you for meeting me earlier this month. It was a constructive and useful exchange.

On 31 March I wrote to you to with details of the report I laid in Parliament regarding a failure by the Environment Agency to comply with PHSO's recommendations. The Earl Report outlined the mistakes made by the Agency in the way it handled an application to harness a renewable energy source and their subsequent refusal to address errors which caused prolonged injustice for the complainants. The full investigation report is available [on our website](#).

It is rare for my Office to resort to laying a report before Parliament due to the failure of a public body to comply with PHSO's recommendations. I appreciate your rationale for suggesting that individual Department-specific Committees would be better placed than PACAC to conduct the additional scrutiny required to follow-up on such reports but they are reluctant to take on individual cases. Without the possibility of this final stage of Parliamentary scrutiny, complainants who have already undertaken an often arduous complaints process are left without the chance of achieving any real closure.

For the the Earl brothers, whose case forms the basis of this report, this means they have no other avenue to pursue for further recourse to achieve the compensation they are due from the Environment Agency. This inability to achieve remedy and justice represents a serious loss for the citizens affected. More worryingly, it also represents a system where it is impossible for citizens to achieve remedy when they have been failed by Government or the NHS, in the rare circumstances such bodies fail to comply with the Ombudsman's recommendations. It is, though, a serious concern that is within the power of PACAC to prevent, and in doing so you would be following an important precedent set by the predecessor PASC Committee.



While I respect your initial view, I believe it is important that PACAC considers this issue for both the Earl brothers and to safeguard citizens' access to justice in future.

Yours sincerely,

Rob Behrens

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Ombudsman and Chair
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