



Parliamentary and Health Service Ombudsman (PHSO)

Complainant Feedback: Impartiality

Summary Report of Findings



Parliamentary
and Health Service
Ombudsman

Opinion Research Services

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Summary of Findings

Background and commission

- 1.1 Opinion Research Services (ORS) undertakes the Parliamentary and Health Service Ombudsman (PHSO) complainants' survey, which also includes a commitment to undertake a programme of qualitative research to explore complainants' perceptions of PHSO's performance in relation to specific charter commitments. The depth interviews reported here explore the topic of impartiality and build upon findings from a focus group with complainants in Manchester on 24th September 2019 and depth interviews in November 2019 that discussed similar issues.

Overview of the process

- 1.2 To meet the research brief, ORS undertook telephone depth interviews between September 2020 and March 2021 designed to capture the views of a wide range of participants.
- 1.3 For the depth interviews, a sample of 84 participants was drawn from a long list of people who had completed the complainant survey and had agreed to be re-contacted for a more in-depth discussion. A cross-section of people were recruited using a recommended distribution table that included: investigation stage; ethnicity; disability; and gender. The interviews lasted on average between 20 and 30 minutes.

Key findings

Remaining neutral and unbiased are the most important components of impartiality

- 1.4 Participants agreed that remaining neutral is a key component of impartiality. For participants, neutrality meant: formulating opinions based on both parties involved, providing evidence, not siding with one party or the other, and treating both sides equally. Remaining unbiased was described in a similar way to neutrality, which meant not taking sides and not having preconceived ideas.

Remaining neutral and unbiased in practice

Demonstrating neutrality and being unbiased can be proved by using evidence and being transparent

- 1.5 Examining and collecting evidence and facts was often said to be a way of ensuring neutrality and avoiding bias. This is because, in participants' view, looking at the facts and evidence would ensure opinions are not swayed (one way or the other) by personal opinion.
- 1.6 Transparency and honesty were other factors said to contribute to neutrality and avoid bias in an organisation. The ways in which transparency and honesty were thought to be demonstrated was by explaining reasoning behind a decision, indicating all steps that led to a decision (and for them to be available to all parties involved), explaining what information was gathered, when it was gathered, and owning up to mistakes and rectifying them (without censorship).

Demonstrating impartiality in decision-making

Many complainants want more evidence collected at the investigation stage

- 1.7 There were several complainants who felt the investigation was not carried out thoroughly enough and believed the PHSO could have gathered more information from the organisation they were complaining against to support their case.
- 1.8 Several participants said that the organisation which they complained against had been obstructive, making it difficult for the PHSO to thoroughly investigate their case. This led some participants to think that organisations aimed to cover up mistakes.
- 1.9 Other participants did not think that the PHSO had the power to make organisations respond during the investigation stage. This led some complainants to believe that the PHSO was a public body that advises complainants, rather than enforces any changes or rectifies any injustices.

Transparency from the PHSO is a way of setting expectations for complainants

- 1.10 Transparency was considered a key component in effectively managing the complainant's expectations. Participants valued honesty regarding the process and potential outcome; as well as having their questions answered. Letting complainants know what could realistically be achieved provided clarity and lessened disappointment if their desired outcome was not achieved. Furthermore, letting complainants that reach the investigation stage know what questions will be asked of the organisation provided clarity.
- 1.11 A lack of explanation in the final response contributed to a feeling of bias. Examples included not explaining the procedure, not contacting certain organisations, not fully explaining who had been contacted, and not answering questions that were raised by the complainant. A lack of explanation of impartiality in the report also made it more difficult for the complainant to assess if they had been treated impartially by the PHSO.
- 1.12 A few participants said they would have liked to know the questions the PHSO was going to ask the organisation as this would have ensured transparency and given them the opportunity to challenge the questions if needed.

Providing detailed information was the best way of demonstrating that all evidence had been gathered and weighed equally

- 1.13 Breaking down answers in detail in the final report indicated to complainants that all evidence had been weighted equally. For some participants, cross-referencing and answering all questions in detail in the final report was the best way of demonstrating both thoroughness and transparency in the investigation stage.
- 1.14 Furthermore, some complainants found it difficult to determine if the PHSO had weighted the evidence equally as it was not clear to them what evidence had been considered.

Caseworkers' perceived knowledge is essential to ensure impartiality, but sometimes is felt to be lacking

- 1.15 A key theme when assessing PHSO's impartiality was that of knowledge and capability. Although views were mixed in terms of how knowledgeable and capable PHSO staff were, it was clear that the perceived level of knowledge from the caseworker correlated to the level of bias perceived during the investigation; caseworkers that were perceived to be the least knowledgeable appeared the most biased.

Lack of flexibility and support was viewed as an obstacle by complainants with many participants wanting the PHSO to consider the human aspect of a complaint

- 1.16 PHSO's processes and procedures were highlighted as an issue for complainants. Some felt that bureaucracy led to a lack of flexibility when having to tailor the investigation approach to certain cases. Another criticism was that the PHSO's timeframe was an issue inasmuch that the length of time the investigation took seemed to become more important than providing a quality service. Furthermore, spending a long time waiting for the PHSO to gather evidence from organisations was said to be an issue when the complainants were not afforded the same amount of time to respond to the PHSO or to provide evidence to the PHSO.
- 1.17 In addition, the PHSO timeframe was often said to be inconsiderate of complainants that were not in a positive mental state, as it added more pressure when already having to deal with a difficult moment in their lives.
- 1.18 Some participants suggested that the PHSO should take into consideration the human and psychological aspect when scoping/investigating a complaint. Another suggestion was for more guidance on how to properly formulate a case by providing examples of how a complainant should fill in their form.

There were mixed views on whether having independent experts contributed towards impartiality

- 1.19 Views on the PHSO working with independent experts were mixed. Some participants believed that experts would side with the organisations, whereas other participants thought that independent experts ensured impartiality.

Power balance and the PHSO

Perceived inability to get through to the organisations complained against left participants feeling frustrated

- 1.20 Most participants did not think that the PHSO was effective in putting their complaint to the organisation in question and getting responses to the concerns raised. Some of the frustrations shared included the length of time it took to get a response, the PHSO's perceived inability to challenge the organisation, and the PHSO's perceived failure to get through to the organisation's staff.
- 1.21 The issues mentioned when trying to contact the organisations left complainants feeling lost and that their time had been 'wasted'.

Many complainants hoped that the PHSO would have held more weight, while others were pleased with the outcome.

- 1.22 When participants were asked if the PHSO had fairly taken all relevant issues into account when they made a decision, many participants felt disillusioned with the PHSO's perceived inability to have a meaningful impact on the organisation they were complaining against. As a result, some wished the PHSO had more power in order to have more impact in terms of the outcome.
- 1.23 There were a few participants that were pleased with how the final decision was handled. These participants were satisfied that the organisation admitted wrongdoing and were willing to improve their staff training.

Communication

Responding to questions and providing frequent updates was valued by complainants

- 1.24 There were many positive comments regarding communication from the PHSO, with some participants particularly pleased with the PHSO's responsiveness to questions made by the complainant. Positive feedback regarding good communication included ease of contact, speed of replies, quality of information provided, frequency of contact and communicating any delays.
- 1.25 Having to chase the PHSO for an update was often a frustrating aspect in terms of communication and some participants were unaware if their case had been closed or not.
- 1.26 Participants urged the PHSO to contact complainants more frequently with updates, even when there is no additional information. Other suggestions included more detailed updates as well as updates that felt more 'human' (as opposed to formulaic).