

5 November 2021

**STATEMENT OF SUPPORT FOR THE
PARLIAMENTARY AND HEALTH SERVICES OMBUDSMAN OF THE UNITED KINGDOM**

It is with great concern that the International Ombudsman Institute (**IOI**) has learned about the Health and Care Bill, which would prohibit the Parliamentary and Health Services Ombudsman (**PHSO**) from accessing protected information held by the Health Service Safety Investigation Body in its “safe space”, and which would only allow the PHSO to access such information after obtaining permission from the High Court.

As the only global organization for the cooperation of more than 200 Parliamentary Ombudsman institutions worldwide, the IOI believes this development is of great concern. The PHSO is a long-standing member of the IOI and a well-established institution that enjoys a very high regard globally. In line with best practice elsewhere, the PHSO investigates complaints about UK government departments and public organizations, among them the National Health Services.

The PHSO has contacted the European Commission for Democracy through Law of the Council of Europe – better known as the Venice Commission – requesting its opinion on the proposed legislative reform and the impacts it would bring about for the PHSO’s work and services. On 18 October 2021, the Venice Commission published its opinion, providing extensive insight in its approach and analysis of the matter.

The IOI strongly endorses the Venice Commission’s opinion. Excluding the PHSO from accessing protected information held by the Health Service Safety Investigation Body and requesting the PHSO to obtain permission from the High Court to do so, reduces the PHSO’s power and will undermine the great trust citizens place in the work of the PHSO, who is often the last resort for their problems and complaints.

The Venice Principles on the Protection and Promotion of the Ombudsman Institution and the **(Venice Principles)** are internationally recognized standards to inform strong and independent Ombudsman institutions. They affirm an international understanding that Ombudsman institutions should not be hindered in their work and that their mandates should not be diminished.

The IOI further refers to the adoption of the United Nations General Assembly in December 2020 of draft resolution XII, “The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law” **(UN Resolution)**. The resolution strongly encourages Member States to consider the strengthening of independent and autonomous Ombudsman and mediator institutions at the national level. The resolution provides a strong endorsement of the Venice Principles and establishes these principles as the new global standard for the Ombudsman.

The IOI recognises and respects the sovereign right of the Parliament to make laws that might impact on the PHSO. In doing so, we believe that it is important that the Parliament is as best informed as possible. It is for this reason that the IOI expresses its deepest concern over the Health and Care Bill and the impact it will have on the PHSO’s independence, work and standing.

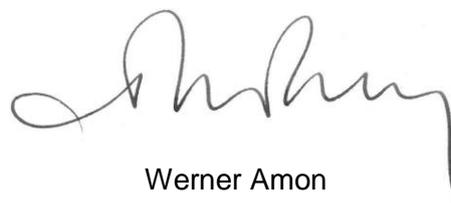
The IOI strongly joins the Venice Commission and the PHSO in inviting all relevant authorities to avoid any restrictions to the independent investigatory powers of the PHSO, as provided for in Principle 16 of the Venice Principles and a cornerstone of the institution of the Ombudsman. The Health and Care Bill, as currently presented, neither conforms with the Venice Principles or the UN Resolution.



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