

Mr. William Wragg MP, Chairman
Public Administration & Constitutional Affairs Committee (PACAC)
House of Commons
Westminster
LONDON

6th August 2021

Dear Mr Wragg,

I am writing to you in your capacity as Chairman of PACAC to whom the PHSO are accountable for their performance.

I have read PACAC's January 2021 report on the PHSO and noted in particular, the following comments and recommendations made by the Committee:

- *"The information provided in the PHSO's report on the outcome of enquiries and complaints should be made more transparent"*
- *"It is essential that complainants are confident that all relevant evidence has been collected if they are to have faith in the PHSO ultimate findings"*
- *"It remains the case that complainants need to be assured that all the evidence they have provided has been properly logged"*
- *"We recommend as an initial step, that as a minimum the PHSO produce a schedule of evidence that they have collected and that this schedule is shared both with the complainants and with the organisations being complained about"*
- *"Peer reviews should include in its panel an independent member"*
- *"The Committee repeats its predecessor Committee's calls for modernising legislation, which is plainly necessary to improve the effectiveness and value for money of the Parliamentary and Health Service Ombudsman. The Government should start the legislative process anew"*
- *"Specific matters that should be considered as part of any reform include the own initiative powers for the PHSO"*
- *"The PHSO legislation is out of date compared to modern Ombudsman standards. For many complainants, their complaints refer to matters of grave concern... and it is essential they can have complete faith that there is an effective organisation at the end of the process. The outdated legislation undermines this important aim"*

In light of the above, and their relevance to Serendipity's case, I respectfully request that the committee **please read the detailed evidence in the 2 enclosed independent reports** in order that they might consider Serendipity's **significant** concerns and issues pertaining to both Ofsted and the PHSO in relation to the Ombudsman's mishandling of our submitted complaints against Ofsted.

As detailed in both reports, these relevant evidenced issues include but are not limited to the following, as summarised below:

- Multiple and significant breaches by Ofsted SW Regional Inspection Team of Ofsted Inspection standards, regulations and processes, and the report also clearly

evidences multiple breaches of the Civil Service Code of Conduct. These breaches include but are not limited to: Inspector conduct, safeguarding failures, misreporting, tampering with evidence, mishandling of evidence bundles, Inspectors lying under oath at FTT, misleading and with-holding information, unsubstantiated claims and failures to respond to evidenced provider complaints all of which amount to mal administration, malpractice and gross misconduct.

- Breaches of regulations, inconsistency, contradictions and disingenuous conduct not fitting for a public servant within and failure to follow due process by Ofsted's own complaint departments.
- The PHSO failing to progress Serendipity's serious complaints regards Ofsted beyond step 2 upon receipt of a selection of detailed triangulated evidence (including a copy of **Report 1 sent to Mr Behrens**)
Indeed, despite the above, and extensive lengthy communications between our legal representatives, Serendipity and PHSO senior caseworker over several months, leading to a full and detailed scope production and an indication that a decision to investigate would be confirmed, the PHSO effectively, 'closed down' any further involvement on their part. In doing so, they provided no credible rationale for this other than the case being deemed 'too complex' and thus precluded warranted investigations from being carried out.

I would be particularly grateful for further clarity and a more detailed explanation as to the processes, scope, 'rationale' and actions taken/not taken by the PHSO as detailed in the enclosed **Report 2**. I understand the Ombudsman was constituted to be the official recognised public body as established by Parliament, set up to deal with serious complaints such as those raised by Serendipity (Devon) Ltd.

Furthermore, I understand that in fulfilling this role and responsibility, the PHSO consists of caseworkers and 'specialists' qualified to do so (this 'specialist' expertise was fully explained to me by the senior caseworker). I am therefore, somewhat confused as to why Serendipity's case was deemed too complex to investigate, especially given that I had commissioned an independent part time researcher/writer who was able to produce the attached in-depth evidenced report within a few weeks after examining and cross referencing documentation. This report was also submitted to the PHSO.

Please note that my commissioning of an independent researcher/writer in 2020, was due to escalating identified issues and increasing concerns regarding Ofsted's (Ms Spielman) refusal to act on accountability recommendations. As detailed in both reports, these relate to the respective agency/public body remits and competency, contradictions, inconsistencies, both within and during application of due process which I was required to (and did) follow in full.

These said agencies including HMCTS, Devon and Cornwall Police, ICASO and Ofsted Regional and Complaints Departments, are those which Serendipity has needed to engage with in the course of pursuing justice and a resolution to the original valid complaints regarding the outstanding (evidenced) matters pertaining to the conduct of Ofsted South West Regional Inspection Team.

As you will see, in the course of doing so, a number of agency specific failings and issues have arisen beyond Ofsted, which include, but are not limited to, the PHSO. Such was the concern of the failings that a detailed second report was commissioned.

In light of the confusing issues raised pertaining to the PHSO's own admission, that due to complexity, they were not able to investigate our complaint, I requested Mr Behrens forward a copy of Report 1 to PACAC some months ago, which he refused to do. Could I ask, does he cherry pick or choose what you are allowed to review? Is he 'overseen / held to account' while in effect, marking his own department's homework?

Given the Committee's above recommendations, I therefore respectfully ask that PACAC please look into these matters in their capacity as the committee established to oversee and hold to account the PHSO, especially in relation to its competency, standards, processes and efficiency. Further investigation into our concerns, is both relevant, warranted and important, given the Public Interest and serious nature of the issues raised in relation to both Ofsted and those relating to the Ombudsman.

I would also ask that this cover letter and a copy of both reports is distributed to all PACAC members. Please let me know if you would like us to do this for you, as we have surplus hard copies available. I would also welcome any suggestions that PACAC may have regarding what other actions may be taken. You have our permission for the inclusion of our case and reports as a case study, if appropriate, to inform the changes and reforms as recommended in your January 2021 report.

Please note that copies of both reports have also been sent to relevant Ministers, including Robert Buckland MP, QC and Lord Wolfson at the Justice Dept. We understand that Alison Hernandez, Devon & Cornwall Police Commissioner is also escalating the raised concerns in Report 2 to the Police Complaints Department.

When trying to establish clarification and transparency, Mr Parkash, Tribunal Procedure Committee (TPC) Secretary, Justice Department has helpfully identified how to access the minutes of the TPC, could you please provide the link to the PACAC minutes? While briefly researching the committee and how it is formed / governed, I do not appear to be able to find a single responsible individual, so could I respectfully ask who you report your findings to? So the committee's recommendations are then acted upon in a timely manner ?

Along with the reports there is password protected evidence appendices as stated in the report pages which are available from Simon Jupp MP office. These are now with a number of relevant Government Departments having been sent on my behalf by my local East Devon Constituency MP: Simon Jupp.

You have my full permission to contact Simon as necessary to discuss the reports and issues raised further.

I look forward to hearing from you.

Kind Regards



Julie Jackson, Director

Serendipity (Devon) Ltd