House of Commons
Health and Public Administration and Constitutional Affairs Committees

Appointment of the Parliamentary and Health Service Ombudsman

Eighth Report of the Public Administration and Constitutional Affairs Committee of Session 2016–17

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed
18 January 2017
Public Administration and Constitutional Affairs

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

Current membership

Mr Bernard Jenkin MP (Conservative, Harwich and North Essex) (Chair)
Ronnie Cowan MP (Scottish National Party, Inverclyde)
Paul Flynn MP (Labour, Newport West)
Marcus Fysh MP (Conservative, Yeovil)
Mrs Cheryl Gillan MP (Conservative, Chesham and Amersham)
Kate Hoey MP (Labour, Vauxhall)
Kelvin Hopkins MP (Labour, Luton North)
Gerald Jones MP (Labour, Merthyr Tydfil and Rhymney)
Dr Dan Poulter MP (Conservative, Central Suffolk and North Ipswich)
John Stevenson MP (Conservative, Carlisle)
Mr Andrew Turner MP (Conservative, Isle of Wight)

The following members were also members of the committee during the Parliament: Oliver Dowden MP (Conservative, Hertsmere), Adam Holloway MP (Conservative, Gravesham), Mr David Jones MP (Conservative, Clwyd West) and Tom Tugendhat MP (Conservative, Tonbridge and Malling).

Health Committee

The Health Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Health.

Current membership

Dr Sarah Wollaston MP (Conservative, Totnes) (Chair)
Heidi Alexander MP (Labour, Lewisham East)
Luciana Berger MP (Labour (Co-op), Liverpool, Wavertree)
Mr Ben Bradshaw MP (Labour, Exeter)
Rosie Cooper MP (Labour, West Lancashire)
Dr James Davies MP (Conservative, Vale of Clwyd)
Andrea Jenkyns MP (Conservative, Morley and Outwood)
Andrew Selous MP (Conservative, South West Bedfordshire)
Maggie Throup MP (Conservative, Erewash)
Helen Whately MP (Conservative, Faversham and Mid Kent)
Dr Philippa Whitford MP (Scottish National Party, Central Ayrshire)
Powers
The Committees are departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 146 and 152. These are available on the internet via www.parliament.uk

Publication
Committee reports are published on the Committee’s websites at www.parliament.uk/pacac and www.parliament.uk/healthcom and in print by Order of the House.
Evidence relating to this report is published on the inquiry publications page of the Committees’ website.

Public Administration and Constitutional Affairs Committee staff
The current staff of the Committee are: Dr Rebecca Davies (Clerk), Ms Rhiannon Hollis (Clerk), Dr Sean Bex (Second Clerk), Dr Adam Evans (Committee Specialist), Jonathan Bayliss (Committee Specialist), Ms Penny McLean (Committee Specialist), Rebecca Usden (Committee Specialist), Mr Alex Prior (PhD Scholar), Ana Ferreira (Senior Committee Assistant), Iwona Hankin (Committee Assistant), and Alex Paterson (Media Officer).

Health Committee staff
The current staff of the Committee are Huw Yardley (Clerk), Katya Cassidy (Second Clerk), Laura Daniels (Senior Committee Specialist), Stephen Aldhouse (Committee Specialist), Dr Charlotte Refsum (Clinical Fellow), Cecilia Santi O Desanti, (Senior Committee Assistant), Lucy Hale (Committee Assistant), and Alex Paterson (Media Officer).

Contacts
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1 Introduction

The Parliamentary and Health Service Ombudsman

1. The Parliamentary and Health Service Ombudsman (PHSO) combines the two statutory roles of Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) and Health Service Commissioner for England (Health Service Ombudsman), the powers of which are set out in the Parliamentary Commissioner Act 1967 and the Health Service Commissioners Act 1993 respectively.\(^1\)

2. The Ombudsman assists Parliament to hold the executive to account by considering complaints that government departments, a range of other public bodies in the UK and the NHS in England, have not acted properly or fairly or have provided a poor service.\(^2\) The Ombudsman has sole accountability for the decisions made and in this respect the role is quasi-judicial. Decisions of the Ombudsman are subject to judicial review. They are also responsible for the leadership, governance, and management of PHSO and therefore for the conduct and administration of all work carried out by that Office. The Ombudsman is the PHSO’s Accounting Officer.

3. The PHSO is currently midway through a five-year programme to modernise and improve the way it works.\(^3\) This is set out in in the PHSO’s Strategic Plan for 2013–18.\(^4\) The PHSO’s annual report and accounts 2015–2016 sets out in more detail the milestones and challenges relating to the delivery and implementation of that Strategic Plan throughout the organisation. The PHSO’s 5 year change strategy is aimed at delivering “more impact for more people.” In its annual report and accounts 2015–2016, the PHSO summarises its key aims as being to:

- Make it easier for people to find and use our service
- Help more people by investigating more complaints and to provide an excellent service for our customers
- Work with others to use what we learn from complaints to help them make public services better
- Lead the way to make the complaints system better
- Develop our organisation so that it delivers these aims efficiently and effectively.\(^5\)

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\(^1\) For clarity’s sake, the office of the Parliamentary and Health Service Ombudsman will be referred to as PHSO, whereas the post-holder will be referred to as “the Ombudsman”.


Draft Public Service Ombudsman Bill

4. On 5 December 2016, the Government announced the publication of its draft Public Service Ombudsman Bill to modernise the Ombudsman service. The draft legislation makes provision for the merger of the PHSO with the Local Government Ombudsman (LGO) into one Public Services Ombudsman (PSO), and would implement many of the recommendations of the Public Administration Select Committee (PASC, predecessor to the Public Administration and Constitutional Affairs Committee), during the previous Parliament. In April 2014, PASC published its Report ‘Time for a People’s Ombudsman Service,’ which recommended the creation of a single public service Ombudsman, as well as wholesale reform and modernisation of the service to make it more open and accessible to the public and better able to inform learning for the services it investigates. The Cabinet Office subsequently commissioned Robert Gordon to review the public ombudsman sector and, following a further Consultation process, the Government published the draft Public Service Ombudsman Bill on 5 December 2016.

5. While the Ombudsman is appointed by the Queen for a non-renewable fixed term of no longer than seven years, we expect that, in this case, the appointment of the Ombudsman will cover the period until the draft Public Service Ombudsman Bill is enacted, and a new Ombudsman is appointed.

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2 Appointing a new Ombudsman

Recruitment

6. The current Parliamentary and Health Service Ombudsman, Dame Julie Mellor, resigned on 4 July 2016. We thank Dame Julie Mellor for her service and her assistance to both our Committees during her period in office.7

7. Following the practice adopted for the appointment of the current incumbent in 2011, this recruitment has been managed by the House of Commons Service, though in close cooperation with the Government (Cabinet Office, Department of Health and Ministry of Justice). Although this appointment does not come within the remit of the Commissioner for Public Appointments, the best practice process of the current Code of Practice was applied. The post was openly advertised, and search consultants, GatenbySanderson, were engaged to assist with the recruitment process. Applications from 47 candidates were received and considered. The panel carried out a long-list sift on 27 October, a short-list sift on 10 November, interviewed five candidates on 1 December and conducted second interviews with two of these candidates on 16 December 2016. The panel was chaired by Philippa Helme (Principal Clerk of the Table Office, House of Commons), with Sheila Drew Smith (independent member), Tom Frawley (formerly Northern Ireland Ombudsman), Richard Heaton (Permanent Secretary, Ministry of Justice), who was replaced by Una O’Brien (formerly Permanent Secretary, Department of Health) for the final interviews, and Bernard Jenkin MP (Chair of the Public Administration and Constitutional Affairs Committee).

8. The five shortlisted candidates were asked to undergo a media test - a radio and television interview. They were also invited to meet, prior to interview, with the new Chief Executive of PHSO (Amanda Campbell) and the senior non-executive on the Board (Elisabeth Davies), and were asked to begin their interview with a 5-minute presentation on their priorities for the role. Two candidates were invited to attend a second interview after holding a more detailed discussion with the PHSO Chief Executive and Board representative about how they would approach the role and divide responsibilities with the Chief Executive. A full description of the selection process is appended to this report as Appendix 2 and the full job and person specification are appended as Appendix 3.

The candidate

9. The Prime Minister, Rt Hon Theresa May MP, wrote to the Chair of PACAC, on 13 January, noting that the preferred candidate for the post of Parliamentary and Health Service Ombudsman is Rob Behrens. The letter is appended as Appendix 1.

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7 In 2016, both the Ombudsman, Dame Julie Mellor, and the Deputy Ombudsman, Mick Martin, resigned their positions at the PHSO. This followed the way the Ombudsman handled allegations made against the former Deputy Ombudsman, Mick Martin, regarding his involvement in an Employment Tribunal at his previous place of employment, Derbyshire Healthcare NHS Foundation Trust. In September 2016, Sir Alex Allan produced a report following an independent review looking into the adequacy of the procedures and governance arrangements that the PHSO applied prior to the appointment of Mick Martin, the deputy Ombudsman, and during his employment. Prior to the publication of Sir Alex Allan’s report, Dame Julie Mellor announced her resignation on 4 July 2016 in a letter to the Chair of the Public Administration and Constitutional Affairs Committee (PACAC).
10. Mr Behrens has had a long career in public service, including specific experience with the role of Independent Adjudicator at the Office of the Independent Adjudicator in Higher Education, and as the Senior Adviser to the European Network of Ombudsman in Higher Education. He is currently a Visiting Professor at the UCL Institute of Education. He is a Non-Executive Board Member of the Bar Standards Board and Chair of its Qualifications Committee. Previously, Mr Behrens has held the posts of Complaints Commissioner to the Bar Standards Board of England and Wales as well as Director of the International Public Service Group at the Cabinet Office. He has also worked as Director of the Southern Africa Development Unit (SADU) (1992–1997) advising on the transformation to democratic rule in South Africa. Mr Behrens was made a CBE in the 2016 New Year’s Honours List for ‘services to higher education.’

8 Mr Behrens’ CV is appended as Appendix 4.

The pre-appointment hearing

11. The pre-appointment hearing with Mr Behrens was conducted on 18 January. Given the fact that of the total of 3,861 investigations the PHSO completed across both of its jurisdictions (healthcare and maladministration) in 2015–2016, 82% (3,185) were about the NHS in England,9 the Chair of PACAC wrote to the Chair of the Health Committee to invite that Committee to participate in the pre-appointment hearing, an invitation which was accepted. The hearing was therefore conducted in front of both Committees, meeting jointly.

12. We questioned Mr Behrens on the extent to which his experience with Ombudsman services in Higher Education was transferrable to the broader role of Parliamentary and Health Service Ombudsman. We also explored how Mr Behrens would steer the PHSO through the remainder of its five year change programme. We further sought to establish the candidate’s vision for the future of the PHSO, in light of the changes proposed in the draft Public Service Ombudsman Bill.

13. The combined remits and expertise of both Committees allowed us to thoroughly examine the suitability of the candidate to undertake this diverse and complex role. We are satisfied that Rob Behrens has both the professional competences and personal independence necessary to fulfil this role. His in depth knowledge and understanding of the role of the Ombudsman and the experience he has acquired at the Office of the Independent Adjudicator in Higher Education will stand him in good stead in taking on the diverse and complex role of the Parliamentary and Health Service Ombudsman. We are convinced that his professional background and skills will allow him to bring a deep understanding of the role of Ombudsman to the challenges he will face as the PHSO. We wish him every success as the Parliamentary and Health Service Ombudsman.

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8 New Year’s Honours list 2016, Cabinet Office, December 2016.
Appendix 1: Letter from the Prime Minister to Bernard Jenkin MP, 13 January 2017

Parliamentary and Health Service Ombudsman

I am grateful to you, and to your colleagues on the Selection Panel, for the work you have done in selecting a successor to the Parliamentary and Health Service Ombudsman.

I am pleased to accept the Panel’s recommendation that Rob Behrens CBE should be appointed to this post, and will arrange for a suitable motion to be tabled inviting the House to approve the appointment.

I understand that your Committee wishes to undertake a pre-appointment hearing with the recommended candidate. I hope that it will be possible to arrange this as soon as possible, so that the motion can be put to the House.

I am copying this letter to the Speaker, the Secretary of State for Health, the Leader of the House of Commons, and Sir Jeremy Heywood.

The Prime Minister
Appendix 2: Selection process information

Note from the House of Commons Administration

Purpose

This note is to inform the Committee of the process which has been followed in selecting a candidate for appointment as Parliamentary and Health Service Ombudsman.

Recruitment process

Following the practice adopted for the appointment of the current incumbent in 2011, this recruitment has been managed by the House of Commons Service, though in close co-operation with the Government (Cabinet Office, Department of Health and Ministry of Justice). I chaired the selection panel, with Sheila Drew Smith (independent member), Tom Frawley (formerly Northern Ireland Ombudsman), Richard Heaton (Permanent Secretary, Ministry of Justice), who was replaced by Una O’Brien (formerly Permanent Secretary, Department of Health) for the final interviews, and Bernard Jenkin MP (Chair of PACAC).

Although this appointment does not come within the remit of the Commissioner for Public Appointments, the best practice process of the current Code of Practice was applied. The post was openly advertised, and search consultants, GatenbySanderson, were engaged to assist with the recruitment process. Applications from a total of 47 candidates were received and considered. The panel carried out a long-list sift on 27 October, a short-list sift on 10 November, interviewed five candidates on 1 December and gave second interviews to two of these candidates on 16 December.

The five shortlisted candidates were asked to undergo a media test - a radio and television interview. They were also invited to meet, prior to interview, with the new Chief Executive of PHSO (Amanda Campbell) and the senior non-executive on the Board (Elisabeth Davies), and were asked to begin their interview with a 5-minute presentation on their priorities for the role. Two candidates were invited to attend a second interview after holding a more detailed discussion with the PHSO Chief Executive and Board representative about how they would approach the role and divide responsibilities with the Chief Executive.

References for the shortlisted candidates were collected prior to the interviews. The two selected for second interview were asked to provide a third reference.

A copy of the pack made available to candidates (which includes a job description and the selection criteria) is enclosed for the Committee’s information. The pack made clear that legislation to create a new Public Service Ombudsman was expected, with implications for both the role and length of appointment of the new Ombudsman.
Recommended candidate

The candidate recommended for appointment by the selection panel is Rob Behrens CBE (currently Visiting Professor, UCL Institute of Education, and until last March Independent Adjudicator and Chief Executive, Office of the Independent Adjudicator for Higher Education). The panel was unanimous in concluding that Rob Behrens is a convincing candidate, with deep understanding of the investigatory work of an ombudsman, and the strong analytical skills and independence of judgment required of the role. It believes he will be capable of tackling the process and quality of investigations, which is an immediate priority for PHSO. It also considers that his skills and experience will complement those of the Chief Executive and that together they will be capable of taking the PHSO forward through the expected transition to the new Public Services Ombudsman. His CV is attached below for the Committee’s information.

Appointment process

The selection panel reported its findings to the Prime Minister and asked her to table a motion to allow the House of Commons to approve the appointment. The Government is expected to find time for this motion to be debated once the Committee has conducted a pre-appointment hearing with the nominee.

The Committee may wish to publish this note, as well as the oral evidence it hears from the candidate and its conclusions on the proposed appointment, in order to inform the debate in the House.

The final part of the process will be for the Queen to make the appointment by letters patent, as provided for in the Parliamentary Commissioner Act 1967.

It is hoped that the process will be completed in time for the candidate to take up post on 1 April.

Philippa Helme
Principal Clerk of the Table Office
January 2017
Appendix 3: Person Specification for the post

Purpose of the Role

The post of Parliamentary and Health Service Ombudsman (the Ombudsman) combines the two statutory roles of Parliamentary Commissioner for Administration and the Health Service Commissioner for England, whose powers are set out in the Parliamentary Commissioner Act 1967 and in the Health Service Commissioners Act 1993 respectively. The Ombudsman is independent and impartial. The post holder is not part of government, the NHS in England or a regulator.

The purpose of the role is to provide an independent complaint handling service. The Ombudsman makes final decisions on complaints that government departments, a range of other public bodies in the UK and the NHS in England have not acted properly or fairly or have provided a poor service. The findings from the Ombudsman’s casework are shared with Parliament to help them scrutinise public service providers and shared more widely with public service providers to help drive improvements in public services.

The Ombudsman is supported in her/his work by approximately 450 employees, known as the office of the Parliamentary and Health Service Ombudsman (PHSO).

In 2014/15 PHSO handled 29,000 complaints and investigated 5,058 cases. The service is free to use.

About the role

The Ombudsman is responsible for:

- Fulfilling the statutory responsibilities of the Parliamentary Commissioner and the Health Service Commission for England.
- Providing the leadership and strategic direction to PHSO.
- Building and maintaining excellent relationships with key stakeholders, including Parliament, Ministers, central government, the NHS in England, other UK ombudsmen and the public.
- Acting as Accounting Officer for PHSO under arrangements agreed with HM Treasury.

The Ombudsman works closely with the Local Government Ombudsman and is an ex-officio member of the Commission for Local Administration in England.

Accountability

The Ombudsman has statutory responsibilities and powers to report directly to Parliament. The House of Commons’ Public Administration and Constitutional Affairs Committee (known as PACAC) is the principal liaison mechanism with the Ombudsman.
Each year, the Ombudsman lays an Annual Report and Accounts before Parliament so that PHSO's performance can be scrutinised and challenged. The Ombudsman appears before PACAC to give evidence on the work of the PHSO, usually following the publication of the Annual Report and Accounts.

The Ombudsman may also report to Parliament from time to time on individual and/or systemic examples of injustice and hardship caused by maladministration. In recent years this aspect of the Ombudsman's work has increased with PACAC holding evidence sessions on major reports such as HS2 and unsafe discharge from hospitals. This has helped the Committee to improve its scrutiny of public services and has been a major reinforcement of PHSO's purpose.

The Ombudsman has a personal jurisdiction. S/he is solely responsible and accountable for the conduct and administration of all work carried out by PHSO and for the decisions made in each case. Decisions of the Ombudsman may be judicially reviewed by application to the courts. The Ombudsman may delegate authority to PHSO staff to act on her/his behalf.

As the permanent head of PHSO, the Ombudsman is its Accounting Officer under arrangements agreed with HM Treasury. As Accounting Officer the Ombudsman has responsibility for ensuring the regularity and propriety of PHSO’s activities and resources used, and for effective financial and internal control systems. PHSO’s annual report and accounts are audited by the National Audit Office.

**Governance**

The Ombudsman has responsibility to ensure good governance of the PHSO.

The governance arrangements put in place by the present Ombudsman to support her in the leadership, governance and management of the office are set out in her Annual Report and Accounts. They include a non-statutory Unitary Board chaired by the Ombudsman with seven non-executive members and four executive members. There is also an Audit and Risk Assurance Committee, a Remunerations and Nominations Committee, and a Quality Committee. Further details are available on [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

The PHSO has recently appointed a Chief Executive to work with the Ombudsman.

**Resources and funding**

PHSO currently has around 450 employees operating from two sites: one in London and one in Manchester. An organisational chart can be found [here](#).

PHSO’s four year parliamentary funding settlement for the period 2016–2020 was sanctioned by HM Treasury in January 2016. The settlement provides for net resources of £33.29m in 2016–17 (reducing to £27.19m in 2019–20, in line with a commitment to reduce PHSO's budget by 24% in real terms until 2019–20), and annual capital investment funding of £0.7m.
PHSO Vision and Strategy

Set up nearly 50 years ago, the role of the Ombudsman and PHSO has evolved and changed as the ombudsman profession itself has grown and developed. Under the leadership of the current Ombudsman, Dame Julie Mellor DBE, the ambition of the organisation has been to “Make more impact for more people”.

PHSO’s vision is for everyone to be confident that complaining about public services is straightforward, fair and makes a difference.

PHSO has five strategic aims:

- to make it easier for people to find and use their services;
- to help more people by resolving and investigating more unresolved complaints, and providing an excellent customer service for everyone who contacts them;
- to make public services better by working with others to share what they learn from complaints;
- to work with others to make it easier to complain about public services and to help public services resolve complaints better;
- to make sure as an organisation that they work well to help achieve the above aims.

These form part of the PHSO’s Strategic Plan. More detail is available on www.ombudsman.org.uk.

Ombudsman reform

Following the Public Administration Select Committee’s report Time for a People’s Ombudsman Service, the Government has announced its intention to bring forward a draft Bill to create a new Public Service Ombudsman. This would create a new organisation, encompassing the present jurisdiction and functions of the PHSO and the Local Government Ombudsman (LGO).

More details of the Government’s proposals can be found here.

If legislation is brought forward, one of the significant challenges for the next Ombudsman will be to ensure the day-to-day capability of the PHSO whilst working closely with the Local Government Ombudsman to ensure a smooth transition to a Public Service Ombudsman. In the light of the reform proposals, the PHSO and the LGO have already initiated joint working in a number of areas, including the operation of a joint casework team, common systems for casework management, finance and telephony and development of shared strategies and plans.

It will be open to the Parliamentary and Health Service Ombudsman to apply for a key role in the new organisation. While there cannot be any guarantee, knowledge of the role and a positive track record throughout the transition to a new organisation could be expected to make that individual a strong candidate.
Equally we recognise that some may be attracted to leading the organisation through this period but then want to move on. We are open to both approaches.

**Person specification**

This is a demanding, sensitive and high profile role which requires an excellent leader who can demonstrate that she/he can succeed in complex environments with multiple and sometimes conflicting customers and stakeholders. Strong leadership skills, strategic vision and excellent judgement will be paramount throughout this period as PHSO works to meet its current demands whilst also planning for the future.

The post holder will have the experience and track record that will demonstrate his/her ability to be independent and impartial.

This role will require someone with a broad understanding of the:

- role of the Ombudsman and its position in relation to Parliament, government and the courts;
- working of central government, the wider public sector and the NHS in England;
- views of the users of public services and experience of delivering services to a diverse range of users;
- principles of administrative justice and public law.

In your application, as well as showing how you would meet this requirement, please provide evidence of your strengths in the following five criteria: **Leadership; Judgement; Finance and Governance; Communication; and Personal Qualities**.

The bulleted points below each criteria are designed to highlight some of the key aspects that will help the new Ombudsman to succeed. You do not have to evidence each bullet point in your application but show the breadth of the experience, skills and qualities you would bring to each of the criteria.

**Leadership**

- A successful track record of credible and strategic leadership and management, ideally within a statutory framework.
- A professional background that will inspire confidence in his/her ability to lead and ensure robust investigations across the Ombudsman’s remit.
- A change agent with a successful track record of developing and delivering organisational change.
- A visible commitment to diversity and inclusion in relation to staff and customers.

**Judgement**

- Excellent judgment with proven ability to act and make difficult decisions independently and to identify, evaluate, and manage risk.
• Strong analytical skills with an ability to examine complex and detailed information and make sound, evidence-based judgements and decisions.

**Finance and Governance**

• Proven financial and management skills, including the ability to deliver value for money and achieve operational excellence, while operating in an environment of reducing public expenditure and cost savings.

• Proven ability in ensuring good governance and administration, including ensuring appropriate organisational structures and controls are in place.

**Communication**

• Confident public speaker and media spokesperson with experience of working in an environment where decisions are under tough internal and external scrutiny.

• Strong influencing skills and the ability to achieve improvements in public services by effective communication of lessons learned from cases.

**Personal qualities**

• Integrity, combined with flexibility and adaptability.

• Considerable personal resilience, given the individual responsibility and high profile of this role and sometimes critical public scrutiny.

• Ability to command public confidence and the respect of Parliament, central government and the NHS in England.

The Ombudsman is expected to adhere to the [Nolan principles of public life](#).

**Terms and conditions**

**Appointment**

This appointment will be subject to the requirements of the Parliamentary Commissioner Act 1967 and the Health Service Commissioners Act 1993. The Parliamentary Commissioner for Administration and the Health Service Commissioner for England are formally appointed by Letters Patent by Her Majesty the Queen. Both appointments have always been held by the same person.

To reflect the Parliamentary nature of the post and its independence from Government, the recruitment process is being led by the House of Commons, in collaboration with the Cabinet Office and the Department of Health and in consultation with PHSO.

The recruitment panel will include the Chair of the Public Administration and Constitutional Affairs Committee (PACAC), the Permanent Secretary to the Ministry of Justice and an independent external member. The panel’s recommendation will be put to the House of Commons for approval before the Prime Minister presents a name to Her Majesty the Queen.
The Public Administration and Constitutional Affairs Committee is expected to hold a public pre-appointment hearing before the House of Commons is asked to approve the appointment.

**Term of office**

You will be appointed by the Queen for a non-renewable fixed term of no longer than seven years. We expect the appointment to be fixed at between five and seven years, subject to discussion with the successful candidate. However, you should be aware that this term may in practice be shortened by the legislative proposals described below.

In May 2015, following a report from the Public Administration Committee, the Government announced its intention to bring forward draft legislation to create a single public service ombudsman, encompassing the present functions of the Parliamentary and Health Service Ombudsman and the Local Government Ombudsman. Should the Parliamentary and Health Service Ombudsman be dissolved, restructured or wound up during the period of your appointment, your appointment would cease with effect from that dissolution or such other date as is specified in any relevant legislation. You would not be eligible for compensation for that termination.

This will be a busy and complex role but there could be some consideration given to flexible working options.

**Remuneration and Pension**

The remuneration will be in the range of £160,000-£180,000 per annum and the candidate will be eligible for a defined benefit pension.

**Security vetting**

Before taking up the appointment the candidate will be subject to security vetting.

**Impartiality and Interests**

Candidates for this role will need to demonstrate their impartiality, both in terms of any past or present political activities and/or membership of or connections with any organisations that might compromise, or be seen to compromise, their ability to act impartially, objectively and independently.

Holders of certain offices, including members of health service bodies and family health service providers which are within the Ombudsman’s jurisdiction, cannot be appointed as Ombudsman. As detailed below, you will need to provide details of any offices you hold and of business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment. These will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application.
How to apply

To apply for this post please provide the following:

- A CV setting out your full career history, responsibilities and achievements.
- A statement of suitability (max 3 pages) explaining how you meet the criteria for the post.
- Please ensure you have also completed and submitted the equal opportunities monitoring form, as it appears on the website. The information you provide will be treated as confidential, and used for statistical purposes only. The form will not be treated as part of your application.
- A conflicts of interest form. Holders of certain offices, including members of health service bodies and family health service providers which are within the Ombudsman’s jurisdiction, cannot be appointed as Ombudsman. Please give details of any offices you hold and of business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment. Any particular conflicts of interest detailed here will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application.
- Please also include the names and contact details of two referees. Please note referees will be contacted if you are shortlisted for interview.
- The political activity declaration. This information will only be provided to the panel for those applicants selected for interview. Candidates for this role will need to demonstrate their impartiality, both in terms of any past or present political activities and/or membership of or connections with any organisations that might compromise, or be seen to compromise, their ability to act impartially, objectively and independently.

All applications should be submitted through the GatenbySanderson website by Monday 17 October 2016.

Planned Timeline

Please note that these dates could be subject to change. If you are unable to meet this timeframe, please let us know in your application letter.

The anticipated timetable is as follows:

<table>
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<tr>
<th>Event</th>
<th>Date</th>
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<tr>
<td>Closing Date:</td>
<td>Monday, 17th October 2016</td>
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<tr>
<td>Longlist Meeting:</td>
<td>27th October</td>
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<td>Preliminary Interviews:</td>
<td>w/c 31st October</td>
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<td>Shortlist Meeting:</td>
<td>w/c 7th</td>
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<td>November Assessment &amp; references:</td>
<td>w/c 14th November</td>
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<td>Final Panel:</td>
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Appendix 4: Candidate CV

Rob Behrens is a public servant with extensive experience of strategic transformation and development, complex stakeholder management and effective communication, and evidence-based policy development. He has been a chief executive, ombudsman, and non-executive board member with extensive regulatory experience in higher education, legal services, and in the UK and international civil services. He is a champion of independence, transparency, diversity, clarity of purpose and technical competence as the benchmarks of effective service delivery. Rob is now Visiting Professor at the UCL Institute of Education. He is non-executive member of the Bar Standards Board and Chair of its Qualifications Committee. Rob was personally commended for his work on the transformation to democratic rule in South Africa by (the late) President Nelson Mandela and Sir Robin (now Lord) Butler. He was made a CBE in the 2016 New Year’s Honours List for ‘services to higher education’.

September 2016 – Present.
Visiting Professor, UCL Institute of Education

- Researching book on international, (18 country) study of Ombudsmen in Higher Education looking at issues of competence, public trust, independence and transparency.

- Occasional teaching and seminars for students and faculty

May 2016 – Present
Senior Adviser to the European Network of Ombudsmen in Higher Education.

- Member of Executive Committee and Editorial Committee

- Adviser to President and Chair on strategic development of ENOHE.

May 2008 – April 2016
Independent Adjudicator and Chief Executive, OIAHE

- Appointed under the 2004 Higher Education Act to lead the adjudication service for university students in England and Wales dealing with student complaints against “acts and omissions” of universities, where internal processes are exhausted. Reappointed for second (final) term beginning May 2011. Oversaw the doubling of the size of the Office since 2008 and its transformation into a classic (and modern), trusted, outward-facing, ombudsman service.

- OIA reviews and resolves more than 2000 cases a year, supported by a team of (mostly legal) case-handlers. Decisions are subject to Judicial Review (circa 60 student applications, all but two successfully resisted).

- Regular bilaterals with ministers, senior civil servants and sector stakeholders. Successfully negotiated the extension of the OIA remit and mandates to all private suppliers of higher education receiving public funds in the Consumer Rights Act 2015. And the appointment of OIA as higher education Entity under the EU Alternative Dispute Resolution Directive which has applied in the UK since July 2015.
• Commissioned and delivered (February 2010–2014) three national consultations on OIA policy and operations, The Pathway Project, addressing the development of the OIA Scheme. Transformation covered user access, triage and early resolution of complaints, settlements, remedies, publication of cases by name of university, and the creation of the first written, national Good Practice Framework on Complaints and Academic Appeals (2014).

• Extensive public policy and media engagement including BIS Select Committee, television, radio (BBC Radio 4 File on 4) and numerous policy-related publications including Times Higher Education, the Higher Education Policy Institute, and Perspectives, Policy and Practice in Higher Education.

January 2012 – Present
Non-Executive Board Member, Bar Standards Board

• Member of Board supervising effective and outcomes-focused regulation of barristers as set out by Legal Services Board. Key supporter of current governance reforms led by BSB Chair.

• Chair of Qualifications Committee, reviewing policy and hearing appeals from decisions of its Panels (Transferring Qualified Lawyers, Pupillage Training, Practising Rules and CPD, and Academic Stage) and conduct decisions of the Inns of Court.

• Accompanied Mr Justice Dingemans on DFID-sponsored, Slynn Foundation legal reform mission to Albania (2013).

June 2006 – April 2008
Complaints Commissioner to the Bar Standards Board of England and Wales

• Independent regulator of complaints alleging professional misconduct and/or inadequate professional service made by the public against the 15,000 barristers in England and Wales. Also oversaw Fitness to Practice applications and convened panels where there was a case to answer.

• Delivered (July 2007) the Strategic Review of Complaints and Disciplinary processes in the context of the Clementi Report and the Legal Services Act. This major, consultative Review led directly to 52 changes (2009) to the disciplinary and complaints process including: streamlining of the Hearings and Tribunals processes and a new, proportionate, mechanism dealing with cases of professional misconduct ('Determination by Agreement').

Mar 2003 – May 2006
Secretary and Press Secretary, Committee on Standards in Public Life

• Principal policy adviser to Chairman and Committee and head of Cabinet Office management unit giving independent policy advice to the Prime Minister on propriety and standards of conduct issues related to all public office holders. Planned and executed the Committee's Tenth Public Inquiry (2004). Principal drafter of Tenth Report (2005) with recommendations on strategic regulation, public appointments, and the re-structuring of the Standards Board for England.
• Supported successive Chairs (Sir Nigel Wicks and Sir Alistair Graham) in extended exchanges and meetings with the Cabinet Secretary and Secretaries of State. Commissioned biennial quantitative studies of public attitudes on standards of conduct (2004 and 2006). Appeared with Chairman at Public Administration Select Committee.

Sept 2001 – Feb 2003
Director, International Public Service Group, Cabinet Office

• Delivered: (1) high-level technical assistance in public management to Accession States of European Union, the states of former Yugoslavia, the Russian Federation, emerging democracies and countries in transition in Asia, Africa and the Caribbean; (2) the International Comparisons Policy Project launched under Modernising Government White Paper to place on Policy Hub policy advice enabling UK civil servants to learn from the experiences of other countries; and (3) Cabinet Office Twinning Projects with Poland and Slovakia under the Phare Programme of the European Union. Rigorously defended policy papers on joined-up government and on performance management at World Bank and OECD.

1997– 2001
Director, International Consultancy Group, Civil Service College, Cabinet Office

• Successfully delivered corporate College targets (financial and educational) as member of Business Executive of Next Steps Executive Agency. Director of Marketing 1997–9 delivering strategic review of marketing operations.

• As Director of International Consultancy Group constructed and delivered policy and operations through competitively tendered donor-funded work in 40 countries for Department for International Development (DFID), Foreign and Commonwealth Office (FCO), the World Bank, the United Nations Development Programme (UNDP), the European Union and Sovereign States. Commissioned and edited comparative policy studies on Asylum and Adoption for No.10 Policy Unit and Performance and Innovation Unit, 2000.

October 2000 Acting Chief Executive overseeing all College operations including submission to Cabinet Office spending round.

1997 Promoted to Senior Civil Service

Director, Southern Africa Development Unit (SADU), Civil Service College

• Negotiated, devised and led high-level technical assistance to African National Congress and (subsequently) first democratic South African Government. Included development programmes for 100 leading ANC cadres in-country (in partnership with disadvantaged universities Fort Hare and Western Cape) and in continental Europe and the UK (in partnership with UK central departments and universities). Also in-country capacity-building assistance for the new Ministry of Public Service, the National School and the Constitutional Assembly.
• Only UK Civil Servant to brief the South African Constitutional Assembly on public service elements of new Constitution (Cape Town 1995). This followed personal briefing for Secretary-General of ANC, Cyril Ramaphosa, in 1993. Accompanied and advised Sir Robin Butler, Head of the UK Civil Service, on a reciprocal visit to South Africa in 1996. Subsequently commissioned by Constitutional Assembly to research and produce a development plan for Assembly staff (1995).

1996 Promoted to Principal International Consultant, Civil Service College

1990 – 1992
Lead consultant on Diversity, Civil Service College (Cabinet Office)

• Restructuring College Diversity programmes including Europe’s first positive action programmes for ethnic minority Civil Servants and Disabled Civil Servants. Also Human Resources, Change Management and Diversity consultancies to a large number of Government, public sector and private sector organisations.

1988 Entry to Civil Service through Civil Service Lateral Entry Open competition

1984 Appointed Head of Social Policy, Coventry Polytechnic (now Coventry University)

1982 Accelerated promotion to Senior Lecturer, Coventry Polytechnic

1975 Appointed Lecturer in Social Policy and Public Administration, Coventry Polytechnic.

Education:


Qualifications:

BA (Hons) Politics University of Nottingham 1973 (2.1);

MA Politics University of Exeter, 1976.

Honours

CBE for ‘services to higher education’ in the 2016 New Year’s Honours List.
Formal Minutes

Wednesday 18 January 2017

The Health and Public Administration and Constitutional Affairs Committees met concurrently, pursuant to Standing Order No. 137A.

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<th>Public Administration and Constitutional Affairs Committee</th>
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<td>Andrew Selous</td>
<td>Mr Paul Flynn</td>
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<td>Dr Sarah Wollaston</td>
<td>Mrs Cheryl Gillan</td>
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<td>Kelvin Hopkins</td>
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<td>Mr Bernard Jenkin</td>
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Mrs Cheryl Gillan was called to the Chair, in accordance with the provisions of Standing Order No.137A (1)(d).

The Committees deliberated.

Mr Bernard Jenkin declared an interest as a member of the selection panel for the Parliamentary and Health Service Ombudsman, and withdrew.

1. Pre-appointment hearing for the Parliamentary and Health Service Ombudsman

Mr Rob Behrens CBE gave oral evidence.

2. Appointment of the Parliamentary and Health Service Ombudsman

Draft Report (Appointment of the Parliamentary and Health Service Ombudsman), proposed by the Chair, brought up and read.

Ordered, That the Chair’s draft Report be considered concurrently, in accordance with the provisions of Standing Order No. 137A (1).

Ordered, That the Chair’s draft Report be read a second time, paragraph by paragraph.

Papers were appended to the Report as Appendices 1 to 4.
Health Committee

The Public Administration and Constitutional Affairs Committee withdrew.

Members present:

Dr Sarah Wollaston, in the Chair
Rosie Cooper    Andrew Selous

Resolved, That the draft Report (Appointment of the Parliamentary and Health Service Ombudsman), prepared by the Health and Public Administration and Constitutional Affairs Committees, be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 24 January at 2.00pm.

Public Administration and Constitutional Affairs Committee

The Health Committee withdrew.

Members present:

Ronnie Cowan    Mrs Cheryl Gillan
Mr Paul Flynn    Kelvin Hopkins

In the absence of the Chair, Mrs Cheryl Gillan was called to the Chair.

Resolved, That the draft Report (Appointment of the Parliamentary and Health Service Ombudsman), prepared by the Health and Public Administration and Constitutional Affairs Committees, be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 24 January at 9.15am]
Witness

The following witness gave evidence. The transcript can be viewed on the inquiry publications page of the Parliament website.

Wednesday 18 January 2017

Rob Behrens CBE, recommended candidate for Parliamentary and Health Service Ombudsman
List of Reports from the Health Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee’s website.

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

**Session 2015–16**

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**Session 2016–17**

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<td>Winter pressure in accident and emergency departments</td>
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<td>Fourth Report</td>
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### List of Reports from the Public Administration and Constitutional Affairs Committee during the current Parliament

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#### Session 2015–16

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<td>Third Report</td>
<td>The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators</td>
<td>HC 431 (HC 980)</td>
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<td>Fourth Report</td>
<td>The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall</td>
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Fifth Special Report  The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall: Government Response to the Committee's Fourth Report of Session 2015–16  HC 963


**Session 2016–17**

First Report  PHSO review: Quality of NHS complaints investigations  HC 94 (HC 742)

Second Report  Appointment of the Chief Investigator of the Healthcare Safety Investigation Branch  HC 96


Fourth Report  Appointment of the First Civil Service Commissioner  HC 655

Fifth Report  Follow-up to PHSO report on unsafe discharge from hospital  HC 97

Sixth Report  The Future of the Union, part two: Inter-institutional relations in the UK  HC 839

Seventh Report  Follow-up to PHSO report ‘Learning from Mistakes’  HC 743

First Special Report  Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd: Government and HS2 Ltd responses to the Committee's Sixth Report of Session 2015–16  HC 258