

"4. Pre-determined conclusions

It considered that the ombudsman's officers had used "firm concluded and **adverse**" language which gave no hint of doubt that the GPs were culpable. **Adverse opinions** were inappropriately contained in the file made available to the investigators.

The court found that, overall, the investigation file gave "**every appearance of pre-determination and almost none of a fair handed approach.**" Due process and fairness may be respected in a draft report procedure, but what should happen, the court made clear, is that "the style of provisional **evaluation should clearly admit of the possibility that there may be other explanations** and opinions that the ombudsman has yet to consider."

<https://www.kingsleynapley.co.uk/insights/blogs/regulatory-blog/ordinarily-hard-to-challenge-ombudsmans-decision-making-marred-by-illegality-irrationality-procedural-unfairness-and-pre-determination>

Evidence of PHSO Predetermination and Adverse Comments/Opinions in my Complaint Investigation:

1. File note "history item 0106" written by Jen Amos on 3.4.14 following a telephone call she made to SPFT: "*I felt it would be beneficial to all if we could **go ahead and close the complaint as soon as possible** to ensure it didn't prolong the process*";
2. Case history note dated 30.4.14 by Jen Amos following panicked call from SPFT when I had tried to raise the new complaint with them: "*...our investigation was so specific to the funding panels and did not consider the issue of diagnosis, I thought it seemed to be a new complaint. I suggested that the Trust could be very clear with [myself] owing to her own admission of difficulties interpreting information and clearly set the boundaries of what it would look at and how it would respond, perhaps formally, and then **should [myself] be unhappy with this and come to us, we would see a clearly compliance with the NHS complaint procedure.***";
3. Internal email from SPFT PALS regarding content of phone call from PHSO on 24.9.13 "*The PHSO have just called me to say that they have sent their letter so we should see this very soon. They also explained after making their preliminary enquiries decided not to mention individual names in their letter and that **the investigation will be based on the Trust's response.***"

Adverse Opinions:

Just one of quite a few which is disability discrimination, use my autistic communication-style* (such as literalness, as a reason to dismiss what I stated), is "history item 0131" in which it says:

"Not all of the points she has made seem wholly plausible"

I wouldn't imagine a PHSO investigator would ever make such a derogatory comment towards an NHS employee, only a complainant.

* *"history item 0104"* in which it states:

"...we can see that things have become literally taken..." and

"..she typically would write long convoluted responses..." and

(Misusing traits of my autism against me to discredit me).

"[myself] has previously told us of the difficulties she has with interpreting information sent to her in written form"

This is a complete lie. I **once** mentioned in an email to a member of PHSO staff, that I sometimes miss **blocks of text** in correspondence. But I **re-read** things to make sure I have absorbed all the information and I do **not** misunderstand **what** I have read!

"I feel it would not be person-centred to provide lengthy responses as I feel it would fuel communication as it would appear that [myself] misinterprets a lot of my wording from previous emails and the report"

Highly derogatory (*and those are just a selection of the variety of discriminatory and derogatory comments made about me by PHSO staff about me*) under the faux guise of acting in my interests! I did not misinterpret their wording (*as Kafkaesque as their reports are*). But then they never provided me reasonable adjustments for my disability either and breached my Human Rights in this.

All these comments were clearly aimed at **discrediting** me and shows their opinion of me - which considering I have provided proof that I was **correct** in my entire complaint, was not only unprofessional but highly unjust and can **only** have been, as per *Miller v PHSO*, because of their intention to ensure my case was not upheld due to **predetermination** from the outset. They didn't comment in any way about NHS staff (*who made proven false claims about me having mental health issues*), about their integrity, state of mind or behaviour and only accepted everything the NHS said, making **bold but false statements** (*perjury*) in their final report. When a supposedly neutral public ombudsman acts to:

1. **discredit and undermine** one party whilst not doing to same to representatives of the offending organisation;
2. shows extreme and **obvious bias** towards the offending organisation by unquestioningly accepting their word at face value, even when the complainant can prove otherwise;
3. actively **avoids uncovering evidence** that the complainant can discover;
4. despite publicly claiming they use powers to investigate further (*including visiting the offending organisation's premises*) when there are discrepancies between complainant and offending organisation, yet they don't;
5. ignores **all** laws and NHS rules breached by the offending organisation;
6. when evidence is provided by the complainant **proving** their case and it's **ignored** - and bizarre statements are made to explain it away on behalf of the offending party...

– there is **no other** conclusion outside of **predetermination**.