

SEEKING THE TRUTH

THE ROLE OF THE OFFICE OF THE HEALTH OMBUDS



Parliamentary
and Health Service
Ombudsman



Rob Behrens, CBE

UK Parliamentary and Health Service Ombudsman



Professor Malegapuru Makgoba

South African Health Ombudsman

In March 2021, Professor Malegapuru Makgoba (MM), Office of the South African Health Ombud, and Rob Behrens (RB), the United Kingdom Parliamentary and Health Service Ombudsman, signed a twinning agreement that will foster cooperation and the exchange of knowledge, experience, and skills in investigating and managing health sector complaints. They shared their excitement about the agreement and spoke to BHPSA about the important role of the Health Ombud's office. The twinning agreement was facilitated by BHPSA, which is also supporting the ongoing work.

This conversation has been edited.

RB: This is a really special day. It has been a very fast process since we got together in London to talk about this. I'm really thrilled to be on the point of signing this agreement. It comes at the perfect time as we move out of the pandemic and try and learn from it, so it's important and it's an emotional moment for me.

MM: I'm equally happy to be at this juncture and to put my signature to this important agreement, which is quite unique for our two countries, but more importantly for this portfolio of Health Ombuds for both countries. I hope that this will really be a very meaningful agreement that can advance the processes that we're involved in every day in promoting health services in our countries.

RB: It is true, it's an agreement between two organisations, not between two people, and we will ensure that there are lots of people who will benefit

from this, and we will have lots of round table discussions and arguments and try to sort out big problems in a way that is going to be in the public interest. So, thank you and I look forward to starting straight away.

There are three things that we need to focus on in the first year: firstly we need to look at leadership development and training for those who undertake the investigations; secondly we need to look at trust and the complaints handling process and how we can learn from each other about how that is done; and thirdly - a very difficult issue - is how to use expert clinical advice in investigations which is central to having the competence and the trust of service users and clinicians.

MM: That is what we discussed. I just wanted to emphasise the last point - the use of clinical experts. Since we are operating within a clinical environment, this is very, very important to put the minds of the public at ease but also to give us up-to-date information that can be useful in the evaluations of the investigations.

RB: I think that's absolutely right and the more transparent we can be about how we use clinical advice the greater trust we can build with those people who want to understand that they have had a fair hearing, not from a vested interest, but from objective advice which is reliable and can set the standard.

MM: The other thing that I just want to emphasise is that the role we play is really based on a very simple principle: we are there to seek the truth on behalf of people who are troubled. So on one hand our role is to establish the truth, and on the other is actually to realise that we're dealing with troubled souls that we need to, in some way or another, counsel so the two roles play into each other all the time and the important thing is to not allow ourselves to become political mandarins where we are influenced by what politicians want or what lawyers want but what the case actually requires us to do. That I see as an important guiding principle.

RB: That a beautiful articulation of what Ombuds do in terms of independence - not being influenced by anybody else. Impartiality; so that we hear both sides when we look at cases. And critically, we have got a lot of challenges to deliver on empathy with souls who, as you say are troubled. They may be traumatised by what happened to them and we have to have the skills to be able to deal appropriately and compassionately with people like that without taking sides. That is a big, big challenge and I look forward to and that discussion in particular as we've got a lot to learn.



Watch the short video of the virtual launch

MM: I agree with you that we have a lot to learn from each other and I suppose at the end of the day we need to understand that we we're not going to be here forever and we need to leave some footprints that ensure that what we have been doing continues to be done at the highest level with the highest trust and the highest of integrity that the position demands.

RB: Succession planning is critical as you say and this is going to be great in planting seeds which are going to nourish and develop. So, let's get started.

[They sign the agreement]

BHPSA: Could you speak about the important role of Ombud office and how it can strengthen health systems.

RB: So basically, we are the last port of call for citizens making complaints about the health service and, in Britain, central government departments. We in the UK combine the role of the public protector and the health ombud – it is one office. We make decisions impartially without taking sides and as transparently as possible and the key thing which makes us attractive is that we're not only impartial it's a service which is free to use. So, unlike the courts, you don't have to pay money in order to be represented and to have your case heard, and that's very important to people who can't afford large legal fees. As far as the use of the ombudsman is concerned, it helps to build trust in the system. The trust in the health service in the UK is very high actually, but is increased when people know that they have an independent body that they can go to, to say "this is not gone well, it's gone wrong, there's been poor service and I want it looked at independently". We produce thousands of decisions a year which enabled people to say something has gone wrong, it is now being put right and I can move on. So, it's a way of holding the health service to account and exposing weaknesses so that we can learn from them altogether and make the systems better.

MM: South Africa is a country in transition and transformation, and part of that process is to transform and change the health system in South Africa. The Office of the Health Ombud is part of this new dimension to try and improve the quality of the health services but also improve the quality of the people and the systems that provide that health service. The second part of this is that, as we transform in South Africa, we have to join the international community and learn from best practises and standards by interacting with other offices of health ombuds in the international community to define our standards and define our values as we improve and provide universal healthcare services. I think what we have to remember is that this is a first, and a new thing in the South African health system, unlike what you have in the UK. So, what we're doing is really building from the foundations, learning from the best international practices, like being part of the International Ombudsman Institute, and people like Rob and his team.

BHPSA: How will this twinning arrangement benefit you?

RB: I have always believed that comparative learning, exchanging between organisations in the same country and different countries, is a very good way of learning, of thinking critically about what you're doing. It's a conversation which is absolutely necessary to open the mind to make sure that that we're learning from the best possible sources

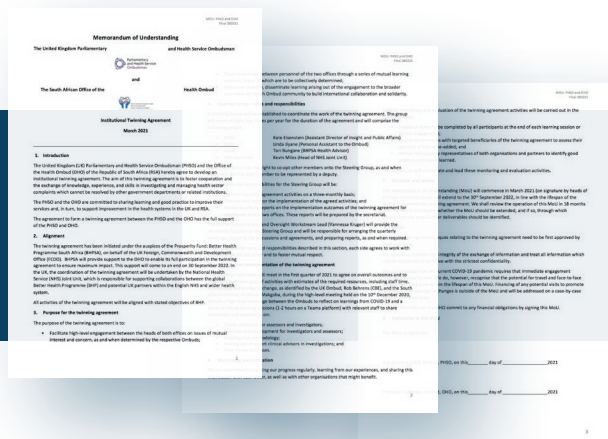
and that's why this agreement is so exciting to me because there's so much to learn from the Health Ombud in South Africa and we're going to do that vigorously and with great excitement.

MM: When I took this job as Health Ombud I realised that there was no capacity in South Africa for this kind of work and one of the areas I identified with the former Minister of Health, Dr Motseledi, was that part of my tenure here is to leave capacity - strong capacity or what people normally call succession planning. I wanted to be able to build an office that would be staffed by people who are well qualified and professional to be able to carry out the high standards and the empathy that is required by this office.

BHPSA: Could you speak a bit more about the International Ombudsman Institute, and the importance of building international solidarity

RB: The International Ombudsman Institute is a wonderful network of 150 countries of national and functional Ombuds who get together on a regular basis to debate ideas and to think about how to improve the service we offer, and our visibility. For most of us, one of the biggest challenges that we find is that citizens are not terribly familiar with what our officers can do and the potential that they have to improve their lives. So, we have to work together to find ways to become more prominent in the public imagination so that people who need us can use us.

THE TWINNING AGREEMENT



The UK's Better Health Programme (BHP) is a global health system strengthening programme led by the UK Foreign, Commonwealth and Development Office and delivered in South Africa by Mott MacDonald



British
High Commission
Pretoria



Parliamentary
and Health Service
Ombudsman

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