

Standards Committee

8 November 2005

**Reform of Public Sector
Ombudsmen Services in England**



**Report of Andrew North, Deputy Chief Executive (Corporate Services)
and Monitoring Officer**

Purpose of Report

1. To inform Members of a Government consultation exercise on proposals for reform of the public sector Ombudsmen services.

Background

2. The Parliamentary Ombudsman, Local Government Ombudsmen (three covering different geographical areas of England), and the Health Service Ombudsman undertake independent investigations into complaints from citizens within their respective jurisdictions of Government Departments, local authorities, and the National Health Service, (and other related public bodies in these areas). All are created by statute, and operate under statutory provisions. They are impartial in their dealings with complainants and those complained about.
3. The Government and the Ombudsmen wish to modernise the public sector Ombudsman system to enable them to provide a more accessible, flexible and modern complaints handling service for complainants as an integral component of improving public service delivery.
4. In recent years the public sector Ombudsmen have made a number of administrative changes to facilitate closer working and co-operation between them and their offices with the aim of providing a "one-stop shop" service to complainants.
5. However, current legislation limits what the Ombudsmen are able to achieve. For example there is no provision for the public sector Ombudsmen to carry out a joint investigation into a complaint involving issues that fall within more than one of their individual jurisdictions.

This effectively means that two, possibly three separate investigations are required to resolve a complaint. The Government has recognised that this fails to provide a single point of reference for the complainant, is inefficient and costly, causes duplication and delay and creates unnecessary burdens for the complainant and the Ombudsmen and their staff.

Proposals for Reform

6. The proposals involve amending the Parliamentary Commissioner Act 1967, the Local Government Act 1974 and the Health Service Commissioners Act 1933 to enable the public sector Ombudsmen to achieve a modern responsive and co-ordinated complaints handling service for the users of public services.
7. Specifically the proposals would:
 - enable the Ombudsmen to work collaboratively on cases and issues that are relevant to more than one of their individual jurisdictions, enabling them to provide a more streamlined and effective service with the citizen being the ultimate beneficiary;
 - enable the Ombudsmen to delegate their functions to each other's staff;
 - provide express powers to enable the Ombudsmen to issue advice and guidance on good administrative practice and other matters;
 - give the Ombudsmen express powers to seek the resolution of a complaint, in addition to, or instead of, conducting a formal investigation into the complaint;
 - amend the Local Government Ombudsman's powers to allow investigation of some cases not first referred to local authorities.
8. The legislative changes will be implemented through a Regulatory Reform Order (RRO) and as such are subject to preliminary consultation and to extended Parliamentary scrutiny (by Committees in each House of Parliament) of any subsequently proposed order. A copy of the Consultation document has been placed in the Members' Resource Centre and is available electronically at www.cabinetoffice.gov.uk/propriety_and_ethics/parliamentary_ombudsmen/ombudsmenreform.asp
9. The Consultation Paper seeks responses on whether the proposals:
 - maintain any necessary protections relating to the checks and balances associated with a particular regulatory regime;

- prevent any person from continuing to exercise any right or freedom which they might reasonably expect to enjoy;
- satisfy the tests of proportionality, fair balance and desirability with regard to the new burdens imposed;
- would enable efficiency savings to be achieved and would not impose any significant costs on individuals or organisations.

Recommendation

10. Subject to any views which Members themselves might wish to express at the meeting, it is recommended that I be authorised to settle the response in consultation with the Chairman and Vice-Chairman.

Contact: Allison Mallabar Tel: (0191) 383 5580
