

Book Review: The Ombudsman Enterprise and Administrative Justice

Dec 31 2011

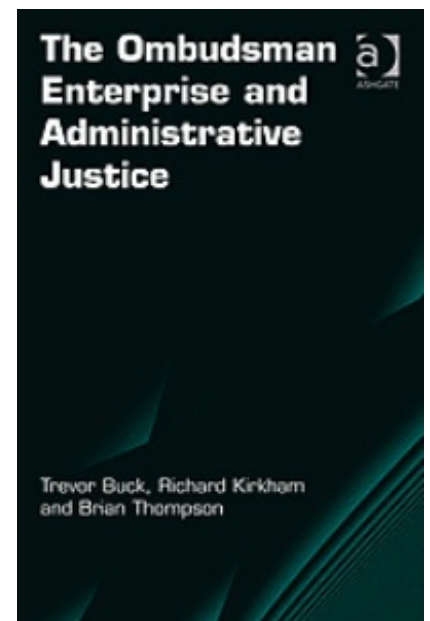
Buck, Kirkham and Thompson provide a rich, detailed picture of the current state of the ombudsmen enterprise in the UK public sector finds Jane Tinkler.

The Ombudsman Enterprise and Administrative Justice. Trevor Buck, Richard Kirkham, and Brian Thompson. Ashgate. December 2010.



Ombudsmen have been features of public sector life in the UK for many decades now. In this book, Buck, Kirkham and Thompson look at the developing role of ombudsmen in the UK and similar Westminster systems and their place in the administrative justice system. Their use of the term “ombudsman enterprise” in the title shows the authors’ view that ombudsmen play a more important role in the wider delivery of public services than previous academic literature gives credit. They contend that this role will continue to develop by redress-handling bodies and the ombudsman’s constitutional role should be re-evaluated as a result: ‘The word ‘enterprise’ has been used deliberately to community this sense of a proactive approach adopted by ombudsman bodies, and that it is currently a work under construction’ (p. 3).

It is the case that the role of the ombudsman is due for a re-examination to keep pace with developments. The UK has seen growth in the number of public sector ombudsmen and other dispute-resolution bodies during the New Public Management period (roughly through the 1980s to early 2000s). This was due to two factors: the break-up of public sector bodies into smaller implementation organisations; and the rise in the ‘citizen as consumer’ rhetoric that was one of the key NPM characteristics. The increase in number of oversight bodies was seen as a way to ensure that consumer-citizens could themselves help to increase the quality of services by holding government departments to account much as consumers did to companies. Now however the multiplicity of oversight bodies leave citizens confused as to their best route to access administrative justice processes. For complex cases – such as a hospitalised older person needing to complain about benefit, social housing, and social care provision – complainants would potentially need to deal with the Parliamentary Ombudsman, Health Services Ombudsman, Local Government Ombudsman and the Housing Ombudsman.



The book does not go into detail about the history or remit of individual ombudsman: as the authors’ state, this is covered sufficiently elsewhere. They instead look at the constitutional role of the ombudsman and theories of administrative justice that are relevant to ombudsmen’s powers. The book mainly focuses on public sector and uses ombudsmen from the private sector, like the Financial Ombudsman Service, as comparators. Subsequent chapters look at the way ombudsmen work in resolving complaints and helping those who complain: such as realistically managing expectations, streamlining the complaints process, and the remedies that oversight bodies have within their powers to correct issues. Another looks at the ombudsman’s wider role in promoting administrative justice across the public sector system: such as undertaking own-initiative investigations, systematic reporting and follow-up reports.

The authors very successfully show the multi-actor world that public sector ombudsmen work in. Unusually for the academic literature, this involves looking at some aspects of first and second tier complaints handling operations (which are usually within government bodies themselves). Before reaching an ombudsman, citizens should have firstly complained to their local office they originally dealt with and, where they have not been satisfied with a response, their complaint should rise up the ‘ladder of redress’ to the Chief Executive of that organisation or an independent complaints handler sponsored by the public sector body (such as the Independent Case Examiner (ICE) in social security complaints).

And the coordination that is necessary to link up the conclusions and decisions made across a range of

bodies in order to improve the quality of service provision is also examined. As the book states, the government does not currently seem keen to legislate this coordination and additional resources for all of those bodies concerned are also unlikely. However the joined-up oversight of these administrative justice bodies is important now and will also become even more key if the greater involvement of external providers of public service proposed by the government moves forward. Here responsibility for a service may rest with the government body, but the provision and delivery rests with another organisation entirely. The ombudsman could provide a valuable independent view on how new modes of delivery are working for citizens. The information the ombudsman provides, in the same way as audit bodies, may be some of the few independent information sources that citizens have access to.

Concluding this interesting discussion are some recommendations from the authors about how the future of the ombudsmen enterprise could be developed. One of these seems unarguable, that the Parliamentary Ombudsman should have the MP filter removed so that citizens can complain directly to her. Others may be more contentious such as removing some independent complaint handling bodies such as the Adjudicators Office for HM Revenue and Customs and the ICE. Overall, this book provides a rich, detailed picture of the current state of the ombudsmen enterprise in the UK public sector, and for that, it is a welcome addition to the literature on administrative justice processes.

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