

England needs an integrated public services ombudsman, organised regionally

By Democratic Audit

The House of Commons Public Administration Committee is currently considering the role of the Parliamentary and Health Service Ombudsman. Professor Patrick Dunleavy, Co-Director of Democratic Audit gave evidence at the Committee's most recent hearing on the topic. In this post, **Richard Berry** summarises the evidence presented and highlights key recommendations for improving the Ombudsman's role in citizen redress.

The [Parliamentary and Health Service Ombudsman](#) (PHSO) investigates complaints from people who feel they have been treated unfairly or received a poor service from government organisations and the NHS in England. Last year, the PHSO received almost 27,000 enquiries from the public, an increase of 13% on the previous year. The [Public Administration Committee](#) scrutinises the work of the PHSO, and in its most recent session took evidence from [Professor Dunleavy](#), alongside [Professor Robert Hazell](#) of University College London and [Brian Thompson](#) of the University of Liverpool.

Fragmentation of citizen redress

One of the main themes of the session was the fragmentation of the system of citizen redress in the UK, particularly in England. Within public services there is a distinction between *complaints* (which the PHSO handles) and *appeals*, a more legalistic process. This distinction, Professor Dunleavy argued, is unintelligible for the public:

The separation of appeals and complaints is just a completely bizarre piece of Whitehall thinking. In some ways, a complaint is supposed to be some kind of attribution of blame, whereas an appeal is asking for a second look. From an ordinary citizen's point of view, the difference between those is abstruse and metaphysical.

As a way of simplifying the process and making redress easier for citizens to achieve, Professor Dunleavy suggested the PHSO introduce a faster process for handling the vast majority of complaints that do not require prolonged investigation. He drew on the example of the Financial Ombudsman Service, which has an initial mediation process that is completed within six weeks:

There could be a quick mediation phase where the Ombudsman really tries to get to the heart of what the complainant is unhappy about and then tries to get the body that has been complained about to really look at this again... It would do it quickly, whereas the whole investigation thing tends to mean very prolonged, very drawn out, very expensive and very poor value for money activity.

Scope and powers of the PHSO

The Committee questioned witnesses about the scope of the PHSO, both in terms of the services it deals with and its geographical coverage. Professor Dunleavy highlighted the existence of multiple other ombudsmen as well as the PHSO, particularly the Local Government Ombudsman and the Housing Ombudsman, which exacerbated the fragmentation of citizen redress mechanisms. He also argued that the national level – with a population of over 50 million people, England is one of the largest administrative units for citizen redress in the world – was not the most effective level for the PHSO to operate at:

The time is long overdue when we should aim to create within England the same kind of integrated Public Services Ombudsman that we see in Scotland and Wales, which looks across health, local government and central Government services, and does this in an integrated way. Ideally, the Parliamentary Ombudsman Service would have a regional setup like the Local Government Ombudsman has, with a level somewhere between three and nine Government regions.

Witnesses discussed the powers available to the PHSO. There was consensus on the need to extend these to allow the Ombudsman to investigate issues pro-actively, rather than only responding to specific complaints. Brian Thompson drew on research conducted overseas in making this case:

One of the techniques they have in other countries, which we do not have here, is the idea of an 'own-initiative' investigation, which allows them to carry out an investigation into something which they think has systemic implications, but they have not actually received a complaint about it. I know that particular power is something that the UK Ombudsman would like to have. Certainly, when we were in Australia and we told them that UK Ombudsmen did not have that, they were flabbergasted; they could not conceive that you could be operating as efficiently as you might without that power.

Parliament and the PHSO

Another theme of the hearing was the relationship of the PHSO to Parliament. Witnesses acknowledge a potential paradox in the Public Administration Committee's own dual role in relation to the PHSO. As Professor Hazell suggested:

There is clearly a tension. [The Committee] is both the Ombudsman's champion in Parliament and the wider world, but also the primary select committee that scrutinises the work of the Ombudsman, her efficiency and her effectiveness... I think you just need to be very clear in your own minds and very clear with the Ombudsman which hat you are wearing in any particular session or activity when you are dealing with the Ombudsman.

Professor Dunleavy advocated a new model similar to that of the National Audit Office (NAO) and the House of Commons Public Accounts Committee (PAC). The NAO's auditing work underpins the scrutiny investigations of the PAC, but the PAC itself does not scrutinise the NAO: this task is performed by a separate Public Accounts Commission.

An issue warranting lengthy discussion at the hearing was the 'MP filter'. This term describes the rule that states the PHSO can only take up complaints that have come from via a Member of Parliament, rather than directly from the public (except in healthcare matters). The PHSO has argued that the filter should be removed. Professor Dunleavy set out his support for the proposal:

Effective liaison between the Ombudsman and MPs would be a very important thing to safeguard, but... I do not think that is what the MP filter is doing. At the moment, what the MP filter is doing is putting off a lot of people... and inhibiting the Ombudsman in developing their relations with the public, in a very restrictive way. I would really like to see direct access from the public to the Ombudsman.

Further information about the Committee's inquiry and the full transcript of this hearing can be found on the [Committee's website](#).

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