

Clive Betts MP,
House of Commons
By email



14 February 2019

Dear Clive,

Local Government and Social Care Ombudsman (LGCSO) Triennial Legislative Review

I am writing in response to your invitation to contribute to the Housing, Local Government and Communities Committee's session on the LGCSO Triennial Legislative Review, particularly the recommendations regarding the Draft Public Service Ombudsman (PSO) Bill.

At the outset, I would like to reiterate the need for the Government to subject the draft PSO Bill to pre-legislative scrutiny. While we of course recognise the demands on Parliament due to Brexit, we also urge the Government to address this as soon as possible to remove uncertainty and implement much needed modernisation of the Ombudsman system. These changes would make it easier and more efficient to achieve justice when people have suffered hardship or injustice as a result of failings by public services.

We issued a joint response to the draft PSO Bill with LGCSO in 2017, which broadly welcomed the Bill and also identified some areas for improvement. This response is enclosed with this letter. We said then that the Bill reflects some of the essential changes that are needed to make the public service ombudsman landscape more accountable, navigable and effective for citizens. The creation of an integrated ombud for public services in England would enable people to access justice more easily, and enable the new organisation to more effectively provide redress in a landscape of increasingly integrated public services.

Any joining together of the LGCSO and PHSO would require upfront investment initially but would be more efficient in the long-run. We believe that any integration should take place over a 2 year period following Royal Assent of the final legislation.

I agree emphatically with the LGCSO that reform must not be seen solely as a consolidation of existing powers, roles and responsibilities. The aim must be to ensure that a future Public Service Ombudsman is equipped to meet changing expectations and demands. Here, I also agree with LGCSO on the need to learn from how the devolved administrations have embraced opportunities to reform the public service ombudsman landscape.



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Last year I commissioned an independent panel to carry out a peer review assessment of our value for money, led by Peter Tyndall, Ombudsman for the Republic of Ireland and President of the International Ombudsman Institute. The panel found that our current legislation restricts our ability to do more in terms of improving public services and places us “out of line with other UK public services ombudsman offices and wider international practice”. In addition to highlighting the need to abolish the MP filter for complaints about bodies in our parliamentary jurisdiction, the panel recommended the Ombudsman should:

- have “own initiative” powers to investigate without a formal complaint so that we can speak up on behalf of people who may be in circumstances that leave them unable or unwilling to complain;
- have the power to set standards for good complaints handling, which is a power already held by the Scottish Public Service Ombudsman.

The panel’s recommendations underline the need for the Government to give further consideration to reflecting these powers in a PSO Bill, as the LGSCO have also made clear in their submission to this triennial review. I have enclosed the value for money study with this letter.

In the absence of legislation, we continue to work closely with the LGSCO where our jurisdictions overlap, such as complex cases involving health and social care, and we intend to continue to work together and to learn from each other. This includes publishing clear information that sets out the range of work we do and how well we are doing against agreed standards, which can be compared with other similar organisations.

Finally, as part of our commitment to greater transparency in our 2018-21 strategy, we will be aligning ourselves more closely with the current practice of the LGSCO by moving to publishing the vast majority of our final casework online by the end of 2020-21.

I hope that this information proves useful. I thank you for inviting me to submit evidence to this important inquiry. If you have any further questions, please contact PublicAffairs@Ombudsman.org.uk in the first instance.

Yours sincerely,



Robert Behrens CBE
Ombudsman and Chair



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Enclosures (attached separately)

- Joint response to the Draft Public Service Ombudsman Bill, PHSO and LGSCO, July 2017
- Value for Money Study, Report of the independent peer review of the Parliamentary and Health Service Ombudsman, Peter Tyndall, Caroline Mitchell and Chris Gill, November 2018



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