The Public Administration Select Committee (PASC) is carrying out two inquiries into the way that complaints about Government departments and their agencies are handled.

The first inquiry, entitled *Complaints: do they make a difference?*, will look at whether the current complaints system delivers fairness, redress, and justice for people who complain, and to examine how departments and agencies use complaints as a source of information and challenge, to improve the delivery of public services. Our inquiry will also look at how ministers and officials handle complaints made by MPs on behalf of their constituents.

Following the Francis Report into Mid Staffordshire Hospital, we will focus on the NHS, but this is a cross-departmental inquiry. We are interested in peoples’ experiences with front-line services, such as: DVLA; the Borders Agency; Jobcentre Plus; the Tribunals Service; the Courts; the Passport Service; regulators, such as the Financial Services Authority; British embassies and consulates abroad; as well as government departments, including the Cabinet Office and No 10. We are in dialogue with the Parliamentary and Health Service Ombudsman, whom we will invite to provide evidence to our inquiry.

The second inquiry, entitled, *Parliament’s Ombudsman service*, will look at the work of the Ombudsman in terms of both performance and effectiveness, and seek to establish how its remit and function can best serve both the public in access to justice, and Parliament in driving improvements in complaints systems and the performance of Government and public services.

The Committee would like to receive your answers to any or all of the following questions. If you would like to provide any additional comments on related issues please, feel free to do so, but please bear in mind that the Committee cannot investigate specific complaints and does not intervene in, or reconsider, cases considered by the Ombudsman.

You may find it helpful to read the background information in this paper before responding.

Details on how to submit your response can be found at the end of this paper. The deadlines for responding to the two inquiries are as follows:

*Complaints: do they make a difference?:* 12 noon on Monday 13 May 2013.
Questions

Complaints: do they make a difference?

1. What objectives should Ministers adopt when considering how complaints about Government and about public services provided by Government are handled?
   - What gaps in the complaints systems exist; and how should ministers ensure they are addressed?

2. How effectively do Government departments and public service providers use complaints to improve the service provided?
   - Who should be accountable for leadership and governance of complaints systems across government and its agencies?
   - How should data on complaints be gathered and monitored?
   - How should information about complaints be used to lead and drive improvement?
   - What do complaints cost; and how much money could be saved by learning from complaints?

3. How quickly do complaints systems deal with legitimate grievances and provide redress?

4. How easy is it to make a complaint about a Government department or agency, and how could this be improved?
   - Can people easily find their way around complaints systems?
   - Do complaints systems provide proper access for vulnerable, disengaged, or excluded groups?
   - How welcome are complaints to government departments and agencies, compared to complaints to a department store or to a mobile phone company for example? What should government learn from the private sector?
   - Do complaints systems succeed in making public services and government departments more accountable and responsive to service users?

5. Do complaints-handling systems achieve the right balance between non-judicial and judicial investigations and remedies?
   - What is the right balance?
   - How can ministers reduce litigation costs and defensive behaviour in favour of informal redress and openness?

6. How aware are service users of the various ombudsmen (such as the Local Government Ombudsman, Financial Ombudsman and the Housing Ombudsman)?
How do they coordinate their respective roles?

7. What lessons for complaints handling in the NHS are emerging from the Francis Report into failing at Mid Staffordshire Hospital?
   ➢ Which lessons have relevance to complaints handling processes elsewhere in Government and public services?

8. How well do Ministers and senior officials deal with complaints raised by MPs on behalf of constituents?
   ➢ What do Ministers and senior officials learn from complaints and how do they use complaints as feedback on departmental policy and implementation?

9. How should complaints about complaints systems be handled?
   ➢ How should departments and government as a whole monitor performance of complaints handling systems?
   ➢ Do tribunals systems work effectively; and how could they be improved?
   ➢ Should there be a single point of contact for impartial information on where to make a complaint or to seek redress? How should this be provided?

10. How do other countries handle complaints and what could the UK Government learn from them?

Parliament’s Ombudsman Service

11. What should be the relationship between the Parliamentary and Health Service Ombudsman and;
    ➢ The individual citizen?
    ➢ Parliament?
    ➢ The Public Administration Select Committee?

12. How effective is the Parliamentary and Health Service Ombudsman as a service for handling complaints that have not been adequately dealt with elsewhere?
    ➢ How should complaints about the Parliamentary and Health Service Ombudsman be handled? How effectively does the Parliamentary and Health Service Ombudsman deal with complaints?

13. Should citizens have direct access to the Parliamentary and Health Service Ombudsman for all complaints, as people already have in respect of complaints about the NHS?
What should the relationship between the Parliamentary and Health Service Ombudsman and MPs be and how can it best work?

Could the Parliamentary and Health Service Ombudsman do more to support MPs handling of complaints on behalf of constituents?

Background

Complaints and redress are essential if service users are to be protected, and services themselves are to learn in order to improve. If an individual feels that they have been treated unfairly or have received poor service from a Government department, they should be able to complain directly to the service provider or department, which should resolve the matter. If the issue is not resolved by frontline staff, an effective complaints procedure should exist for all major Government departments and agencies. We are interested in how complaint handling is integrated with the provision and management of public services, and whether the procedures within departments and agencies are helpful and easy to follow.

After exhausting local complaints procedures, an individual can elevate their complaint to their MP, and to Parliamentary and Health Service Ombudsman (PHSO) — directly in the case of complaints about NHS administration. A range of other ombudsmen exist for other services, such as the Local Government Ombudsman, Financial Ombudsman and the Housing Ombudsman.¹

The Parliamentary and Health Service Ombudsman (PHSO)

The PHSO is independent from Government and was set up by Parliament to support individuals and the public by investigating complaints of poor service or unfair treatment. Its service is free and is open to everyone, subject to the approval of an MP in the case of non-NHS complaints.

If an individual wants to refer their complaint about an NHS service to the PHSO, they can contact the PHSO directly. If the complaint is about a Government department, the individual must ask for their case to be referred to the PHSO by their MP. This is known as the “MP filter”. Any views on the impact of the MP filter, its relevance or effectiveness are welcome.

Like other Ombudsmen, the PHSO has been given statutory discretion by Parliament to consider cases as he or she sees fit, within the terms of the legislation that governs her. Since ombudsmen are generally established as an administrative alternative to costly court proceedings, their decisions are the final stage of the complaints process.

In 2011–12, the Parliamentary and Health Service Ombudsman received 6,818 complaints about Government departments and other public bodies—a fall of 7% on

¹ The Citizens Advice bureau website explains the roles of the different ombudsmen
the previous year—which led to 114 formal investigations. The most complained-about issues were the courts (15%), complaints services (11%) and tax credits (10%). The Department for Work and Pensions (including the Child Support Agency), HM Revenue and Customs, the Ministry of Justice (including HM Courts and Tribunals Service) and the Home Office (including UK Borders Agency) and were subject to the most individual complaints. The Ombudsman also received 16,333 enquiries about NHS complaints—an increase of 8% on last year, including a 61% rise in complaints about care by independent providers—which led to 375 formal investigations.²

In December 2012 the current Ombudsman, Dame Julie Mellor, published her strategy for 2013/18, called More impact for more people. This set out a high-level “vision” for the PHSO, with five aims, to:

- Make it easier for people to find and use its service;
- Help more people by investigating more complaints and to provide an excellent service for its customers;
- Work with others to use what it learns from complaints to help them make public services better;
- Lead the way to make the complaints system better; and
- Develop the organisation so that it delivers these aims effectively.³

Assessing complaints handling by government

The Ombudsman’s third annual Listening and Learning report on complaint handling in the NHS was published in November 2012, and the second annual Responsive and Accountable report on complaint handling by Government departments and public bodies was published in December 2012.⁴ In this report, the Ombudsman highlighted the potential for small errors to become serious issues for the citizens affected, and a perception that complaining about Government services was too difficult.⁵

The previous Ombudsman, Ann Abraham, also published a report on Government complaints handling. It found that “complaint handling across Government is inconsistent, haphazard and unaccountable, operating without any overarching design, overall standards or common performance framework”. She recommended that “certain principles should be common across Government, including keeping

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² PHSO Listening and Learning: the Ombudsman’s review of complaint handling by the NHS in England 2010–11
³ PHSO More impact for more people (December 2012)
⁴ PHSO Listening and Learning: the Ombudsman’s review of complaint handling by the NHS in England 2011–12; Responsive and Accountable? The Ombudsman’s review of complaint handling by government departments and public bodies 2011–12
⁵ PHSO Responsive and Accountable: The Ombudsman’s review of complaint handling by government departments and public organisations 2011–12
complaints processes clear, simple and easy to access, focused on customers and outcomes and operating to clearly defined standards”.

As well as inconsistency, the previous Ombudsman also identified a lack of strategic oversight of complaint handling across Government, saying “As Ombudsman, I consider the complaints that reach my Office but I do not have the legal power to undertake scrutiny on my own initiative. So I do not have the mandate or the mechanisms to provide assurance on complaint handling efficiency and effectiveness across government. Neither does anyone else.” She identified a need for “strong leadership from the top, committed to developing a culture across the civil service that values complaints”.

**Complaining about the complaints system**

In common with other ombudsmen, the Ombudsman’s office operates an internal review system of its decisions and of its own case-handling but, if complainants remain dissatisfied, the only external remedy available is through judicial review proceedings. According to the PHSO’s Resource Accounts, seven applications for judicial review of the Ombudsman’s decisions were made during 2011/12, of which all were initially refused permission by the courts to proceed.

Because of PASC’s role in scrutinising the work of the Ombudsman’s office, individuals also sometimes complain to the Committee about the Ombudsman in the hope that the Committee can offer an alternative to costly judicial review proceedings. The Committee records complaints received in this way to inform its scrutiny of the Ombudsman’s work, but (like other select committees) it has resolved not to investigate individual cases. It has no powers to instruct the Ombudsman, and so cannot compel her to reconsider a decision or reach a different conclusion.

**Past inquiries into complaints handling**

Both PASC and the Health Select Committee have looked at aspects of complaints handling in the public sector. In this inquiry, we aim to build on work already done.

**PASC**

In 2008, under the last Parliament, PASC’s predecessor Committee published a Report entitled *When Citizens Complain*. The then Committee recommended, amongst other things, that the Government “explore providing a single point of contact for impartial information on where to make a complaint or seek redress”.

More recently, in 2012, PASC published a Report entitled *Future oversight of administrative justice: the proposed abolition of the Administrative Justice and

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6 PHSO *Listening and Learning: the Ombudsman’s review of complaint handling by the NHS in England 2010–11*
7 *Ibid*
8 *When Citizens Complain, Fifth report of the session 2007-08, 24 March 2008, HCA09*
This examined the proposed abolition of the Administrative Justice Tribunals Council, a non-departmental public body that oversees the relationships between the courts, tribunals, ombudsmen and other dispute resolution providers to promote good practice and ensure that they meet the needs of users. In its Report, PASC said that it “regard[ed] the role of the AJTC as one of vital national importance, overseeing a system that protects the rights of millions of citizens every year.”

Health Select Committee

In its 2011 Report, *Complaints and Litigation*, the Health Select Committee considered complaints made about, and litigation relating to, poor standards in the NHS. The Committee was sharply critical of the practice of the Ombudsman in writing to complainants to tell them that their complaint could not be accepted for investigation because an investigation would result in “no worthwhile outcome”. This terminology, which arises from the Health Service Commissioners Act 1993, was described as insensitive by several witnesses to the Health Committee’s inquiry.

How to respond

Responses should be submitted by no later than noon on 13 May 2013 for *Complaints: do they make a difference?*, and 17 June 2013 for *Parliament’s Ombudsman service*. Responses should ideally be sent by e-mail to pascev@parliament.uk. If you do not have access to e-mail, you may send a paper copy of your response to the Clerk of the Public Administration Select Committee, Committee Office, First Floor, 7 Millbank, London SW1P 3JA.

Each submission should:

- be no longer than 3,000 words in length;
- begin with a short summary of what you want to say, in bullet point form;
- have numbered paragraphs; and
- be in Word format or a rich text format with as little use of colour or logos as possible.

Submissions should be original work. This means it should not have been previously published or circulated elsewhere, although previously published work can be referred to in your submission and submitted as supplementary material.

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10. Ibid
11. Health Committee Sixth Report of Session 2010-12, *Complaints and Litigation*, HC 786
Once submitted, your submission becomes the property of the Committee and no public use should be made of it unless you have first obtained permission from the Clerk of the Committee.

The Committee normally, though not always, chooses to publish the written evidence it receives, either by printing it, publishing it on the internet or making it publicly available through the Parliamentary Archives. If there is any information you believe to be sensitive you should highlight it and explain what harm you believe would result from it being made public; the Committee will take this into account in deciding whether to publish or further disclose the evidence.

Please bear in mind that the Committee does not consider, and cannot take a decision on, individual cases or complaints.

For data protection purposes, it would be helpful if in your written evidence you could put your contact details in a covering letter or e-mail. You should be aware that there may be circumstances in which the House of Commons will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.