

Public Administration and Constitutional Affairs Committee
House of Commons,
London, SW1A 0AA

20 October 2023

Dear Sir / Madam,

Call for Evidence: Parliamentary and Health Service Ombudsman (PHSO) scrutiny 2022-23

Thank you for the opportunity to provide evidence to the Committee's annual scrutiny session of the PHSO. The PHSO is a member of the Ombudsman Association (OA). We have restricted our comments to the OA's criteria and our interactions with PHSO.

Background

1. The Ombudsman Association (OA) is the professional association for ombudsman schemes and complaint handling bodies in the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories, and covers those operating in both the public and private sectors.
2. The OA's membership criteria¹, including those relating to independence and access, are recognised both in the UK and internationally as representing best practice. This is reflected in the Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*,² which addresses the point of when it is appropriate to use the title 'ombudsman', and in the criteria used by Companies House as to when a company can use the protected term 'ombudsman'.³ The OA's criteria was recently updated following a public consultation.⁴
3. The Vision of the OA is that throughout the public and private sectors:
 - It is straightforward and simple for people to complain.
 - People making a complaint are listened to and treated fairly.
 - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
 - People have access to an ombudsman in all areas of consumer and public services.
 - The learning from a complaint is used to improve services.

Staff management and training

4. The Committee might be interested to know that the OA awards an annual 'Outstanding Contribution Award' (OCA) to recognise and celebrate the work that so many in the ombudsman community do. In 2022, the OCA was awarded to a PHSO employee, Ruth Gray, for her work leading PHSO's academy team to develop effective caseworkers.⁵

Impact on other organisations

Ombudsman sector

5. We can confirm that PHSO remains an active member of the OA, sharing learning and best practice through the different networks the OA provides (for example, those covering 'Casework', 'Communications', 'Data Protection', and 'Equality, Diversity & Inclusion'), in the online discussion forums of the 'OA Community', and at our annual conference.

¹ www.ombudsmanassociation.org/about-us/join-ombudsman-association

² www.gov.uk/government/publications/new-ombudsman-schemes-guidance

³ www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government

⁴ [Changes to OA membership criteria approved | Ombudsman Association](https://www.ombudsmanassociation.org/news/changes-to-oa-membership-criteria-approved)

⁵ [OA's Outstanding Contribution Award – winner announced | Ombudsman Association](https://www.ombudsmanassociation.org/news/oa-s-outstanding-contribution-award-winner-announced)

6. The broad nature of the OA's membership, covering not only 10 different nations and territories, but also all sectors within that geography, such as the financial sector, legal services, energy, and the armed forces, provides the opportunity for PHSO to learn from the experiences and challenges faced not only by ombudsman schemes in the public sector but also those in the private sector, and to adapt those insights to their own environment.

UK public services

7. An Ombudsman helps to underpin public confidence in the organisations that they cover; by providing free, accessible and effective redress, and by feeding back the lessons from their work in order to help improve service delivery and complaints management for the future. An ombudsman is an agent of change, more a doctor than a police officer, diagnosing what is wrong and making recommendations to improve.
8. However, the PHSO's ability to provide redress and drive improvements in UK public services is hampered by out-of-date legislation that restricts the public's access and deprives PHSO of the modern powers and 'toolkit' that are common across the British Isles and elsewhere.
9. In particular, the continuing existence of the 'MP filter' means that PHSO does not currently meet the OA's criteria around simple and direct access.
10. UK citizens who want to complain about a public service provided by the Welsh, Scottish, or Northern Irish Governments, or by a local authority in England, can do so directly to the relevant ombudsman.
11. But if those same citizens are unhappy about a service provided by the UK Government, they need permission from an MP to complain to PHSO. Nowhere else in the world does a citizen need the permission of a politician to complain about a service that they pay for through their own taxes.
12. Notably, Parliament agreed last year that restricting access to an ombudsman is undesirable and counter-productive; removing the short-lived 'democratic filter' in the social housing sector in England, so that people could have direct access to the Housing Ombudsman. And yet, if those same individuals also wish to complain to an ombudsman about HMRC, their benefits, the DVLA, or the Home Office, they still need permission from their MP first.
13. We urge the Committee to support the removal of the MP filter to enable the PHSO to better deliver its role.

We would be happy to provide any further information or meet to discuss if the Committee would find that helpful.

Yours sincerely



Donal Galligan
Chief Executive