

Ewen Fergusson
Ethics & Integrity Commission
Room GC/14
100 Parliament Street
London, SW1A 2BQ

30 April 2026

Dear Ewen,

Call for evidence: Public Sector Ombudsman Review

Thank you for the opportunity to respond to the Commission's call for evidence. We are aware that several of our members and other stakeholders will be providing detailed responses so have focused our response on where our best practice criteria is most relevant.

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.
2. The OA's membership criteria¹ are recognised both in the UK and internationally as representing best practice. This is reflected in the UK 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 on when a company can use the protected term 'ombudsman'.³
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.

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

Q1. Is the role of a modern public sector ombudsman primarily to investigate complaints from citizens? Should it also investigate systemic failings and support public bodies with institutional learning? If the ombudsman should have a role in promoting institutional learning, how should it balance this with its responsibility to provide redress for individuals?

4. An ombudsman's purpose is both to provide redress for individuals and also to identify any systemic issues, in order to provide feedback to help improve services and complaint handling.
5. An ombudsman is different to basic transactional complaint handling which simply picks a 'winner' in a dispute. Resolving an individual dispute is of course key to those individuals involved, but the real value that the ombudsman model provides is their role in feeding back the lessons from their work in order to help secure redress for others in a similar situation, and to improve service delivery and complaints management for the future, whether in the same organisation or more widely across the sector. For that reason, an ombudsman is often described as being more like a doctor than a police officer, diagnosing what is wrong and making recommendations to improve.

Q2. Should ombudsman schemes be granted "own-initiative" powers to investigate areas of concern without having first to receive a complaint? What type of issue should be considered for launch of an own-initiative investigation?

6. Own initiative powers are an essential tool for a modern ombudsman service and are commonplace throughout modern democratic societies, as seen in the Netherlands, Canada, across Scandinavia, and in both parts of the island of Ireland.
7. Those powers offer the most value where people are excluded or marginalised from mainstream society, or where there is a fear of reprisal from raising a complaint, for example if they are resident in a nursing or children's home, are detained in a state institution, or where a provider has a monopoly over a service. In that way, own initiative powers not only give a voice to the vulnerable but also offer an efficient way to identify systemic improvements.
8. The own initiative investigation into homelessness carried out by the Public Service Ombudsman for Wales (PSOW) is an excellent example of the value of these powers. Whilst PSOW had previously received zero complaints about homelessness, the own initiative investigation identified 'systemic maladministration', showing that vulnerable people were suffering injustice but were either unaware of their rights, did not understand them, or were unable to exercise their right to escalate their complaint.⁴
9. Without own initiative powers those issues would never have been identified – and the changes now undertaken to improve services would likely never have taken place.
10. Both the Northern Ireland Public Service Ombudsman (NIPSO) and PSOW have a clear process set out for assessing when an own initiative investigation might be appropriate, including liaising with stakeholders. However, care should be taken not to undermine the impact and value of own initiative powers by introducing unnecessary steps; the process PSOW have to follow to launch an own initiative investigation could be streamlined, making it more efficient

⁴ [Own Initiative Reports - Public Services Ombudsman for Wales](#)

and cost effective. And crucially the impact of their own initiative investigations could be strengthened if the recommendations were able to be applied across the entire sector.

Q3. As an alternative to “own-initiative” powers, would there be benefit to the right of initiative being shared between the Government and the Parliamentary and Health Services Ombudsman (PHSO), with the Government directing the ombudsman to investigate a specific systemic issue or failure? How would this work in practice?

11. The independence of an ombudsman is a crucial principle of the institution and a key element of the OA’s membership criteria; an ombudsman should be both visibly and demonstrably independent from those in its jurisdiction.
12. As mentioned above, own-initiative powers are common internationally and considered best practice. It is unclear what benefit would be provided by giving Government the power to ‘direct’ PHSO to carry out an investigation instead, when having own initiative powers would allow the ombudsman to carry out an investigation anyway, in response to any insight, scandal, or general concerns raised.
13. Whilst the benefits are not clear, the risk to the Ombudsman’s independence is. It is possible that a directive from the Government to investigate may be seen to have political motivations, especially if it relates to actions that occurred under a previous government. More clearly, a body that is within the jurisdiction of an ombudsman (which the Government is in relation to a public service ombudsman), should not have any control or power over it.
14. It may be useful for the Commission to be aware that, in the past, an application for OA membership where a similar power was proposed for the relevant Minister to ‘request / direct’ an investigation failed to meet our Criteria, as it called into question the body’s independence.

Q4. Are there any barriers to public sector ombudsman schemes investigating potential or known systemic issues within their remit?

15. Public sector ombudsman schemes’ 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 them of the modern powers and ‘toolkit’ that are common across the British Isles and elsewhere. We understand that others will be replying in more detail so will not duplicate that here.

Q5. What formal accountability mechanisms are required for an ombudsman with enhanced powers of investigation?

16. Ombudsman schemes covering services provided by, or on behalf of, national / devolved / local government and state-funded health services should be appointed by, funded by, and accountable to a democratically elected body (with accountability preferably through a Committee), not to a Minister, office-holder, or official.
17. As own-initiative powers should be considered part of the ‘usual toolkit’ of an ombudsman, as they are elsewhere, the same best practice accountability mechanisms should apply.

Q6. It is often said that the MP filter is a barrier to accessing the PHSO's services. Should complainants have direct access to an ombudsman or are there advantages to retaining the MP filter?

18. The continuing existence of the 'MP filter' means that PHSO does not currently meet the OA's Criteria around simple and direct access.
19. 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.
20. But if those same citizens are unhappy about a service provided by the UK Government, they currently need permission from an MP to complain to PHSO. Nowhere else in the world does a citizen need permission from a politician to complain about a service that they pay for through their own taxes.
21. Notably, in 2022 Parliament agreed 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 the public could have direct access to the Housing Ombudsman. The same rationale was applied when Parliament removed the MP filter for complaints relating to the Victims' Code, via the Victims and Prisoner Act 2024. 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. This anachronistic 'political gatekeeping' on accessing justice and redress should be removed to enable the PHSO to better deliver its role.
22. As seen in other parts of the UK, and around the world, direct access to an ombudsman does not prevent someone from also seeking support from their elected representative or an advocacy organisation when making a complaint about a service they've received if they wish to.

Q7. How effective are the PHSO, Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Complaint Standards in supporting public services to respond to complaints effectively and learn from their mistakes?

23. Having Complaints Standards powers also reflects best practice, providing the opportunity to improve complaint handling 'upstream' and so contributes to better value for money both for the ombudsman itself and across public services. As research in Australia has shown, every dollar spent on complaint handling can reap a 'return on investment' of up to 5 dollars, and more so when you consider social return on investment.⁵
24. In particular, the training that ombudsman schemes deliver to public service providers represents significant value for money; for example, private suppliers of training for the social housing sector in England charge c.£200 for 3 hours of CPD Training.
25. In helping drive increased efficiency and effectiveness in public services as a result of 'getting it right first time', an ombudsman plays a key role in rebuilding trust and confidence in public services.

⁵ [ROI of Complaints for Public Organisations](#)

Q9. Should the PHSO and LGSCO findings be binding?

26. It is the OA's position that an ombudsman's *findings* of fact, maladministration, or poor service, should be binding on the organisation complained about. However, it is not common practice for a public service ombudsman's *recommendations* to be binding (unlike in the private sector where an ombudsman's decision should be binding).
27. That differentiation between findings being binding, but not recommendations, is not the weakness that some outside the ombudsman sector sometimes perceive it to be.
28. Public service ombudsman schemes across the British Isles have over 99% of their recommendations accepted by their respective governments. It is widely assumed that the inquisitorial approach of an ombudsman, as opposed to an adversarial one, assists in a public body accepting that mistakes have been made and should be rectified. A Government is expected to provide a 'cogent' reason for not accepting an ombudsman's recommendation and it is best practice for an ombudsman to have the power for their report to be considered by parliament / elected representatives if the Government rejects their recommendation. This allows the parliament / elected representatives to carry out their duty of scrutinising the government and holding them to account.
29. The best-known international example of a public service ombudsman having binding decisions is that of the Public Protector in South Africa. Whilst that approach could be viewed as enhancing accountability, it is widely seen by the academic community as having created a more adversarial relationship between the Public Protector and the Government, resulting in multiple judicial reviews / challenges through the Constitutional Court.

Q10. Should the ombudsman and other bodies, such as the courts, be able to refer thematic or systemic issues to each other in order to examine wider failings beyond individual complaints?

30. To join up a fragmented justice system, further work should be undertaken to ensure intelligence and insight can be shared, and acted upon, across the different parts of the landscape.

Q11. What changes could make it easier for the public to navigate the public sector ombudsman landscape?

31. To ensure access to redress is simple and straightforward, there should be a single ombudsman within a sector, and there should be increased harmonisation of powers and processes between ombudsman schemes in different sectors.
32. New ombudsman schemes should not be created where the role could be appropriately fulfilled by an existing ombudsman, and existing ombudsman schemes should be rationalised where this is in the interests of members of the public.
33. There should be clear boundaries between different ombudsman, avoiding gaps and overlaps. Where there are overlaps between schemes, they should work together to ensure clear signposting and hand-offs, to help complainants get to the right place.

We are happy to provide any further information if that would be helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donal Galligan', written in a cursive style.

Donal Galligan
Chief Executive