

ADDRESS REDACTED

11 October 2019

### **Jersey Public Services Ombudsman: consultation on proposed model**

1. Thank you for the opportunity to comment on this consultation. I note the Ombudsman Association has responded and having had sight of their very detailed submission can confirm I support their comments fully. In addition, I thought it would be helpful to highlight two specific points.
2. The Scottish Public Services Ombudsman was the first in the UK and Europe to have legislative powers to set complaints handling standards for the Public Sector. Our experience is (and continues to be) very positive in terms of engendering public sector practice and learning. The benefits that the Scottish public sector, and those who access these services, have gained from this model, include:
  - people benefit from knowing that whichever organisation they engage with, the complaints process will be simple and straightforward.
  - organisations have certainty and structures for handling complaints that help them to monitor and learn from complaints, in turn helping them to improve public services at the point of delivery.
  - the opportunity to share good practice and learning.
3. In addition to our monitoring and general guidance, SPSO provides training and support.
4. The challenge we face, and have faced since gaining these powers, is one of resourcing.
  - The initial implementation took longer than we would have liked as we had only two full-time members of staff to undertaking this work across the whole country. A measure of the success of the impact has been the extension of model



complaint handling procedures to the health sector, which was not included in the model, as benefits were identified from other sectors.

- As the model complaint procedures have become established, we have identified the need to provide support and training, and to collate and analyse complaint information to identify themes and trends, and to benchmark performance within and across sectors. This is well-received, but demand outstrips our resources to deliver it.
5. In short, having powers to set model procedures has positive impact on public service delivery, but to realise the benefits, the powers must be robust and the Ombudsman adequately resourced.
  6. My second relates directly to the two different models under consideration. The second model splits investigation from decision-making by making findings and recommendations the function of the Board. This is problematic in two ways: firstly, it conflates executive functions and board governance responsibilities and does not, in my view, deliver the “office” of Ombudsman as it does not recognize their role as independent decision-maker. This is borne out by the Ombudsman Association which has pointed to the fact that this hybrid structure would not meet their membership criteria.
  7. Secondly, it risks not delivering a user-friendly and accessible service. It is SPSO’s experience that complainants appreciate simple systems that give them direct contact with a decision-maker. Under option A it is simpler and easier for the member of the public to understand who is making the decision and to have contact with them. In the more complex option B, this becomes indirect, with the Ombudsman standing between the person and the decision-making organisation and it seems to me that complicated structure may lead to higher dissatisfaction with the process as the member of the public may feel distanced from the key decision-makers.
  8. I hope you find these comments helpful and am very happy to provide further information.

Yours sincerely

Rosemary Agnew  
**Scottish Public Services Ombudsman**