

Citizens Advice

Response to the Cabinet Office consultation on A Public Service Ombudsman

June 2015



We welcome the opportunity to respond to the Cabinet Office consultation on A Public Service Ombudsman.

As the Gordon report acknowledges, people face a complicated and confusing complaints landscape, and many struggle to identify to whom they should address their concerns. Citizens Advice is often where people turn when services do not respond to their needs or processes are too complex.

From our work with more than 2.5 million people in 3300 community locations across England and Wales, run by over 330 registered charities, and over 20.5 million unique visitors to our website (2014-15), we have unparalleled insight into the problems people face, and the problems they encounter when seeking to complain.

People come to Citizens Advice seeking support around a wide range of public services, with a growing number of people wanting help around a complaint. Over the last four years we have seen a slow but steady increase in the number of queries about public services, increasing by 10 per cent over the period 2011-12 to 2014-15.

Advice queries about complaints have particularly increased, and in many instances now represent a greater proportion of the query types received in specific public service categories than they did four years ago. This indicates that not only are people receiving a poorer service in many areas, they are also finding it harder to complain about those services. For example, over the period 2011-12 to 2014-15:

- Education and schools: advice queries about complaints increased by 69 per cent
- Health (hospitals and GPs): advice queries about complaints increased by 62 per cent
- Local authority social services: advice queries about complaints increased by 146 per cent

Q1. Do you agree that these principles should underpin reform of the Ombudsman service?

We agree these are the right principles to on which to base the reform of ombudsmen services. Primacy should be given to the principle about a service for citizens. Where decisions need to be made about the design and delivery of the service, accountability to Parliament and value for money, they should be carefully considered in relation to impact on access to services or redress options for citizens as the guiding principle.

Q.2 Would you welcome the creation of a single Public Service Ombudsman service and are these the right services to be included?

Citizens Advice supports the development of a single Public Service Ombudsman. It is right to bring together the Parliamentary and Health Service Ombudsman, Local Government Ombudsman and the Housing Ombudsman. Understanding which services should be included will remain a challenge for the Cabinet Office, as what constitutes a public service changes. Social housing is a good example of this, where in some cases it is directly a government service, and in other instances it is a non-government provider voluntarily participating in the Ombudsman scheme. We therefore suggest legislation should be flexible enough to amend which services are included over time without requiring a drawn out legislative process.

Q.4 Should a single public service ombudsman organisation also retain specific sector facing services and staff in eg. Health or Housing?

Q.5 Should each sector within the organisation be led by a senior Ombudsman (or someone of equivalent status) eg a Housing, Local Government or Health Ombudsman?

More important than the structure of the organisation will be its culture and commitment to citizens. To this end, the focus should be on user experience, so that from a user perspective, contact with the ombudsman is seamless from first point of contact to resolution.

We do see merit in there being a single high profile public figure in the role of the Public Services Ombudsman. This would provide focus for citizens, the organisation and reflect the accountability to Parliament principle.

We believe a key challenge for the reformed public service ombudsman will be finding a structure that can efficiently deal with a potential increase in queries and complaints following a rise in profile. There is a risk in either a specialist or generic structure for a propensity for some issues to 'fall through' the gaps, or for the structure to 'encourage' a failure to take responsibility for issues where there are no specialisms.

Q.6 Is 'Public Service Ombudsman' the appropriate title for a new organisation?

While we have no specific suggestions about the name for the organisation, we recommend that the title of the organisation should first and foremost have resonance for citizens. We need to ask what do citizens consider as 'public services', and would all these be within the remit of the reformed ombudsman, eg public transport? Which 'public services' are not included in a general understanding of the term; for example, how do people think of services associated with taxation? Do people understand the word 'ombudsman'?

From experience gained in the recent reassessment of our own brand, we again recommend user testing. Consulting directly with current service users, and, in particular potential service users, is essential.

Q.7 Do you agree that there should be the widest possible routes of entry to a Public Service Ombudsman?

Q.8 In what ways could it be made easier for citizens to access resolution and redress?

We understand one of the biggest barriers to complaining is overly complex and long-winded processes, which often add insult to injury. In addition, fear of reprisal, where a person remains dependent on a service, is also a serious concern for many.

In the first instance, the 'MP filter' for complaints to Parliamentary and Health Service Ombudsman must cease. In future, citizens should be always be able to make a complaint directly to the ombudsman.

In the PHSO's recent report on the public's attitude to complaining about those public services which are within their purview, almost two-thirds of people that are unhappy with a public service do not actually make a complaint and 29 per cent said they believed that complaining would not make a difference. It will be easier for citizens to make a complaint when it is clear that doing so matters. A public service ombudsman has an important role to play here.¹

The key to making it easier to complain is to make it simple, to design processes from a user needs perspective, rather than from the needs of the organisation. A

¹ Parliamentary and Health Service Ombudsman (2015) 'What do people think about complaining?' see http://www.ombudsman.org.uk/improving-public-service/research/what-people-think-of-complaining/_nocache

single, independent and trusted triage and advocacy point could ensure that people are supported to access the specific service, whether or not that is the ombudsman. In particular this stage should include those who have not exhausted local resolution routes.

Again, consulting directly with potential and current service users, and stakeholders who form a key gateway into the current services, and could be an important route into the proposed new Ombudsman. Those people and service types under-represented in each of the three ombudsmen, should be a particular focus for assessment.

Channels of entry - that is, which forms of communication are available to citizens - should be multiple and easy, whether directly by the complainant via digital, post or telephone, or with the assistance of an advocate. In determining which channels should be available, there will need to be a balance between ensuring easy access and delivering value for money. Again, bringing all channels to a single point will greatly improve service user experience.

Our own user research recently found that more than half our internet users access our site from a mobile telephone, which has important implications for the way information and interaction opportunities are presented. Getting these channels right may have initial investment considerations, but these should provide value for money over time.

Of particular concern for us is how any new ombudsman service would address the underrepresentation of certain public services in complaints raised to this level. For example, the PHSO reports that approximately 3 out of 4 issues it assessed were about the NHS, leaving just 1 in 4 issues about all other government services.² Our own dealings with citizens and their problems with government services suggest there are numerous failures that could result in a complaint. The complexity of the presenting acute issue, and the need to resolve immediate detriment, means that dealing with the service failure can be a step too far.

Reforming the public service ombudsman landscape only simplifies part of a very complex and crowded landscape. The new approach will need to actively support people to locate the right service for them. Improving advocacy services, with a single triage and advocacy point which supports people either to raise a problem with the ombudsman or achieve local resolution, will be essential.

² Parliamentary and Health Service Ombudsman (2014) A voice for change The Ombudsman's Annual Report and Accounts 2013-14 see <http://www.ombudsman.org.uk/a-voice-for-change/our-aims/aim-2-helping-more-people-by-investigating-more-complaints-and-providing-an-excellent-service-for-our-customers>

Q.9 Would you support a wider role for a PSO as a champion of effective complaints handling across the public sector?

Q.10 What range of investigative tools do you think the PSO might need?

A public service ombudsman is ideally placed to champion effective complaints handling. In order to do this, however, the ombudsmen may need to understand the complaints it receives differently. In addition to investigation of individual complaints, the new approach would need to have ways to analyse aggregated data on how and why cases were not resolved at local level. One advantage of an independent and well trusted single point of triage and advocacy is the data it would generate about public service performance, whether or not the next stage is the ombudsman's service.

We see this ourselves through our Consumer Helpline, which receives just over one million calls per year. This single point of contact means that people do not need to find their local Trading Standards office and advice on rights and next steps can be provided immediately. The central gathering of intelligence forms the largest database of consumer issues in the country. This helps to identify problems that dispersed Trading Standards offices could not and especially helps to address the 'minor' issues that on an individual level would not be recognised as warranting assessment, but at aggregate level indicate a failure or breach.

To be truly effective the ombudsman also needs to be able to act where it has concerns about services. We support the ombudsman having 'own initiative' powers to investigate issues.

The ability to accept 'super complaints' from specific organisations, as currently exists in some regulatory environments, such as the financial sector is also needed by the ombudsman. This would allow organisations with a unique perspective on the landscape and high volumes of client contacts, such as Citizens Advice, among others, to raise an issue with the ombudsman where our analysis identifies a significant problem that may not have reached the ombudsmen. For example, analysis of the 6.5 million issues we see per year could provide a public service ombudsman with an excellent vantage point to assess systemic and developing failures.³

A snapshot of our data shows, for example:

- Education and schools: Advice queries about complaints are up 69 per cent, going from 5 per cent to 10 per cent of composition of the category, over four years.

³ See citizensadvice.org.uk/about-us/difference-we-make/advice-trends/

- Health (hospitals and GPs): Advice queries about complaints are up 62 per cent. Over the four years to 2014-15, queries about complaints as a share of this category have increased by 10 percentage points to now make up almost a quarter of all hospital and GP advice queries.
- Social care (local authority residential and community care): Advice queries about complaints are up 62 per cent.
- Local authority social services: Advice queries about complaints are up 146 per cent. As a proportion of the category, complaints have increased from seven per cent to 16 per cent over the four years.

As a champion of effective complaint management the ombudsman will also need to have better understanding of those approaches from citizens which it does not investigate, or which are signposted elsewhere. These many thousands of contacts could be an extraordinary resource in identifying where complaints handling is failing.

An effective public service ombudsman will need to increase its profile, require change in services on the back of its investigations, and constantly work to understand the changing needs of citizens.

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Charity registration number 279057 VAT number 726 0202 76 Company limited by guarantee Registered number 1436945 England

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