

Ombudsman consultations

Purpose

For decision.

Summary

The Local Government Ombudsman is currently the subject of two consultations.

- A Public Service Ombudsman – Cabinet Office consultation.
- Strengthening Parish and Town Council Accountability – DCLG consultation.

This paper briefly summarises the purpose of the two consultations and sets out a draft LGA response.

Recommendation

That the Leadership Board endorses the proposed responses set out in **Appendices 1 and 2** of this report.

Action

Officers to send final responses to Cabinet Office and DCLG.

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Ombudsman consultations

Background

1. The Local Government Ombudsman is currently the subject of two consultations:
 - 1.1 A Public Service Ombudsman – Cabinet Office consultation.
 - 1.2 Strengthening Parish and Town Council Accountability – DCLG consultation.

A Public Service Ombudsman

2. In 2014, the Minister for Government Policy commissioned Robert Gordon to test whether the current public sector ombudsman sector is best for citizens, best for Parliament and delivers value for money. The report, published along with the Cabinet Office Consultation, puts forward the case for reform of the current ombudsman sector and, in particular, recommends the creation of a new Public Service Ombudsman, bringing together the existing jurisdictions of the Parliamentary and Health Service Ombudsman, Local Government Ombudsman and Housing Ombudsman. A copy of the full report can be found at <https://www.gov.uk/government/consultations/public-service-ombudsman>
3. The creation of a new Public Service Ombudsman is intended to improve customer experience, by providing an integrated service and the opportunities to improve public service systems. The Local Government Ombudsman supports the proposed change. The deadline for responses is 16 June 2015.
4. The LGA's draft response is attached at **Appendix 1**.

Strengthening Parish and Town Council Accountability

5. There are some 9,000 parish and town councils across England, around 20 of which have responsibilities and budgets comparable to those of a small district council. Whilst the local redress mechanisms available to the public are sufficient and proportional for most parish and town councils, DCLG are consulting on a proposal to extend the Local Government Ombudsman's jurisdiction to cover these larger authorities.
6. The aim of the proposed change is to give a better deal for citizens and to increase quality and value for money, in those parish councils. A copy of the full consultation can be found at <https://www.gov.uk/government/consultations/extending-the-remit-of-the-local-government-ombudsman-to-larger-parish-and-town-councils>.
7. The Local Government Ombudsman is supportive of the proposal. NALC are currently developing their response but are broadly arguing for all parish councils to be covered. The deadline for responses is 30 June 2015.
8. The LGA's draft response is attached at **Appendix 2**.

APPENDIX 1

Draft LGA response to the consultation on a Public Service Ombudsman

The Local Government Association's response to the Cabinet Office consultation *A Public Service Ombudsman* is set out below.

1. *Do you agree that these principles should underpin reform of the Ombudsman service?*
2. *Would you welcome the creation of a single Public Service Ombudsman service and are these the right services to be included?*
3. *If so, do you agree that these are the right founding principles for such organisation?*

Overall the LGA welcomes the proposal to create a single Public Service Ombudsman covering health, housing and local government and considers that this move to streamline and reduce duplication and confusion for citizens is long overdue.

We support the three principles underpinning the reform – improved service to citizens, greater value for money and the continued independence from Government of the Ombudsman. In addition we would propose a fourth principle - early resolution at the most local level.

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

The LGA agrees that a new single public service ombudsman model must recognise the diversity and unique characteristics of the various sectors it will cover. To that end, it is important to include service experts with clear expertise and relevant experience on the staff, who can investigate complaints fully, and make an assessment from a position of understanding the context and the issues.

However, the appointment of a senior Ombudsmen with specific expertise to lead each sector carries a risk of encouraging silo working and not developing a fully integrated Public Service Ombudsman. We would recommend that this area is carefully monitored and processes put in place to avoid this.

6. *Is 'Public Service Ombudsman' the appropriate title for a new organisation?*
7. *Do you agree that there should be the widest possible routes of entry to a Public Service Ombudsman?*
8. *In what ways could it be made easier for citizens to access resolution and redress?*

We endorse the proposed title - *Public Service Ombudsman* - for the new service and support the creation of a range of different pathways into the organisation in order to make it straightforward for citizens to access the Ombudsman at the appropriate point. Direct links from the complaints policies of all the organisations covered by the new service is one way to

make it easy for citizens both to understand the process and access the service at the appropriate time.

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

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

There is some merit in the PSO taking on a wider brief that would enable them to identify trends to support improvement across the public sector. The LGA would support this in principle, provided it is done in a collaborative way and does not put create additional burdens for local authorities and other public service providers.

The LGA has no particular views on the current range of investigative tools available. However we would support the introduction of stronger powers for the Ombudsman to require appropriate action in cases where maladministration is found, which we would see as complementary to the LGA's own role in leading and supporting improvement in the public sector.

APPENDIX 2

Draft LGA response to the consultation on extending the remit of the Local Government Ombudsman to larger parish and town councils

Q1. Should the Local Government Ombudsman's jurisdiction be extended to larger parish and town councils?

There is clearly some merit in bringing those town and parish councils with the population and spending power of a district council within the jurisdiction of the Local Government Ombudsman – or of the Public Service Ombudsman, depending on the outcome of the separate Cabinet Office consultation. The LGA therefore supports in principal the proposal to include larger town and parish councils.

Given the potential for even a limited number of larger councils to create significant additional work, the LGA would have preferred to see this consultation integrated with the Cabinet Office consultation.

We would strongly recommend that the twin proposals are fully scoped and that if sensible a phased approach is adopted.

Q2. Should a large parish or town council be defined by having a population the same as or greater than 35,000 people, or should the population threshold be set at a different limit?

The LGA believes that population is the most stable measure of the options put forward and therefore the most sensible.

Please indicate your preferred population threshold

Population of 1,000 or more

Population of 5,000 or more

Population of 10,000 or more

Population of 20,000 or more

Population of 30,000 or more

Population of 40,000 or more

In principle and in the first instance we would recommend a population of 30,000 (equating to 26 councils) or above. Longer term, there may be merit in extending this to a wider number of councils. We are aware that NALC supports the inclusion of all town and parish councils and that the LGO is also cautiously receptive to the suggestion on the basis that complaints and injustice are not necessarily linked to the scale of the organisation's operations or population. We would strongly share the LGO's caution given the number of councils involved and the potential implications.

Q3. Should a large parish or town council be defined by having an annual precept of £1m or more?

As above

Q4. Should a larger parish or town council be defined by both population and budget?

10 June 2015

As above

Q5. Once subject to the Local Government Ombudsman's jurisdiction, should the parish or town council remain so for a fixed time period?

The LGA would support a full review after an agreed time period to determine whether the benefits of inclusion have been delivered and whether any change in approach is needed.