

Study on the Reform of the Ombudsman system in the United Kingdom

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Abstract: This article examines the role, powers, and effectiveness of the UK Ombudsman scheme in redressing citizens' grievances against public bodies and private organizations. It explores the scheme's significant investigative capabilities and its impact through case studies, while also highlighting the constraints that limit its effectiveness, such as the lack of legal authority to enforce decisions and challenges in addressing systemic issues. The essay argues that despite the respect and trust vested in the Ombudsman's recommendations, there is a critical need for reforms to enhance the scheme's authority and enforcement capabilities. It suggests increasing the Ombudsman's powers, establishing an oversight body, improving compliance among private companies, and considering alternative dispute resolution mechanisms. By addressing these limitations and implementing suggested reforms, the article posits that the UK Ombudsman scheme can more effectively ensure fairness, accountability, and improved public services, thereby strengthening the fabric of justice and good governance in the UK.

1. Introduction

Ombudsmen are the third party independent of government departments appointed to investigate complaints lodged against government agencies, public authorities, or private companies by individuals or organisations. The Ombudsman scheme in the UK was instituted as a way for citizens to seek justice when they feel that they have been treated unfairly or unjustly. 'An ombudsman scheme can only be effective in redressing citizens' grievances if they are given real powers to enforce their decisions', this view demonstrates that the current ombudsman scheme in the UK lacks the necessary substantive powers to effectively address citizens' grievances. Ombudsman schemes in the UK play an essential role in upholding transparency and accountability among public bodies and private organisations, yet their limited powers to enforce decisions hamper their ability to address citizens' grievances effectively. Therefore, reforms are necessary in order to strengthen the independence and authority of Ombudsman schemes, provide alternative complaints resolution mechanisms to ensure individuals are treated fairly by organizations, and develop more equitable solutions that ensure individuals receive fair and equal treatment from these bodies. This essay will demonstrate this point by reviewing the current powers of the UK Ombudsman scheme, its limitations, and case study, and give suggestions for possible reforms or alternatives.

2. The Ombudsman's mandate and investigative capacity

The UK Ombudsman scheme possesses considerable investigative powers to respond quickly to citizen complaints against public bodies or private organisations, such as conducting an in-depth investigation and suggesting remedial steps for faster resolution, as well as considering systemic issues that need addressing. Recommendations for remedial action to the relevant parties are at the heart of the UK Ombudsman scheme. The Ombudsman receives complaints from individuals and investigates them. They are empowered to collect relevant documents, information, and evidence for the purposes of the investigation and then make recommendations directly to the public body or private organisation. These recommendations may involve remedial measures, such as apologies and compensation payments, or changes to policies and procedures to prevent similar problems from happening again. Recommendations made by the Ombudsman carry considerable weight because they come from a respected and trusted institution in the UK.^[1] When individuals are treated unfairly in any way, they can seek redress while holding organisations accountable for their actions. Good regulation is essential for improving services in both public and private organisations. The Ombudsman has a dual function of investigating individual complaints against public bodies and private organisations, as well as undertaking systemic analysis to address broader systemic issues. Ombudsmen play an indispensable role in identifying systemic issues by observing patterns or trends within individual complaints. Whenever multiple individuals voice similar complaints about an issue, the Ombudsman can conduct additional investigations to ascertain if there is indeed a systemic problem which needs addressing. If there are multiple complaints against a particular policy or practice of a public body, the Ombudsman can conduct an investigation to assess if those policies or practices are unfair or discriminatory. Ombudsmen often conduct systemic investigations even without receiving individual complaints. For example, thematic inquiries into sectors or areas of public life that raise systemic issues; this allows them to identify larger policy concerns as well as make recommendations for change.

While the UK Ombudsman scheme possesses considerable powers, there are certain constraints limiting its effectiveness when responding to citizen complaints, including legal matters related to enforcement decisions and gaining compliance from private companies. A key limitation lies within legal powers. Although ombudsmen possess strong investigative and remedial action plan powers without legal backing, they do not possess enough authority to compel compliance by private companies.^[2-4] This means that public bodies and private organisations are no longer legally required to comply with Ombudsman recommendations, thus lessening their influence and accountability over public bodies and private organisations. Secondly, The UK Ombudsman scheme's ability to address systemic issues remains an area of great concern. Ombudsmen schemes provide invaluable capabilities for investigating individual cases and providing recommendations regarding appropriate courses of action. However, their reach may be limited due to limited jurisdiction over specific organizations or sectors. For example, the Local Government Ombudsman does not possess the required powers to effectively address systemic problems related to central government agencies, police forces, or national health services. Therefore, any systemic problems in these areas may not be sufficiently addressed by them. One drawback of the Ombudsmen's recommendations for systemic change is their non-binding nature. There is no mechanism in place to enforce compliance with those recommendations. Even when an Ombudsman successfully identifies systemic issues and makes recommendations to change, implementation by organizations involved is often challenging. Thirdly, Ombudsmen frequently lack sufficient resources or expertise in order to investigate complex systemic issues effectively. As a result of their restrictions, Ombudsmen often struggle to identify the source of problems and make effective recommendations for change. Furthermore, although public bodies usually comply more readily with recommendations made by an Ombudsman, private companies

may be less cooperative when adhering to their decisions. Private companies tend to prioritize profits over customer or client satisfaction, which may cause resistance against an Ombudsman's recommendations that appear detrimental to company interests. Another reason could be that private companies believe the decisions of an Ombudsman as non-binding and therefore dispensable compared with public bodies which may face legal or political consequences for non-compliance, while private companies might not.

3. Case Study

In order to provide an in-depth examination of the impact and effectiveness of England's Ombudsman scheme, two case studies are provided in this section. The first case is about the Parliamentary and Health Service Ombudsman. They investigate complaints lodged against National Health Service (NHS) providers as well as public services provided by government departments or other organizations in their regions. Parliamentary and Health Services Ombudsman was called in to oversee a hospital case involving treatment for sepsis that was misdiagnosed and failed to receive prompt care, leading to their eventual demise. The investigation by the Ombudsman determined that the hospital did not provide sufficient care, or follow established protocols, in diagnosing and treating sepsis patients. Based on his investigation, the Ombudsman provided numerous recommendations to the hospital, such as providing staff with more training on diagnosing and treating sepsis; reviewing its complaint-handling processes; and offering an apology to the family of their patient. They further suggested compensating them for any avoidable harm caused by their actions. Although initially disagreeing with some of the Ombudsman's findings and recommendations, they eventually agreed to implement all recommended changes and provide compensation to the patient's family. The Ombudsman's involvement ensured that the hospital was held responsible for its actions and that changes were implemented to reduce the likelihood of similar incidents recurring in the future. This case illustrates both the impact and limitations of the UK's Ombudsman Scheme. Another case is about the Local Government Ombudsman (LGO). LGO is charged with investigating complaints against English local governments. Their jurisdiction includes investigating issues like social care, education, housing, and planning. In one instance, the LGO investigated a complaint filed against a local authority over housing support for an elderly individual. The complainant alleged that her local authority failed to provide adequate support, leading her to remain at home or carry out basic daily living activities. After conducting an exhaustive investigation, the LGO concluded that the local authority had failed to accurately assess and meet the complainant's needs by providing appropriate support. The LGO made several recommendations, such as reviewing local authority policies and procedures, offering appropriate support to complainants, issuing an apology letter, and paying out compensation. The local authority agreed with the LGO's recommendations and implemented measures to address issues identified during his investigation. His intervention assisted in providing complainants with the support they required while also revealing areas for improvement within housing support provided by their local authority. Based on the two cases above, Ombudsman recommendations do not carry legal force and therefore their compliance is entirely dependent upon each public authority's discretion and pressure from authority figures, social networks, and moral pressure groups.

4. Reform proposals: strengthening the independence and authority of the Ombudsman

As was already noted, the UK ombudsman scheme plays an essential role in redressing citizens' grievances and encouraging accountability. However, there are additional mechanisms and potential reforms which could increase its effectiveness. First of these would be increasing Ombudsman powers by giving them binding decisions or systemic investigations powers; this would ensure

recommendations made by Ombudsmen are taken seriously, improving effectiveness. Another potential reform could include setting up an independent oversight body to monitor its work ensuring it operates effectively and transparently.^[5-6] This oversight body could make recommendations for further reform and improvement to the Ombudsman scheme. Thirdly, compliance among private companies remains a challenge. An ombudsman scheme could look for ways to increase private sector engagement through industry certification or voluntary compliance agreements. Fourth, as an alternative to an Ombudsman scheme, the government could consider alternative dispute resolution mechanisms like mediation or arbitration as means of addressing citizens' complaints. These mechanisms offer an effective and flexible means of handling complaints when an ombudsman scheme may not be the most viable choice. An alternative approach for an ombudsman scheme could involve strengthening existing complaints procedures within public bodies and private organisations. This might involve improving the accessibility of complaints procedures, assuring adequate resources and staff support, and creating more efficient mechanisms to enforce decisions.

5. Conclusions

In conclusion, the UK Ombudsman scheme plays a very important role in redressing citizens' grievances and promoting accountability, transparency, and good governance. Although powerful, its implementation can be limited due to limited legal powers to enforce decisions, limited powers to deal with systemic issues, and challenges in obtaining compliance from private companies. Although the Ombudsman scheme can have a positive effect, further reform may still be required to strengthen its powers and jurisdiction as well as find alternative mechanisms for handling complaints. Case studies demonstrating the Ombudsman's work also show its strengths and limitations, while emphasizing his or her vital role in fostering accountability and improving public services. Thus, although various changes have been made over time, further improvements are still needed. It is vital that the UK Government continues to explore ways to strengthen and broaden the scope of the Ombudsman scheme and provide greater access to justice for individuals from marginalised or disadvantaged communities. By addressing existing limitations and making necessary reforms, this vital institution will continue playing an essential role in upholding accountability and improving public services throughout Britain.

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