

Housing, Communities and Local Government Committee

Oral evidence: Local Government and Social Care Ombudsman Triennial Review, HC 1905

[Wednesday 6 March 2019](#)

Ordered by the House of Commons to be published on 6 March 2019.

Watch the meeting

Members present: Mr Clive Betts (Chair); Bob Blackman; Mr Tanmanjeet Singh Desi; Andrew Lewer; Teresa Pearce; Mary Robinson; Liz Twist.

Questions 1 - 60

Witnesses

[I](#): Michael King, Local Government & Social Care Ombudsman.

[II](#): Rishi Sunak MP, Minister for Local Government, Ministry of Housing, Communities and Local Government.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]

Examination of witness

Witness: Michael King.

Chair: Thank you very much for coming. Before we begin this one-off session into the Local Government and Social Care Ombudsman triennial review, I will ask members of the Committee to put on record any interests they may have. I am a vice-president of the Local Government Association.

Teresa Pearce: My interests are as per the register but I also employ two councillors in my office.

Liz Twist: I employ a councillor in my office.

Mr Dhesi: I am a councillor, as per the Register of Members' Financial Interests.

Bob Blackman: I am a vice-president of the LGA.

Mary Robinson: I employ a councillor.

Andrew Lewer: I am a vice-president of the LGA as well.

Q1 **Chair:** We know who you are, but perhaps for the record you can introduce yourself and say who you are.

Michael King: I am Michael King. I am the Local Government and Social Care Ombudsman for England. I am also the chair of the Commission for Local Administration in England. It is probably in that capacity that I am giving evidence today.

Q2 **Chair:** If you could just explain the difference for us at the beginning, that might be a helpful start.

Michael King: Absolutely. When the ombudsman was created in 1974, the board that runs the ombudsman was also created, which is the Commission for Local Administration. That was given three roles. The first was to run the ombudsman scheme. The second was to make sure that the scheme shared information from its complaints and shared learning with the sector to improve services. The third one, which is probably least known, is that the board was charged with having oversight of local redress arrangements. Every three years, there is reporting on the adequacy of the legislation around local redress, not just for the ombudsman scheme but more widely. That is the triennial review that you have before you today.

Q3 **Chair:** We will probably come back to those issues in due course. If there are any complaints about the smell in the room, which we are assured is quite safe, then they go to the Parliamentary and Health Services Ombudsman. That is their jurisdiction.

In your triennial review, you made seven recommendations that are contingent on the new legislation appearing for a unified public service



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ombudsman role. How concerned are you that we still do not appear to have made much progress on that proposal?

Michael King: It is disappointing that we have not made more progress with reform of the ombudsman landscape in England. Proposals to create a single public sector ombudsman in England have been around almost from the time that the different bodies were created. It was certainly discussed back in the 1980s. Formal proposals to create a single body have been around since 2000, in the Callcutt Report. Here we are nearly 20 years later and that reform has not happened. In the interim, our colleagues in Northern Ireland, Scotland and Wales have created single public sector ombudsman institutions there. In England we are really a generation behind the arrangements that exist in the rest of the UK.

Q4 **Chair:** Do you think that not making that progress has had any effect on your ability to deliver the services you provide? Does it cause a waste of public money in any sense?

Michael King: It does, yes. My greatest concern is the public confusion that results from having three different ombudsmen across different aspects of the public sector landscape, particularly around something like health and social care. When somebody is perhaps admitted to hospital and then perhaps goes into a care institution, they travel between the jurisdictions of my scheme, the Parliamentary and Health Service Ombudsman and possibly the Housing Ombudsman too. It creates a very fragmented and confusing landscape for people to deal with, particularly when you have people in vulnerable situations where they have health and social care issues. There is a danger that people fall through the cracks and do not get the service they need. It is about efficiency as well. With two schemes that overlap to the extent that ourselves and the Parliamentary and Health Service Ombudsman do, in terms of efficiency of public bodies, we would both advocate that there should be a single entity, which would probably be better value for money too.

Q5 **Chair:** You get over that in practice, do you not? We get over these overlaps of complaints.

Michael King: We try very hard to get over the overlaps and we have worked together. I have been involved with the ombudsman service for 15 years. We have tried a number of different solutions to try to get over those overlaps; we have done that with some success, but it sometimes feels like we are trying to put a sticking plaster on a broken leg. There is a fundamental difference between the way in which we are funded, set up and accountable and the way the Parliamentary and Health Service Ombudsman is. Because of that, in terms of attempts for us to try to work together, even though there is a huge amount of goodwill and co-operation, it is always a struggle and it is always a sub-optimal version of what could happen if you had a single entity. That is particularly in terms of the public perception of having a single seamless service to deal with those issues.



Q6 Chair: You say that it is a problem because of the different way you are structured. Can you give us an example of how that might be a problem that could not be overcome?

Michael King: At the moment, what we have is a joint team. We have staff seconded from both organisations to work together. If somebody complains about an overlapping area of health and social care, that will go to that joint team. To set that up, we have had to navigate all sorts of complexities in terms of information sharing. We have different databases, different jurisdictions and different legislative requirements. If we want to do a report, there are two entirely different statutory bases for how we report. The practical difficulties of even conducting a case together are quite significant.

Q7 Mr Dhesi: Good morning, Mr King. As the Local Government and Social Care Ombudsman, I am sure you are more than aware of the LGO's triennial review that outlines its dual role, namely that while it provides redress to individual citizens, it also highlights systemic issues that emerge from the complaints it handles. In your opinion, does the draft PSO Bill support the public service ombudsman in both these roles?

Michael King: That dual role is absolutely fundamental to a modern ombudsman scheme. It is not just about the incremental dealing with complaint by complaint; it has to be about learning from complaints and sharing that information. It is a really important issue. The Bill, as currently drafted, touches on that but it can go further in being absolutely clear about those two roles. The Bill could be strengthened in that respect and in some others.

Q8 Mr Dhesi: How, precisely?

Michael King: One of the areas is about the new body's relationship to Parliament. There are two different relationships the ombudsman should have with Parliament. One is that any scheme should be accountable to Parliament in terms of whether it discharges its duties properly and whether it spends public money properly. That accountability role is very important, but that should be separate from the other role, which is where the ombudsman is informing Parliament to help it in its scrutiny of other public bodies. That, where the ombudsman is working almost in partnership with Parliament and Select Committees, needs to be separate from the accountability role. I am not sure that is explicit in the legislation. It would be helpful if that dual role was separated out and made clear.

Q9 Mr Dhesi: In terms of scrutiny, in 2012, our predecessor Committee scrutinised the LGO and produced what can only be described as a damning report and concluded that significant reforms were needed, particularly with regards to the experience of complainants and the LGO's governance structure. Have these concerns now been addressed?

Michael King: Absolutely. Back in 2012 we were a very different organisation. Our governance was completely different and the way we



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worked was very different. The Committee's report and findings were instrumental in triggering some of the changes we have made.

In the intervening years we have changed absolutely every aspect of the organisation. We now have one ombudsman instead of three. We have a much more conventional governance structure with a chief executive and a separation of powers between myself and the chief executive. We have also established an advisory board where we have people from outside of the sector holding us to account and providing insight to what we do.

In terms of the way we work with the public, at the suggestion of the Committee we have set up an advisory panel where we invite former complainants to sit with us on an annual basis. We have a new committee each year, and complainants feed back their experience of what it is like to make a complaint to us. That has been hugely powerful in informing our learning and development.

In terms of the actual delivery of the service, at the same time as making some of those changes, we had to take over 40% of our funding out of the system. We embarked on a transformation plan in 2011-12, which changed fundamentally our business process. In doing that, we have increased the quality measures of our casework by about 30%. We increased the productivity per head of our investigators by about 30% and we increased the timeliness of our decisions significantly. When we came to you in 2012, our target was that we would deal with 45% of our casework in 13 weeks. Our target is now 65% and we are exceeding that, doing 79% of our casework in 13 weeks. There has been a seismic change in the way we work. We are also a much more transparent organisation. One of the concerns the Committee had back then was that we were quite internally focused. We now are the most transparent ombudsman service probably in Europe. We publish every single decision we make.

Q10 Mr Dhesi: What about the 2016 criticism from the Patients Association, which felt that there was a heavy toll in terms of the investigation process and that it left many families distressed, exhausted and distraught because of the failings of the body. Do you think that has been addressed?

Michael King: That was criticism levelled at the Parliamentary and Health Service Ombudsman, which is also going through significant change at the moment, rather than at ourselves. The wider point, though, is a relevant one. When people come to the ombudsman, our research shows that people have spent nine months on average in the local government complaints system before they come to us. People do come to us exhausted by their experience.

One of the criticisms of us that we have heard from complainants who sit on the advisory panel is that we have a very clear, objective, clinical process, which does not take sufficient account of the emotional baggage



that they come to us with. One of the points of learning that we are looking at at the moment is about how, without compromising that judicial independence and objectivity that we need to have, we can be more empathetic to complainants who come to us often having had quite a traumatic period with the issue they have complained about? We are doing a range of staff training around that at the moment, but it is a continuing challenge.

Q11 Andrew Lewer: Do you have any concerns about PCSO's jurisdiction, which is going to be put forward in the draft Bill?

Michael King: First of all, I should say that I very much welcome the draft Bill. The intent expressed by the Government to create a single ombudsman is absolutely the right thing. I know that my colleagues in the Parliamentary and Health Service Ombudsman have expressed the same view. Unusually, you have two public bodies voting for their dissolution and voting for a different body to be created. The overall idea we absolutely support.

There are opportunities to strengthen that Bill in two regards. You mentioned the jurisdiction. At the moment, the way the Bill is drafted marries together a 1974 jurisdiction in our case and a 1967 jurisdiction in the Parliamentary Ombudsman's case. We can do better than that. What we should be looking at is trying to understand the way public services are delivered now. They are fundamentally different from what they were in the 1960s and 1970s. Increasingly, public services are delivered in partnerships and through outsourcing arrangements. The Bill does not really recognise that sufficiently. I would like to see us try to define the jurisdiction in a much broader way, to say that people have a universal right of access to the ombudsman for any service that is funded by public money, rather than trying to describe it in the way we have in the past.

Q12 Andrew Lewer: Do you think in that case that the Bill needs to be more prescriptive and go into more detail, or does it just need to be the opposite: be less specific to give you enough flexibility?

Michael King: It is absolutely the latter. The way that legislation has been drafted historically is that there is almost a list of bodies that you have to add them to. The pace at which public services change and transform these days, as well as the creativity with which public services are delivered, does not lend itself to that idea of a tick-list of bodies. It should be exactly like what you are saying, in having a flexible definition where people would have a universal right of redress for any public service body, no matter how that was delivered.

In 2010, our legislation was changed around social care, to basically say that anybody can complain to us about any type of social care, no matter how that is funded or how that is delivered. That provides a model that we could use across the sector. A more creative and flexible approach would be better.



Q13 Andrew Lewer: Is there a “seeing the wood for the trees” difficulty with that? If you are inviting absolutely everybody to get in touch with you about absolutely everything, is it difficult for you to filter and perhaps prioritise?

Michael King: That is always a danger with an ombudsman scheme. What we have done, and what most schemes do, is have some sort of filter process right at the front of the complaints process. We have an assessment team and a published assessment code, which sets out what we will look at and what we will not to ensure we are not spending public money on trivial complaints and we are filtering out things that are inappropriate for us to look at and perhaps have been looked at by the courts already.

Q14 Andrew Lewer: There is also, within this broad remit including social housing, reference to a housing complaints resolution service, which is intended to be a single point of access for all the current schemes. Do you think that is a sensible proposal? Are you worried about conflict and people not getting the different between that and the Housing Ombudsman?

Michael King: At both the triennial review and in our submission to the consultation about the PSO Bill, we raised two concerns about housing. One is that there are some people who are excluded from being able to make complaints about housing issues. Typically, if somebody who maybe has a freehold on their house and bought it under Right to Buy has a complaint about service charges from the council, they cannot go to the Housing Ombudsman and they cannot come to us. They used to be able to but they cannot now. There are also people who are owner-occupiers. If they have a complaint about a council tenant or a council property—it may be a boundary dispute, leaks or disrepair—again, they cannot go to the Housing Ombudsman because there is not a landlord-tenant relationship and they are excluded from our jurisdiction. Our first concern was that there are people who have been disenfranchised from the complaints process in the last decade. People who assess our complaints tell me that is not infrequent. People come and we have to turn them away because they are excluded from the legislation. That is the first problem around housing.

The second, which goes to your point, is that we have a concern about public confusion around the overlap between different housing resolution services. We and the Housing Ombudsman have to signpost thousands of people back to each other every year because of confusion about where to turn. Hopefully some of the proposals around a single point of entry might help to address that. I am conscious, though, that that was primarily aimed at consumer dispute resolution in the wider housing market. What we need to do is make sure it also addresses issues around social housing and other types of housing complaints.

Q15 Andrew Lewer: That is certainly helpful because, as you will appreciate, people do not live in this world and therefore when they are confronted



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with a barrage of acronyms and places to get in touch with, they do not have any idea, nor would it be reasonable to expect them to.

On a different front altogether, the Committee on Standards in Public Life has proposed that the LGO gets the power to investigate breaches of standards within local government in cases where councils are appealing against a suspension or a penalty imposed by their council. They recommend that the LGO's decision on those cases be binding. What is your view on that idea?

Michael King: I welcome the Committee's proposals. We already deal with some complaints about councils' standards committees. It is quite clear that there is a degree of frustration that we cannot look more widely at some of those issues. There is a degree of frustration here from local authorities about the standards process. From what I have seen of the Committee's proposals, it seems like they are proposing a very proportionate approach about how to deal with that. My colleagues in Wales and Northern Ireland already deal with standards complaints through the ombudsman service, so it is a natural place for it to sit.

What the Committee are proposing, in terms of us having a role that respects local resolution of the vast majority of issues by local authorities but that provides that independent check for the most serious and contentious issues, sits very comfortably with the way we work on complaints at the moment. That would seem to be a proportionate and reasonable way to go forward. We are enthusiastic about working with Government, should those proposal be taken forward, to think about what the detail is to make that work in practice.

Q16 Andrew Lewer: There have been a lot of questions in a lot of areas of work and some new ones as well. That leads inevitably to the resources question. It probably leads inevitably to a certain answer as well, but I will ask it anyway. How are you feeling in terms of your resources and your ability to cope with the workload that you have?

Michael King: Any new areas of jurisdiction we had would need to be properly assessed and properly funded. We do not have any spare capacity. Your question links back to the earlier one about our performance. Our performance is light years away from where it was back in 2012. We are one of the leaders in the sector in terms of value for money and productivity. The reality of our situation at the moment, though—I say this with great regret and caution, in a way—is that we have tried to make our organisation work on significantly reduced resources. Before we made the 40% reduction, we already had the lowest cost per complaint of any ombudsman scheme in the UK. We are at a point now where, despite those significant achievements in terms of productivity and performance, frankly we struggle to deliver the core business we have at the moment.

We think our funding at the moment probably enables us to do 85% of our work. We are working at absolute capacity and beyond that. We rely



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to a huge extent on the goodwill and discretionary effort of our staff, sometimes unreasonably. There are already signs of some of those pressures translating into difficulties.

You always have, in any ombudsman scheme, a certain number of complaints in hand. The most recent ones come in before they allocate them. I would be comfortable with 300 or 400 being the working amount in hand. We have had over 1,000 complaints in hand for the whole of the last 12 months. We have deliberately kept those pressures at the front-end of the system to minimise their impact on the public, but that is a problem for us. We only need a small amount of staff sickness or churn in staff through natural retirement or illness for that to translate into pressures in our system. We have a problem. We are very fragile in terms of our long-term sustainability. Back in August, we put in a bid to the Department to say that we need some additional funding in order to stabilise the system.

We are not an organisation that has its hand out asking for new resources all the time. We pride ourselves on prudent management of public money and on being a high-performing organisation. We have hit a point, though, where there is a real threat that, unless we can stabilise the resource base for the organisation, that will start translating into backlogs and into us not hitting some of our targets. We have a problem and we are awaiting the Department's response to the submission we put in.

- Q17 **Chair:** On this issue of jurisdiction, there is one issue about confusion and one about admission. You talk about social housing. Am I right in thinking that if someone is allocated a council house, the actual allocation, if there is a complaint about it, would come to you but if then they get in the house and find there is a leak in the roof, then the complaint there would go to the Housing Ombudsman?

Michael King: Absolutely right, yes.

- Q18 **Chair:** If it was a housing association property, the leak would go to the Housing Ombudsman but the allocation would not go anywhere because there is no one responsible, is there?

Michael King: No, all allocations are the responsibility of the local authority. Increasingly, local authorities are working in partnerships.

- Q19 **Chair:** What if they do not? What if the allocation is made by the housing association without any local authority involvement?

Michael King: Yes, if there is no local authority involvement. If somebody applies to join the housing register with the local authority, the local authority would administer that often in partnership with housing associations.

- Q20 **Chair:** Yes, exactly. If they did not do that, if it was a pure allocation by the housing association, there is nobody.



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Michael King: There would be nowhere. That is right.

Q21 **Chair:** I think the Committee picked up before about education and the lack of accountability to you or anybody else about the academy system. A school moves into the academy structure and you then lose any ability to look at any complaints.

Michael King: There are two significant concerns in the education sector where we think there are big gaps in jurisdictions. The first, as you have alluded to, is around school admissions. In the past, every spring we used to get thousands of complaints about school admissions, and people could complain to us about every type of school that had any kind of public funding. We used to find lots and lots of faults and problems, and would try to put them right for people. That has declined where we now only get a third of the complaints we used to get 10 years ago. That is a direct result of the fact that in academies and free schools, the admissions system is outside of jurisdiction. People who used to have a right to complain about school admissions and appeals now no longer have a right of independent redress.

DfE statistics suggests that about 50% of school admissions appeals are now around academies and free schools. They are wholly outside our jurisdiction. You have a very odd situation where some people, depending on which school they apply to, have a right of independent review of that appeal process, but others do not. That is particularly concerning in that, when we do look at the complaints that we still can look at, in 52% of the cases we find fault. In more than half of the appeals we look at, there is a problem in the way it has been administered, which is understandable as many panels are volunteers and do not necessarily have the kind of background to be able to make those decisions in the way that is appropriate. It is an area where there is fault and lots of people cannot now come to us.

The second area on education is a bigger issue, which is that in 1974 the internal management of schools was excluded from our jurisdiction. I am not too sure why that was the case. We can look at everything up to the school gate. We can look at school exclusions, school transport and school admissions but we cannot look at what goes on inside. That is a particular problem when we are looking at special educational needs issues, which partly are the local authority's responsibility, but then the school needs to implement the plan. We are forced to stop investigating at some point. We also know there are lots and lots of complaints from parents that go to governors. Parents are still dissatisfied with those complaints but they have nowhere to go.

Back in 2008-09, we were given a pilot jurisdiction for 14 local authority areas to try to address this gap. We ran a schools complaints service for those 14 local authorities. That finished in 2012. It was independently reviewed. It was seen as a huge success. We were able to apply that filter to make sure we were not looking at trivial matters. Most of the issues we were looking at were teacher conduct, bullying, special



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educational needs and pupil safety. They were some quite serious issues. All of the local authority areas that participated in the pilot wanted that to continue. It did not at the time, but there remains an unanswered question about that parent and pupil access to redress where they have a complaint against the governors in a school, be that in an academy or a maintained school. There are two areas where there are significant gaps in the local redress landscape around education.

Q22 Mary Robinson: Mr King, in your review you say the proposed PSO must be equipped with a modern governance structure, one which ensures its independence and its accountability. Do you think the draft Bill offers this and, if not, what changes would you like to see?

Michael King: I am not sure it does offer a modern governance proposal at the moment in the way it is currently formulated. The governance of any public body is tricky, but for an ombudsman scheme it is particularly tricky in that you need to have accountability, but you also need to protect the independence of the judicial decision making. What is currently proposed is that the ombudsman should also be the chief executive with a separate chair appointed. That feels to me like it might be problematic. If that chair was perceived either to be disconnected from the decision making, to be overly interfering in the decision making or even to be a political appointee, that could compromise the independence of the judicial nature of the scheme.

What we have done to try to address our own governance is separate the role of the chair and ombudsman, which is my role, from that of the chief executive and the accounting officer. That is a healthy separation, in that it creates two people with very clear, distinct and well-recognised roles and duties. It creates creative tension where those two people can hold each other to account. My colleague, who is the chief executive and accounting officer, if I was suggesting inappropriate ways to spend public money, can call me to account. He has power and authority to do that. That separation of those two roles feels like a better solution than what is currently in the Bill.

The other aspect of the governance, which I have referred to earlier, is that it would be useful to clarify the relationship of the ombudsman to Parliament. I do not think the Bill does that currently.

Q23 Mary Robinson: With regard to the LGO, you say that you would “welcome a review of the current sponsorship arrangements”, with that accountability to Government and link with Government, “with an intention of making the shift towards establishing our status as a body directly accountability to Parliament”. How would you like to see this work in practical terms?

Michael King: We are quite unusual, in that most statutory public sector ombudsmen report to Parliament, not to a Government Department. That is certainly the case for all my colleagues in the rest of the UK. It is the case for the Parliamentary and Health Service Ombudsman. It is also



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the case for bodies like the Electoral Commission and the National Audit Office. It is quite unusual that our relationship is through MHCLG rather than direct to Parliament.

I should preface anything I say by saying that this is not a criticism of the Ministry. We have a respectful and proper relationship with them. I just think that it is probably not an ideal way of setting up the governance of our organisation, for them or for us. We both have to work quite hard to navigate that relationship to make sure that we are not being treated as just another branch of the civil service, which we are absolutely not. I know MHCLG Ministers and officials recognise that, but it puts them and us in a very difficult position. There is potentially a public perception issue there, in that it looks like we are an arm of Government rather than entirely independent.

There are also some practical issues. We have talked about education and social care. Our work relates to a huge range of different Government Departments, such as the Department for Education, Health and Social Care, the MoD and Defra. Having a relationship directly with MHCLG is quite a narrow definition of what we do. Both for practical purposes and in terms of public perceptions of independence, it would be far better if we had that relationship to Parliament in the same way that other independent public bodies do.

Q24 Mary Robinson: Do you have any examples of when it has affected your ability to do your job?

Michael King: As I say, the Department and ourselves work very hard to make sure that relationship does not impinge. Sometimes, though, there is a public perception that it does, and people over the years have challenged me, saying that we are not really independent because we have this relationship to Government. In the past, I have had documents presented to me by the Department to sign, which say, "Here is your role in promoting ministerial priorities", and I have had to say, "That is not what we do". It requires constant negotiation of that role, which is probably not a good use of the Department's time or our own.

Q25 Teresa Pearce: You have said that you welcome the proposed PSO and you have also talked about a need for a flexibility of scope and for more resources. What about powers? Do you think the new body is sufficiently empowered to carry out its duties?

Michael King: The PSO Bill could be strengthened in that regard. When you look at the examples of what has happened in Wales, Scotland and Northern Ireland, but also with a lot of our colleagues in Commonwealth ombudsmen, they are a generation ahead of us in terms of the work that they do. I would highlight two particular areas. One is that the Scottish Ombudsman has a power to be what is called a complaints standards authority. They set the standards for complaint-handling in the areas in their jurisdiction. They worked very closely with the Scottish Society of Local Authority Chief Executives in setting that up. That has been a



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hugely effective mechanism to try to promote positive standards of complaint handling across Scotland. It is a model we should be adopting here too.

The other area is what has become known as own-initiative investigations, which is where the ombudsman can investigate a matter even if there is not a formal public complaint to trigger that. Many ombudsmen use that to investigate areas where perhaps people would not have a voice and would not be able to bring a complaint themselves or where they seek anonymity, for example in a social care setting where somebody might be very concerned about the repercussions of making a complaint. Some ombudsmen would use its own-initiative power to make sure that they could look into that complaint without disclosing where those concerns had arisen. There are a range of powers that are perfectly standard elsewhere, in places like Australia, Canada and the rest of the UK, that are not in the Bill. It would be a missed opportunity if we do not learn from those other jurisdictions how they have developed, and really create a 21st century ombudsman, rather than just merging two mid-20th century ones.

Q26 Teresa Pearce: You said in your submission that you believed cases opened through own-initiative would be rare. What leads you to believe that? The fear probably is that there would be many and you are already under-resourced, so why do you believe it would be rare? Could you give a couple of more examples, as you gave just then?

Michael King: Yes. The own-initiative powers have become regarded as something that may be a bit novel and contentious. I am not sure that it is that. When you look around other ombudsman schemes, it is part of the toolbox and is very much complementary to the work we already do in producing thematic reports about particular areas of concern or doing systemic root-and-branch investigations into areas where there are problems. It is not something that should be seen as fundamentally different from the way ombudsmen already operate. There are legitimate concerns about whether it would impinge on the work of regulators, for example, and whether it would be abused.

There are a number of reassurances around that. One is that this power has been widely available in places like Australia for decades and it has not caused any kind of constitutional problems there. Also, there is a model in Northern Ireland where our colleagues there have already been given this power. What they have done in order to address any concerns with overlaps with regulators is set up a consultancy board that meets and has all of the regulatory bodies, all the audit bodies, and people like the children's commissioner; they meet to make sure that they properly navigate any overlaps in their jurisdictions. There are a lot of examples of this working in practice without it being particularly problematic.

Q27 Teresa Pearce: Should the PSO legislation not be forthcoming, would you want to seek those powers for the LGO?



Michael King: That is a really good question. Because there has been a debate about ombudsman reform on a bigger scale for so long, there is almost a danger there is reform blight on any reform of our existing legislation. There is a wide range of different reforms of our legislation that are long overdue. There are some we have talked about, say around education gaps in jurisdictions. If there is not an opportunity to bring forward a reform Bill for ombudsmen as a whole in England, we should certainly look at opportunities to reform other parts of our legislation as and when they arise if it is possible to do that as a clause within another Bill.

Q28 **Teresa Pearce:** You have talked about your stronger governance. Is that something that your governance is doing anyway?

Michael King: Interestingly, there was an independent review of our governance back in 2013 by a Scottish civil servant called Robert Gordon. He advised that we should make significant changes. The way we operate at the moment is largely through measures we have put in place to try to regularise our governance. They are not reflected in our legislation. He advised, back in 2013, that as a matter of urgency our own governance should be reformed. The opportunity to do that has not arisen, so six years later we are still operating on a model we have imposed upon ourselves. There are overdue opportunities to try to reform our own legislation if the PSO Bill is not forthcoming.

Q29 **Bob Blackman:** Assuming the PSO draft Bill becomes law, what do you think will be the biggest change that the public would see?

Michael King: The biggest change is about public recognition. We have talked about it a couple of times today. The fragmentation of the landscape means it is very difficult for the public, but also for staff in public bodies, to be able to know where to turn when something goes wrong. The greatest prize is to have a single body, as they have in Scotland, Wales and Northern Ireland, where you can say, "If you have a complaint about a public service, you go there", and it is absolutely seamless and very simple. That is the prize we should be aiming for: making it simple for the public.

Q30 **Chair:** Following the conversation we had previously about the Housing Ombudsman, its current role and whether that should be put into the wider ombudsman service, there are all these redress schemes that seem to be proliferating, such as arrangements for letting agents and potentially landlords, though they can go to the ombudsman as well, as I understand it, and then the possibility of a new Housing Ombudsman. How do you have all those? Do you think they should be incorporated within one overall system, at least a gateway for everything that people go through?

Michael King: It is a very difficult question. The landscape has changed considerably even since we wrote this report. The outcome of the review around the single Housing Ombudsman and then any outcome from the



Green Paper on social housing still have to play out to see how they emerge. There is a remaining question, going back to the point about the public having a recognisable single point of redress, about how we make sure, where that relates to social housing and issues like housing applications and homelessness, which we deal with, that there is a coherent landscape? We probably need to look at how the most recent proposals play out to see what would be the most sensible way of dealing with that.

I should add, in the absence of legislation, we probably have a more positive working relationship with the Housing Ombudsman than we have had for many years. Andrea Keenoy, the interim ombudsman, and I signed off a new memorandum of understanding just this week to say how we are going to work together on overlapping complaints. We have a number of strands of work where we are going to work together. We have an absolute commitment that we will work together to try to make it as easy as possible for the public, short of legislation.

Q31 Chair: Given some concerns expressed about whether the ombudsman should really be looked at things beyond the public sector, you were saying that in terms of outsourcing you want to be looking at some of the companies that deliver that service. Given your experience with social care, where you have gone very much into the private sector, how has that worked in terms of the approach that those organisations have taken, compared with public sector bodies?

Michael King: It has worked seamlessly, actually. We got that jurisdiction in 2010, where we could look at any social care no matter how it is delivered or how it is funded. In terms of public perception, it is much simpler, so the public know where to go to; they can come to one body. In the relationship we have with people in the care sector and some of the big bodies, they wholly welcome our involvement.

In terms of the idea that you can look at public and private sector bodies who are both delivering similar services, that jurisdiction has proven in practice that can be done and can be an effective means of redress. Complaints to that service have risen every single year that we have had it. That is not in a bad way; I do not think that reflects problems in the sector. It reflects a growing awareness and a growing use of that right by people in private sector care. That is a really positive model.

Chair: Thank you very much for coming to give evidence to the Committee. It is appreciated, thank you.

Examination of witness

Witness: Rishi Sunak MP.

Q32 Chair: Minister, thank you very much for joining us today to deal with issues appertaining to the Local Government and Social Care



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Ombudsman triennial review 2018. Thank you for coming.

Rishi Sunak: It is a pleasure to be here. Thank you for having me.

Q33 **Mr Dhesi:** Good morning, Minister. The draft legislation for a new public service ombudsman was published more than two years ago while discussions surrounding the merging of public service ombudsmen have been ongoing for almost 20 years. A report by PACAC concluded that the continued uncertainty resulting from the lack of progress on the draft Bill was making it difficult for both the Local Government and Social Care Ombudsman and the Parliamentary and Health Service Ombudsman to plan ahead, potentially wasting public money. Minister, is there a timeline for the Bill going through Parliament or will we have to wait another two years?

Rishi Sunak: My understanding is that the Cabinet Office is looking for a legislative slot to introduce the Bill. Unfortunately, it is difficult for me to give you a definitive timing because I am not the Minister responsible for the Bill nor are we, the Department, responsible for the Bill. It is ultimately the Cabinet Office that has the ability to decide and take forward that piece of legislation. I have not personally received an update beyond that I know it is looking for a suitable legislative slot, which you will understand, given the parliamentary timetable.

Q34 **Mr Dhesi:** I appreciate that. That has been explained in Parliament in terms of the lack of legislative time et cetera, but there are various occasions where we are leaving in the early afternoon where I am sure time can be found. As the Minister responsible, are you pushing for the Bill to be—

Rishi Sunak: To clarify, I am not the Minister responsible for the Bill. That is precisely why I cannot directly answer your question. The Cabinet Office is responsible for the Bill and therefore it is appropriate for the Cabinet Office to answer with regard to the Bill's timing.

Q35 **Mr Dhesi:** In terms of local government, I think it would be in your interest to try to get this Bill pushed through. Are you pushing?

Rishi Sunak: Of course. Yes, of course I have done that.

Q36 **Mr Dhesi:** Okay, good. Given the sluggish progress, even the LGO's triennial review recommends legislative changes, which could happen under the existing legislative framework of the LGO, if legislation is not forthcoming, such as, first, expanding its jurisdiction to include schools, towns and parish councils; secondly, strengthening its powers; thirdly, giving it a role as a complaints standards authority in the bodies under its jurisdiction; or fourthly, allowing it to initiate its own inquiries. Has your Ministry considered potential legislative vehicles to address these issues?

Rishi Sunak: My Ministry would not be the one responsible, for example, for changes to the framework for scrutinising education in schools. That would rightly be for the Department of Education. Town and parish councils, one of your examples, and some of the others are included in



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the draft Bill that was published. That is one of the provisions that is in the draft Bill: expanding the remit of the ombudsman to town and parish councils, which would be implemented subsequently by secondary legislation regarding the scope of how many would come under its remit.

My general view is that it would be better to do one comprehensive Bill rather than bits of piecemeal legislation. Again, it would be for the Cabinet Office to take forward that legislation. Town and parish councils and others are already part of that draft Bill. Rather than putting bits out, it is better to do one comprehensive Bill.

Q37 Mr Dhesi: Given that everybody is complaining and everybody is saying that we need to remove this uncertainty, and implement long-awaited modernisation, and given that we do not know when the Bill might be introduced, within the existing legislative framework with regard to town and parish councils et cetera, surely you would want to make those changes now.

Rishi Sunak: Those changes still require legislation. The town and parish councils that you mentioned require legislation. That is included in the draft PSO Bill that is there. The exact scope of that would be defined by secondary legislation subsequently.

Q38 Mr Dhesi: That is not what the LGO's triennial review says, because it says that those could happen "within the existing legislative framework of the LGO".

Rishi Sunak: Maybe the language is slightly different. My clear understanding is that change would require primary legislation and that provision specifically is included in the Bill itself.

Q39 Chair: To be quite clear, secondary legislation will be required under the new Bill to expand to town and parish councils, but you could not expand the scope of the existing remit of the ombudsman by secondary legislation?

Rishi Sunak: With regard to town and parish councils, my understanding is not. The reason you would want to do secondary legislation on that particular point is that there are 10,000 parish councils and 80,000, or however many, parish councillors. The ombudsman historically recognises as well that you want to be careful that you get the balance right. That is an enormous expanse in the universe so we need to think through what an appropriate expansion is there. That is why the primary legislation enables the detail of that to be worked out in secondary legislation.

Q40 Chair: Can you not do secondary legislation within the scope of the current practice?

Rishi Sunak: My understanding is that you cannot, and that is why it is included in the PSO Bill.

Q41 Liz Twist: The draft Bill suggested a new structure of governance for the



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public service ombudsman, which makes it accountable to the Public Accounts Commission. The LGO triennial review suggests the public service ombudsman—there are too many acronyms for me—should also be accountable to the Public Administration and Constitutional Affairs Committee for its findings and reports, aiming to improve public services and complaints-handling process. What do you think of these proposed governance arrangements?

Rishi Sunak: In general, we are supportive of the new arrangements and, again, they are included in the draft Bill. There was an error in the triennial publication where it referred to the Public Accounts Committee. What the Bill does is make the ombudsman accountable to Parliament through the Public Accounts Commission. The ombudsman has subsequently, at least with my officials, clarified that they meant “Commission” rather than “Committee” in their report. That confused me slightly.

That is implemented in the new Bill. That is right and appropriate. It is similar to how the National Audit Office accountability function works. To clarify, it is the Public Accounts Commission that would be responsible for budget and performance and then a separate parliamentary Committee would be responsible for the more substantive scrutiny of the reports and thus like. It is unclear at this stage which parliamentary Committee that would be. The ombudsman had suggested PACAC. It is for Parliament, rather than Government, to decide which parliamentary Committee would take that on. The Bill was published in draft to start the conversation on that front.

Q42 **Liz Twist:** The Local Government Ombudsman is currently sponsored by the Ministry of Housing, Communities and Local Government and has suggested that, given changes to their jurisdiction, this sponsorship arrangement no longer mirrors the extent of their work, which cuts across other areas of government. Do you consider the current sponsorship arrangement to be appropriate, or do you agree with the LGO?

Rishi Sunak: We do agree, and we want to move to a model where the ombudsman is accountable to Parliament in general, and that is why that provision is in the Bill. Where we are at the moment is that my Department is the sponsoring Department for the ombudsman organisation. Appropriately, that relationship is light-touch. There should be an arm’s-length relationship. I do not know what the ombudsman said to you previously. Historically, he has said he thinks that working relationship with the Department and officials is good. As I said, it is not that we ought to, should or do get heavily involved in the substance of what he is doing. That would not be appropriate, given you want to have some independence. We agree with him that that accountability is transferred to Parliament and the Bill does enable that.

Q43 **Liz Twist:** Clearly there is a difficulty. At the start of the meeting we discussed the fact that you can only really comment on the local



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government aspect of the ombudsman's work. We have heard of the difficulties with the Bill. Do you think that is something we should be looking at, in terms of giving a priority to resolving that issue?

Rishi Sunak: You are absolutely right when you look at the range of what the ombudsman does. Yes, we are the accountable Department but, in terms of the policy areas substantively, we are only a piece. Within our Department, I only have a piece of it within the things that he does that relate to the whole Department. You are absolutely right, and that is why it is appropriate that Parliament should be the body that he is accountable to.

Q44 **Liz Twist:** Would you like to see it as a priority to see these changes made?

Rishi Sunak: They are in the draft legislation precisely for that reason.

Q45 **Chair:** Trying to keep within your remit and recognising that there are others responsible, nevertheless the Local Government Ombudsman has a remit, which includes some housing functions.

Rishi Sunak: Some housing functions?

Chair: Yes. A complaint about housing allocations, for example, would fall within the Local Government Ombudsman's remit, because they are done by the local authority. Once the tenant becomes a tenant, any complaint they have then goes to Housing Ombudsman. The draft Bill left the open the possibility of the Housing Ombudsman's functions being brought within the remit of the overall ombudsman. Do you have any views on, some years later, about how you think it might work better?

Rishi Sunak: Thank you, Chair, and thank you for acknowledging it is not precisely my portfolio responsibility. I do not want to talk too much out of turn or tread on the toes of colleagues. There has been an argument as to whether social housing should be brought inside the remit of the ombudsman. It is something that he himself has asked for. It was the subject of the consultation document a few years ago, and it was a subject of discussion between Ms Hayes and the ombudsman when he was last in front of you.

The ombudsman's argument is there, and I am sure you have heard it. The consultation showed that where there was agreement for the general merging of the other ombudsmen, there was some reluctance to merge the Housing Ombudsman into that. A couple of reasons that came back through the consultation response were, first, the difference between a body that was largely dealing with public complaints or complaints about public administration rather than more private ones and then, secondly, that the funding mechanism for the Housing Ombudsman is very different as it is funded on subscriptions from housing associations and other participants in the scheme. Those were a couple of things that were raised.



More substantively, when Ms Hayes was questioning the ombudsman last time around—I read through that—there were two primary drivers for integrating them. One was around the confusion of people not knowing where to go. The average person on the street does not quite know the difference between all these different ombudsmen and what they all do. That was the subject of conversation. The second thing was around gaps in the existing provision. Hopefully, we have made progress on both of those substantive issues without merging the ombudsmen. What the recent consultation around redress in the housing sector did, on which there was a Government consultation—I am not sure if you have had a session on that with either of the housing Ministers—was commit the Secretary of State to introducing a single housing unified portal for all housing-related complaints, be they private, public, social, landlord, tenant, rented et cetera. That portal will enable us to deal with the confusion issue that Ms Hayes raised last time.

Secondarily, the Government response in that consultation has recognised that there are currently gaps in the existing framework that we have. The ombudsman gave one example, which he might have given you before, about adjacent properties where there is not a landlord-tenant relationship in the complaint that he or the Housing Ombudsman wants to look at. The Government response said that we would specifically look at addressing those gaps and figure out where those should go and to whom.

I will go back to the first thing that you said, and it is the last thing that I will say: although the framework, as it is drafted in the PSO, does not have the Housing Ombudsman coming in, what it does say is that it will be set up in a way that, if people in the future think that it is the right thing to do, it would be possible to do that.

- Q46 **Chair:** Would it be set up in such a way that you could actually take on board some areas and gaps that currently do not exist for either the Housing Ombudsman or the Local Government Ombudsman. We just discussed with the ombudsman a few minutes ago that if an allocation is made by a housing association and is made as part of a local authority scheme, then the Local Government Ombudsman would probably be able to hear a complaint about it. If the housing association made the allocation itself, then neither ombudsman would be able to hear it because it would not be a local government matter, and it could not go to the social housing ombudsman because they only deal with complaints by tenants.

Rishi Sunak: Yes. There are clearly gaps and the Government acknowledged that in their response to the consultation around redress in the housing sector. They are committed to examining those gaps and feeling out how best to fill those holes.

- Q47 **Chair:** Can I pick up on the issue you raised about the fact that the Housing Ombudsman deals with a lot of bodies and complaints about bodies that are in local government or are strictly public sector in terms



of the housing association? We have had the debate before about what they are. The fact is that the Local Government Ombudsman deals with social care complaints against private sector organisations. That was one of the changes that was made; it seems to work pretty well, does it not?

Rishi Sunak: That is a fair point. That was one of the things that came through the responses to the consultation. That was something that was articulated. I think, from memory, that the Law Commission said something, though I am not 100% of the wording, about a little bit of difference in the legal basis for how their judgments are then having to be implemented by the various people they are scrutinising. There is also a difference, at the moment at least, in how people access the ombudsman. We do not have an MP filter for the Local Government Ombudsman. For the Housing Ombudsman, there is a partial filter or an eight-week wait. That is something the Government have consulted on and have not yet responded back to. Those are all the kinds of things that could easily be worked out, if need be.

Q48 **Chair:** That is helpful on that point. Leading on to the private sector, what the Housing Ombudsman said to us this morning—I think it is an interesting area—is that a lot of local government services are not delivered by outsourcing, partnership arrangements and little ways of doing things. Is it right that complaints about those, including the private companies that are often either in partnership or delivering services on behalf of councils, should be included in any complaints procedure?

Rishi Sunak: I am trying to think. I do not know how far the existing framework would allow them to go. We have had this conversation around scrutiny arrangements as well. It is a point to raise. We need to check that we are not duplicating an existing set of processes.

Chair: You can come back to us on that particular point.

Rishi Sunak: Primarily, if the council is the one outsourcing, the council is ultimately responsible for the service. There is an accountability link there. I will definitely go away and think about that.

Q49 **Mary Robinson:** We heard from Mr King earlier regarding governance. He raised a few points about proposals in the Bill, but also seemed to prefer the current structure, as it was working for him. Have you had any conversations with the ombudsman to discuss the future structure of governance within the legislation?

Rishi Sunak: Beyond the conversation that we had about whether it should be accountable to a Department or to Parliament, I have not had more detailed conversations with him on that point. I think he thinks the operational structure of the ombudsman works well for him, from memory of my meeting with him. I do not remember that there were any substantive changes he wanted to make, beyond changing the accountability of the ombudsman to Parliament rather than to the Department, which we support.



The other thing he put in his triennial review was about making sure the ombudsman worked with regard to the devolution framework. Again, that is something we support. The draft Bill contains the appropriate legislation to enable that ombudsman to operate within the devolved framework and either look after matters that are reserved for England or indeed deal with the UK things and work jointly with other bodies in other jurisdictions as required. We support his ideas in that regard.

Q50 Chair: The Committee on Standards in Public Life has just produced a report. One of the recommendations is that the ombudsman service should effectively take on board a part of the appeals process in terms of complaints against councillors. This is something that is fairly new. I went to the launch of the report about three weeks ago, so it has probably just come on to your desk for consideration. Do you have any initial response to that, or is it something you will have to go away and think about?

Rishi Sunak: I give my thanks to Lord Evans, Dr Martin and their team for their work. I am not sure what you thought but I thought it was a very readable report; we all read quite a lot of these things. They have done a very good job of tackling the subject matter. I thought they made very good use of all the engagement they had done, and bringing that to life in the report was particularly well done. It was a relatively accessible length as well. I cannot give a formal answer, because we are considering all the various recommendations and best practice guidelines. My initial impressions are that it is an important, well thought-out and sensible set of recommendations.

The broad conclusion reached is one that I probably intuitively share: that the system that we have in place, which is largely a localised, decentralised framework, is appropriate and in general is working relatively well. In fact, standards are relatively high across the board. There are a minority of exceptions. Dr Martin has some recommendations in there about strengthening consistency, safeguards, and improving best practice, all of which, on first read, seem relatively sensible. A lot will require legislation, either primary or secondary. We are working through all of that as well.

Dr Martin had a specific recommendation, from memory, relating to the ombudsman, about it being an appeal body for a new sanctions disciplinary process for councillors, which seems appropriate to me if there were to be a sanctions process, which a lot of people have called for. There ought to be some independent appeal for that, and the ombudsman seems to be a relatively obvious place to look at for conducting that activity.

Q51 Helen Hayes: Minister, do you think that the LGO is adequately funded to carry out its current duties effectively?

Rishi Sunak: The LGO is funded with around £11 million a year at the moment. I am sure you spoke to Mick about where he is at the moment.



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They have submitted a proposal to the Department for an increase of about £700,000, from memory, for the forthcoming financial year. We are still working through the business case with them on that, to make sure it represents value for money for the taxpayer, which is something I am obviously mindful of, whilst ensuring that they can do their job well and efficiently. The good news is that they are doing their job very well. I am sure you have spoken to the ombudsman about the various performance metrics that they use to track that. They deserve praise for maintaining service standards in excess of targets almost across the board and consistently over the last few years. They are doing a very good job and are demonstrating they can do a very good job. They are doing it efficiently. They are probably the most efficient ombudsman in the United Kingdom in that regard. That said, we are considering their business case and working with them through it.

Q52 Helen Hayes: We heard from Mr King a very compelling case for additional resources. As you rightly say, they are a well-performing organisation. He says that they simply do not have the quantum of resource needed to sustain that level of performance into the future based on the volume of complaints that is coming in. They need to deal with those complaints. I would like to press you a little bit more on the extent to which you are looking favourably on that business case, and perhaps making representations to the Treasury going forward, for the need for an expansion in the resource so that they can sustain and continue to improve performance.

Rishi Sunak: We all want to see the same thing. We want to see the ombudsman doing a good job, performing well, being an important part of our scrutiny system and improving the conduct of local government. We also want to make sure that we are delivering good value for money for taxpayers and not needlessly putting extra funds in if they are not required. We are sitting down with them and we are going through the business case. We have been going over it with them for a little bit. There has been some back and forth, but I want them to carry on doing the job they are doing.

You are right to say that not just the volume is increasing but general awareness of the ombudsman is increasing as well. It was only when I was getting more stuck into the scrutiny work, as a result of the back and forth we had had with the Committee on the new guidance, that I realised that the ombudsman can play quite a powerful role in helping scrutiny committees with their job. It is something that not many of them today are necessarily aware of. He has a very valuable role to play and we want to make sure he is resourced to be able to do that.

Q53 Helen Hayes: The current business case, I believe, relates to existing responsibilities and volume of work. If the LGO's recommendations to extend its jurisdiction are adopted, what extra funding will be made available to help them to deal with those additional responsibilities?



Rishi Sunak: It is hard for me to speculate without knowing exactly what would come about, what would be in the final piece of legislation and what would be in the expansion of work, but it is a fair assumption to make that if there was a change in workload or a change in scope for what the ombudsman has to do, it would be appropriate to re-look at the funding arrangements at that point. We had this conversation with town and parish councils being an obvious example where the potential volume is very significant. We need to be mindful of that when we decide how widely to broaden the remit.

- Q54 **Chair:** I appreciate there is only so far you can go in the middle of the discussions, but I hope you will reflect, when looking at the bid for extra resources, that one of the concerns some of us might have is that as the number of complaints go up, the ombudsman has to deal with those—that is the bread and butter—but in the end, if extra money is not put in to the extra complaints they have, what happens is the thematic work they do, trying to draw out conclusions for the general performance issues in local government, falls off; they just would not have the resources to do that. That has been a really important change in how they have operated in the last few years. That has been really welcome and it would be a shame if we lost that.

Rishi Sunak: I wholeheartedly agree. That is what I was alluding to when I was talking about the role they play in scrutiny, as well as the individual local authority boards. I have found these thematic reports interesting. They are helpful to me for doing my job better. The good news is they have been increasing the volume of them over time. You are right that we would not want to lose that and I am mindful of that.

- Q55 **Liz Twist:** Following on slightly from that theme, the Local Government and Social Care Ombudsman is calling for the proposed public service ombudsman to be given own-initiative powers. Should the public service ombudsman be allowed to initiate its own inquiries where it suspects there has been maladministration but no complainant will come forward?

Rishi Sunak: That is something the ombudsman has asked for. That was the subject of the Government consultation a couple of years ago. Where the draft Bill tries to find the balance—and reasonable people can disagree on this—is by trying to meet halfway; it is balancing two things. The priority is that the ombudsman focuses on the day-to-day job of dealing with people's complaints and making sure that they receive justice. We want to make sure that remains the priority focus of the ombudsman. There is an apprehension about broadening the scope too much, in that you may lose sight of the core purpose of the body. There is not that formal extension of powers in the draft legislation.

What there is, though, is a range of other things that give the ombudsman power to have influence and value beyond an individual complaint. One is that the draft Bill gives the ombudsman the power to conduct joint investigations with other bodies, which obviously strengthens its ability to do things in a slightly broader sense. It allows



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the ombudsman to widen the scope of any individual investigation beyond the narrow confines of the complaint if it thinks there is wider evidence of a miscarriage of justice or maladministration. It allows the ombudsman to do a much more proactive job of sharing its reports with regulators and inspectors where it thinks there might be broader issues at play. As we have discussed, the ombudsman's thematic reports are valuable and vital. That work has increased over time and those publications may increase over time. There is a package of things that support the broader ambitions that the ombudsman has around being a bit more proactive or having influence beyond a narrow individual complaint, but it does not go as far to dilute his core purpose away from managing the individual complaints and responding to them.

Q56 Liz Twist: The argument might be that that still leaves a bit of a hole in the proposed legislation and the powers, whereby if the ombudsman can see something that clearly requires looking at but no individual is prepared to come forward and no other agency is looking at it, they are not able to progress it. Is that something that you think you should be looking at.

Rishi Sunak: As I said, the work that was done previously and the judgment that was reached was that, if you do that, the balance is around whether you then dilute the core focus and purpose of the ombudsman in dealing with individuals' complaints? That ultimately is its primary focus. I appreciate that some ombudsmen in other parts of the United Kingdom, though not all of them, have that power. There is a balance to be struck. The balance in the draft legislation is that it does broaden the scope in various different ways to allow for a slightly more proactive approach and a surfacing of issues beyond the narrow complaint, without going as far as you indicated.

I would be interested if people have examples of the kind of thing that is not being investigated or examined currently. That might be helpful for informing further debate on that issue. I personally have not seen any clear evidence of quite big issues in our society that somehow are not being picked up by the ombudsman currently through all of the various other avenues he has to address things.

Q57 Liz Twist: You have referred to the different powers in different parts of different jurisdictions. Do you agree with the Local Government and Social Care Ombudsman's suggestion that the public service ombudsman should be made a complaints standard authority in order to improve complaints-handling in the bodies for which it does have jurisdiction?

Rishi Sunak: Again, the judgment that was reached, in a similar approach to the last conversation we just had, was around not wanting to dilute the core purpose with other things. When it comes to complaints, there is an argument that others have made that there are also existing other regulators and other bodies that do something, and we not want to duplicate the work. Again, in the draft legislation there is a suite of other things that the ombudsman can do around best practice and the



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development and identification of standardised, simplified complaints procedures. It can shine a spotlight on those and hold people to account without going the full step of making it a formal requirement for him to set up a statutory complaints process.

Q58 Liz Twist: If legislation for the new public service ombudsman is not forthcoming, has the Ministry considered granting those powers to the Local Government Ombudsman? I know you have expressed concerns about dilution, but the ombudsman was quite clear about what the main focus remained.

Rishi Sunak: We probably have a slight difference of opinion there. We would not want to go the full distance of doing that but there are other things that can be done to broaden his influence in those areas, whether it is complaints or more investigative-type work. My understanding is that the changes that are in the draft Bill are there because they require some legislative change and cannot be done outside of that Bill.

Q59 Chair: Without legislation, is there more that could be done by your Department, working with the ombudsman and maybe the LGA, to try to raise the standard of complaints handling in local authorities? Few of these complaints get to the ombudsman in the first place. Some local authorities are very good at it. Some, quite frankly, are not very good on this issue. I wonder whether there is more that can be done to generally lift the standard without legislation.

Rishi Sunak: There is a fair point there. Interestingly, the Committee on Standards in Public Life made the point with regard to codes of conduct in a slightly different way. We have a very devolved system and there is a big variety in different people's codes of conduct. One of its recommendations is to have a model code of conduct that, in the absence of anything else, serves as a good benchmark for what "best in class" looks like. That is very much our vision for what the ombudsman will do. The draft Bill specifically enables him to do almost the equivalent of what the Committee on Standards in Public Life have recommended around codes of conduct. It is to do exactly all of that.

Q60 Chair: That could be done now by the ombudsman with support from the Government, could it not? It depends on your response to the recommendation from Committee on Standards in Public Life, but if you are minded to support that recommendation, you could work with the ombudsman now to help deliver that.

Rishi Sunak: I will certainly bear that in mind as we think about our response to the other report from the CSPL.

Chair: Thank you very much, Minister, for coming today and answering our questions.