

## **Please note**

The telephone numbers of the Parliamentary and Health Service Ombudsman changed on 15 March 2009.

The new contact details are:

**Helpline:** 0345 015 4033

**Fax:** 0300 061 4000

# Ombudsman's Principles

As Parliamentary and Health Service Ombudsman, I provide a service to the public by undertaking independent investigations into complaints that government departments, the NHS in England and a range of other public bodies in the UK, have not acted properly or fairly, or have provided a poor service. We aim to help individuals who bring their complaints to my Office by providing an independent, high quality and accessible complaint handling service that rights individual wrongs. Our second key objective is to offer a wider public benefit: to share the lessons learnt from complaints to help improve the way public services are provided.

We want to be open and clear, with both complainants and public bodies within the Ombudsman's jurisdiction, about what we expect when public bodies deliver services and the questions we ask in deciding whether maladministration and service failure have occurred. In particular, we want public bodies to understand how we will approach complaints, and complainants to understand how we will consider their cases.

For those reasons we have produced this document which brings together our:

- *Principles of Good Administration*
- *Principles of Good Complaint Handling*
- *Principles for Remedy.*

These three sets of Principles outline the approach we believe public bodies should adopt when delivering good administration and customer service, and how to respond when things go wrong. They underpin our assessment of performance, our vision of good complaint handling and our approach to putting things right.

The Principles are based on our forty years' experience of handling large numbers of complaints. The Principles endorse legality, flexibility, transparency, fairness and accountability – the necessary ingredients of good administration.

The same six key Principles apply to each of the three documents. These six Principles are:

- 1 *Getting it right*
- 2 *Being customer focused*
- 3 *Being open and accountable*
- 4 *Acting fairly and proportionately*
- 5 *Putting things right*
- 6 *Seeking continuous improvement.*

Good complaint handling and providing fair and proportionate remedies are an integral part of good administration which is why the same key Principles apply to each. What we think those Principles mean in practice for each area is set out in the enclosed documents.

The Principles accord with national and international good practice. They are compatible with the *Seven Principles of Public Life*<sup>1</sup> as set out by the Committee on Standards in Public Life, the British and Irish Ombudsman Association's *Guide to principles of good complaint handling*<sup>2</sup>, the values and behaviours in the *Civil Service Code*<sup>3</sup> and the principles and values in the *NHS Constitution*<sup>4</sup>. The *Principles for Remedy* accords with HM Treasury's guidelines on remedy as set out in *Managing Public Money*<sup>5</sup> and is cited as best practice in the *NHS Finance Manual*<sup>6</sup>.

I want to emphasise that the Principles are not intended to replace public bodies' own guidance

in any of the three areas. We fully appreciate that public bodies are many and varied, have a wide range of remits and statutory duties, and often have their own demanding standards. We do hope, however, that the Principles will inform such guidance and standards, and provide a framework for all public bodies within my jurisdiction – despite their differences – to follow in fulfilling their duties.

Central to our assessment of the seriousness of any complaint is the impact of a public body's actions on the individuals or organisations concerned. This means that we focus on the individual's experience as a human being as we look at what happened in each case. In applying the Principles, we will also have regard to the human rights context. Taking account of basic human rights principles of fairness, respect, equality, dignity and autonomy may, in certain cases, add weight and gravity to our findings.

In the three related sets of Principles that follow I stress the value and importance of considering the impact on the individual when offering customer service, thinking about how to deal with complaints and offering remedy. Of course, it is essential to have proper processes and procedures in place in order to ensure fairness of treatment and for reasons of accountability, but those processes should be focused on outcomes. Public bodies should take into account what is important to the person making the complaint. They should be flexible in considering what the most appropriate response is for that particular individual whilst, of course, bearing in mind correct procedures and proportionality.

The Principles are not a checklist, nor are they the final or only means by which we will assess and decide individual cases. The statutory test we apply remains the same as it has always been: is there maladministration or service failure (or failure to provide a service in the case of health

bodies and practitioners) and, if so, has this led to an unremedied injustice? If we conclude that a public body has not followed the Principles, we will not automatically find maladministration or service failure. We will apply a broad test of fairness and reasonableness, taking into account the circumstances of each particular case, not a test of perfection. We will apply the Principles fairly and sensitively to individual complaints, which we will, as ever, decide on their merits.

We also understand that the actions of public bodies are limited by their resources and all public bodies must spend money with care. There is often a balance between being sensitive to the needs of a customer and yet acting proportionately within available resources. Public bodies have to take decisions bearing in mind all the circumstances; delivering good service often means taking a broad and balanced view of all of the individuals or organisations that may be affected by decisions. However, finite resources should not be used as an excuse for poor service, poor administration, poor complaint handling or failing to provide a fair remedy.

We hope then that the Principles will help us to do our core work – to provide an independent, high quality complaint handling service – and that they will help public bodies in the Ombudsman's jurisdiction by promoting a shared understanding of what is meant by good administration, good complaint handling and a fair approach to providing remedies.



Ann Abraham  
Parliamentary and Health Service Ombudsman

<sup>1</sup> [http://www.public-standards.org.uk/About/The\\_7\\_Principles.html](http://www.public-standards.org.uk/About/The_7_Principles.html)

<sup>2</sup> <http://www.bioa.org.uk/docs/BIOAGoodComplaintHandling.pdf>

<sup>3</sup> <http://www.civilservice.gov.uk/iam/codes/cscode/index.asp>

<sup>4</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085814](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085814)

<sup>5</sup> [http://www.hm-treasury.gov.uk/psr\\_mpm\\_index.htm](http://www.hm-treasury.gov.uk/psr_mpm_index.htm)

<sup>6</sup> <http://www.info.doh.gov.uk/doh/finman.nsf>