Reform of the Parliamentary and Health Service Ombudsman: Serving the Interests of Administrative Justice

Institution

Instructor

**Introduction**

According to Ryan and Foster, Ombudsman is a form of redress who receives and investigates complaints of maladministration such as poor governance among public bodies or the central government departments of state[[1]](#footnote-1). For the Ombudsman to investigate the complaints, the individual must have experienced or sustained injustice as a result of maladministration. Some of the sustained injustice include financial hardship, distress, or poor delivery of services. Currently, the members of parliament contact the Ombudsman and allows them to work in an inquisitorial way through the application of broad investigatory powers for the determination of the occurrence or the non-occurrence of maladministration ([[2]](#footnote-2),[[3]](#footnote-3)). The Parliamentary and Health Services Ombudsman works towards the achievement of the said issues and issue reports on factors he/she has the view of a possibility of un-remedied maladministration and recommendations for dealing with the complaints and the maladministration. According to Ryan and Foster, other ombudsmen include the Health Commissioner and the local government, established under the National Service Reorganization Act 1973 but currently drawing powers from the 1993[[4]](#footnote-4). The HSCA (1993) investigates complaints concerning the poor services delivery by the NHS in England while the Parliamentary Commissioner for Administration, thus the Parliamentary and Health Service Ombudsman (PHSO). The need for reforming the PHSO is inevitable if the society is to minimize complaints and improve services delivery. This research identifies the single most significant reform of the PHSO that will best serve the interest are

**The Single-Comprehensive Reform**

According to a report by the Cabinet Office, the creation of a single Public Service Ombudsman service is critical for the enhancement of services delivery by making the services citizen-centred[[5]](#footnote-5). A citizen-centred PSO would be important for the simplification of access and the improvement of consistency in providing service[[6]](#footnote-6). The citizen-centred ombudsman service ascertains effectiveness in dealing with service failure regardless of the parts of the public sector responsible for the provision of the said services. Other governments have implemented the single and comprehensive model for the coverage of services within their countries and achieved significant success in the improvement of efficiency in the processes. The Welsh, North Irish, and Scottish governments provide for the unified and comprehensive approach of public service ombudsmen services, which are accountable to their respective assemblies/parliaments or locally[[7]](#footnote-7). In view of the examples and the significant influence of the single and unified PSO, the government of UK should focus on the creation such a service that will integrate ombudsman for the responsibilities and the UK services.

A reformed PHSO works effectively towards the promotion of the interests of the administrative justice through the enhancement of the process of complaint handling. The ombudsman works towards the reception and handling of complaints to enhance effectiveness in service delivery, ensure justice, and the public’s satisfaction. The development of a comprehensive system that handles complaints effectively is critical. The reform should focus on the enhancement of clarity on complaints processes across the justice system. According to a report by the Cabinet Office, the formulation of clear timescales for the resolution of complaints at each tier and the introduction of an extensive complaints handling standards enhance effectiveness of the PHSO[[8]](#footnote-8). The Ombudsman will work effectively towards handling and resolving the complaints people pose concerning poor quality services or maladministration. Further, the reform will allow clarity of the complaints processes across the system by progress reporting and the promotion of transparency in decision-making. Progress reporting creates a platform for the effective evaluation and investigation of complaints and the performance of institutions.

A reform that focuses on the creation of a unified, single, and comprehensive PHSO is important for the promotion of the interests of the administrative justice[[9]](#footnote-9). The government should work on reforming the PHSO to a modern ombudsman that promotes the full engagement of the public and the enhancement of accessibility is critical for ensuring the advancement of justice. It is important to create effective channels and platforms that are easily accessible for the engagement of the public and the development of responsiveness to the range of needs. In reforming the PHSO, the government should enable the acceptance of complaints through various channels and focus on ensuring the flexibility of the legislation for technological and other developments in future. Additionally, the reform should include measures that allow a collective effort by the parliament and the NHS in working towards the promotion of administrative justice and the improvement of quality in the provision of health care[[10]](#footnote-10).

The development of the complaints handling systems and processes through reforms is important for the enhancement of effective in using the complaints. The process involves the engagement of senior leadership from the institutions such as the NHS in order to benefit from their assistance during the different processes of the complaint handling[[11]](#footnote-11). Engaging the senior leadership makes sure of the improvement of service delivery by the organizations and accountability for performance. Additionally, the reform should focus on the provision of readily intelligible and timely information management and reporting for the enhancement of accountability of the public services to the Parliament, the local, and the national government. The PHSO, which involves the Parliament, should be reformed to provide readily intelligible and effective management of information and thematic reporting to ensure accountability in the health sector. The implementation of the reform and integration of the strategies into the PHSO would promote administrative justice by dealing with complaints, injustices, and maladministration in general.

The unified and comprehensive PSO should focus on the provision of integrated service and the facilitation of an effective complaint routing. According to Maer and Everett, the creation of a single but efficient PSO would be a critical process of reforming the system and its operations[[12]](#footnote-12). It will promote the interests of administrative justice by improving the effectiveness with which cases of maladministration, injustices, and poor services are produced. The new PSO should comprise the current remits and the responsibilities of the ombudsmen such as the Parliamentary Ombudsman, the LGO, the Housing Ombudsman, and the Health Service Ombudsman will enhance the effectiveness of handling injustices and cases of maladministration[[13]](#footnote-13). The process is critical for the promotion of administrative justice.

Moreover, the integration of the various ombudsmen in the development of the single PSO is important in the promotion of an efficient system that promotes administrative justice interests. The system will allow the development of accountability. For instance, the PHSO should promote accountability to the Parliamentary Commission, which deals with critical issues such as the performance in relation to the objectives, costs, and targets among other key performance indicators. The creation of the single and unified PSO would credibility and accountability by making certain that all processes are transparent. In doing so, the PSO would promote the interests of the administrative justice while ensuring effective complaints handling and case termination.

All notwithstanding, the implementation of the reform would demand the consideration of the MP filter. According to Tingle, the MP filter should be removed to allow the public a direct access to the PSO[[14]](#footnote-14). The process will allow the development of system and the enhancement of efficiency in offering administrative justice. Accessibility to the PSO should be open to the complainants to benefit from the justice system without the influence or limitation from any quarters. The enhancement of efficiency in the reception of complaints and educating people on the various rights would serve a major role in promoting the development administrative justice, the reduction of maladministration, and injustices. Most importantly, the process should prioritize issues of concern over those which have lighter impacts.

**Principles Essential for Efficient Reform and Impact**

The Parliamentary and Health Service Ombudsman should integrate various principles for the enhancement of efficiency in the provision of services and consideration of the interests of the administrative adjudication. The single PHSO should depict independence, impartiality, and authoritativeness in the performance of the duties for which it is created[[15]](#footnote-15). According to the Cabinet Office, the Public Ombudsman Service organization created for the provision of the single PHSO should provide expert advice and insightful information and sufficient evidence in handling the concerns of the public. PHS Ombudsman gives people a platform for placing complaints about the government in relation to the public health services upon dissatisfaction. The parliament pushes the government to act on the issued raised and account. Further, the PSO works independent of those bodies and institutions subject to its jurisdiction and remains authoritative in all processes by remaining at the apex of the public service complaints system[[16]](#footnote-16). A reform that integrates the different principles will allow the development of efficiency of the PSHO and promote the interests of administrative justice.

Additionally, a single and comprehensive PHSO should enhance easy accessibility by the public. The major goal for the reform is to boost the effectiveness and promote the interest of the administrative adjudication. The creation of the single organization should focus on the enhancement of accessibility aspects. The reform should ensure that PSO services are easily accessible by the public. It should focus mainly on bridging the gap between the central and local services such as health and social care among others. Considering the importance of healthcare services, the reform should ensure that the public has an effective and easily accessible platform for complaints. Additionally, the parliament should be mandated with the authority to investigate and outline issues of concern even when the public does not report them to boost efficiency in the provision of services. The process will boost service delivery and promote the interests of administrative justice.

Reforming the Parliamentary and Health Service Ombudsman to integrate the services into a single and comprehensive ombudsman will serve a significant role in promoting the best interest of administrative justice. The reform will ensure that the public service ombudsman is comprehensive and coherent. The comprehensiveness of the organization and ombudsman will ensure that the PSO covers all concerns from the health sector and integrate and handle all the UK public services accountable to the parliament. Additionally, the PSO should give the parliament the obligation to serve all and deal with complaints without a consideration of whether the providers comes from the private, public or third sectors. Moreover, the enhancement of coherence serves the interests of administrative justice by creating an efficient and common ground for approaching and investigating complaints while ensuring that the service providers do not receive various adjudications from different ombudsmen. All the processes of the reform should target on developing and implementing the reform to ensure a comprehensive and coherent Public health Service Ombudsman.

Moreover, the principle of accountability is critical for the promotion of the best interests of the administrative justice on issues relating to the public services ombudsman. The PHSO should be reformed to boost accountability in the administration of justice. The victims of poor services delivery on matters health and development should be represented well and their complaints tackled effectively. The issue of accountability is of critical concern in shaping ombudsman and the provision of justice. Accountability allows the development of a robust and effective governance structure, which promotes the rights of every citizen and the interests of administrative justice. Moreover, the accountability model of the ombudsman reflects the devolution settlement thus promoting the best interests of the administrative justice. Additionally, the concept of accountability handles issues concerning the strategy and scrutiny of budget by the parliament and ensures accountability in all the processes. In the so doing, the principle promotes administrative justice and efficiency in the delivery of services.

Apart from the aforementioned, a reform that creates a single PHSO promotes the best interests of the administrative justice by advocating for the better value for money. The process focuses on ensuring that the public receives better value for money directed towards public services such as healthcare. For instance, concerning health, the reform will allow the parliament to deal with issues that limit efficiency in the delivery of health services. Moreover, the ombudsman focuses on the achievement of the best value for public funds through the evaluation of how he service impacts on the overall process of public services delivery.[[17]](#footnote-17) The achievement of the above is ensured through the provision of administrative justice by focusing on the enhancement of simplicity and transparency of funding arrangements by preventing perverse incentives for the service providers. In the promotion of this principle, the PHSO makes sure that the best interests of administration justice is prioritized.

Further, the government must take various issues into consideration before the reform of the PHSO into a unified and comprehensive ombudsman. These aspects play a critical role in the enhancement of the ability to work collaboratively, conduct joint investigation with other bodies such as inspectors, inquiries, and regulators, and share information. Through these critical processes, the reform promotes the interests of the administrative justice. Moreover, the reform will offer administrative institutions, mainly the parliament the freedom for the publication of reports and results/findings without prior presentation of the same before the parliament. Additionally, a unified PHSO will be critical for the maintenance of the link between the parliament in the reception and examination of the Public Ombudsman Service’s in cases where the executive denies findings of injustice or maladministration[[18]](#footnote-18). Further, the reform will play a significant role in strengthening the link between the customers and ombudsman for ensuring the parliament considers the recommendations from reports.

**Conclusion**

Reforming the Parliamentary and Health Service Ombudsman will serve a greater purpose in the elimination of the challenges that face the current ombudsman in the delivery of services and promotion of the interests of the administrative justice. The Parliamentary and Health Service Ombudsman currently proves ineffective in the performance of its duties and the promotion of administrative adjudication. A reform that focuses on the creation of a unified and comprehensive Public Service Ombudsman that prioritizes the concerns of the citizens is critical. Reforming PHSO demands the development of efficiency in all the processes and systems of complaints handling and dealing with maladministration. The reform improves the processes of investigation and the determination of the procedures for investigating and obtaining information from the perpetrators of maladministration and other injustices. Additionally, the reform towards a single, unified, and a comprehensive public service ombudsman is essential for the promotion of administrative justice. The PSO will make it possible to deal with cases of maladministration and injustices that arise from the process. The application of the reformed PSO and the integration of the various strategies and measures for dealing with the issues play with an important in promoting the interests of the administrative adjudication.

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