

Draft Public Service Ombudsman Bill

Summary

The Cabinet Office has published draft legislation setting out the Government's plans for a new Public Service Ombudsman (PSO) which will abolish the Parliamentary and Health Service Ombudsman (PHSO) and the Local Government Ombudsman (LGO). The aims of the new body are to improve access to the Ombudsman's services by: allowing for all complaints to be made with or without the help of a representative and in a variety of formats to meet the digital age; providing simpler access to individuals who believe that they have suffered injustice or hardship; and sharing the learning from failures to improve services for everyone. The Draft Bill proposes to bring parish and councils into scope of the new Ombudsman.

The link to the draft Bill can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574487/draft_public_service_ombudsman_bill_web_version.pdf.

Context

The Department for Communities and Local Government (DCLG) published a consultation in March 2015 titled 'Extending the remit of the Local Government Ombudsman to larger parish and town councils', proposing to extend the redress available to the public by extending the jurisdiction of the LGO to larger parish and town councils responsible for substantial sums of public money and whose decisions affect a large number of people. The definitions consulted upon were councils whose population base was 35,000 or more, over £1m precept income, or a combination of population over 25,000 and £1m precept.

We consulted members on whether the jurisdiction of the Local Government Ombudsman should be extended to larger parish and town councils and how larger parish and town councils should be defined for this purpose.

In our response we argued that;

- for the first two years of this extension, the remit of the LGO should be extended to cover larger councils with an electorate size of 6,000 or more on an annual budgeted income or spend of £250K per annum (the NALC definition of a larger council);
- after two years there should be a policy review and if it is found that the extension of the LGO remit to this size of parish council has worked well, the LGO remit should be further extended to cover all sizes of parish council;

Our full response can be found here:

<http://www.nalc.gov.uk/library/members-library/consultations/transparency/1626-pc02-15-local-government-ombudsman-july-2015/file>

In December 2015 the Cabinet Office compiled responses and gave their response to the consultation titled 'A Public Service Ombudsman: Government Response to Consultation' where there was a call for the Ombudsmen to have greater accountability and for there to be some form of scrutiny of the Ombudsman's decisions on individual cases. A single Ombudsman was favored as a simpler approach. The draft Public Service Ombudsman Bill takes this approach forward.

Provisional position of NALC

It has been a longstanding policy of NALC's that the remit of the LGO should be extended to cover all parish and town councils. However in our response to the DCLG consultation we proposed the use of our definition of a larger council and that following a policy review the LGO should cover all parishes.

Based on this we are not against this draft Bill although we will be examining it in further detail. However we are concerned that the PSO will have the capacity to cover all 10,000 parishes and we will be raising this with government.

Your views

Although the timescale for parliamentary passage is unclear – an issue we are picking up with Cabinet Office and DCLG – we would welcome your comments on the Bill as soon as possible, please e-mail your comments to faithful.conteh@nalc.gov.uk by 17.00 on 24 January 2017.

Recommended Circulation:	County Associations
	All Member Councils

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