

Principles of Good Administration

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CONTENTS

Introduction	1
Principles of Good Administration	3
Getting it right	5
Being customer focused	6
Being open and accountable	7
Acting fairly and proportionately	8
Putting things right	9
Seeking continuous improvement	10

Introduction

As the Public Services Ombudsman for Wales, I provide a service to the public by undertaking independent investigations into complaints about almost all of the wide range of public services for which the National Assembly for Wales has devolved responsibility. I can look into the actions of councils and other local government bodies (including community councils), NHS bodies (including GPs), the Welsh Assembly Government and its sponsored bodies, and registered housing associations. The bodies that fall within my jurisdiction under the Public Services Ombudsman (Wales) Act 2005 ('the PSOW Act') are referred to as 'listed authorities'.

I am responsible for deciding whether the listed authority complained about has acted unfairly or unreasonably, or has provided a poor service. The Ombudsman's view is final, subject only to judicial review by the courts. I apply a test of fairness and reasonableness, taking into account the circumstances of each case; not a test of perfection. I draw attention to any failures and suggest how things may be put right. I also aim to share the lessons learned from complaints to help improve the way public services are provided.

The Principles of Good Administration set out in this document are those that have been laid down by the Parliamentary Ombudsman. I helped develop these principles and see them as valid for all public services. I believe that the Principles are compatible with the Welsh Assembly Government's *Making the Connections: Building Better Customer Service – Good Practice Guidance for Public Services*¹, as well as the *Seven Principles of Public Life* as set out by the Committee on Standards in Public Life. Following consultation I have accordingly decided to issue them, under section 31 of the PSOW Act, as guidance to all listed authorities on good administrative practice.

Like the Parliamentary Ombudsman, I want to be open and clear with both complainants and the public bodies within my jurisdiction about the sorts of behaviour expected when those bodies deliver public service, and the tests I apply in deciding whether maladministration and service failure have occurred. In particular, I want listed authorities to understand how I will approach complaints, and complainants to understand how I will consider their case. Central to my assessment of the seriousness of any complaint is the impact of the listed authority's actions on the individuals or organisations concerned. The Principles of Good Administration reflect this.

¹Welsh Assembly Government published July 2006

The Principles are not a checklist, nor the final or only means by which I will assess and decide individual cases. They are broad statements of what I believe the bodies within my jurisdiction should be doing to deliver good administration and customer service. If I conclude that a listed authority has not followed the Principles, I will not automatically find maladministration or service failure. I will apply the Principles fairly and sensitively to individual complaints, which I will, as ever, decide on their merits and the circumstances of the case.

I understand that there is often a balance between being sensitive to the needs of a customer and yet acting proportionately to maximise the effective use of public resources. The actions of listed authorities are of course limited by their resources and they have to weigh the highest standards of customer service against what is affordable. All public bodies should spend public money with care. However, finite resources should not be used as an excuse for poor service or administration.

I appreciate that the bodies within my jurisdiction are many and varied, have a wide range of remits and statutory duties, and often have their own demanding standards. Listed authorities have to take reasonable 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. Despite their diversity, I believe that the Principles of Good Administration will provide a framework for all listed authorities to follow in fulfilling their duties.

Adam Peat
Ombudsman

Principles of Good Administration

Good administration by a listed authority means:

1. Getting it right

- Acting in accordance with the law and with due regard for the rights of those concerned.
- Acting in accordance with the listed authority's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the listed authority expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances.
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions.
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the listed authority learns lessons from complaints and uses these to improve services and performance.

These Principles are not a checklist to be applied mechanically. Listed authorities should use their judgment in applying the Principles to produce reasonable, fair and proportionate results in the circumstances. The Ombudsman will adopt a similar approach in deciding whether maladministration or service failure has occurred.

The supporting text for each Principle follows.

1. Getting it right

All listed authorities must comply with the law and have due regard for the rights of those concerned. They should act according to their statutory powers and duties and any other rules governing the service they provide. They should follow their own policy and procedural guidance, whether published or internal.

Listed authorities should act in accordance with recognised quality standards, established good practice or both, for example about clinical care.

In some cases a novel approach will bring a better result or service, and listed authorities should be alert to this possibility. When they decide to depart from their own guidance, recognised quality standards or established good practice, they should record why.

Listed authorities should provide effective services with appropriately trained and competent staff. They should plan carefully when introducing new policies and procedures. Where listed authorities are subject to statutory duties, published service standards or both, they should plan and prioritise their resources to meet them.

In their decision making, listed authorities should have proper regard to the relevant legislation and guidance. Proper decision making should give due weight to all relevant considerations, ignore irrelevant ones and balance the evidence appropriately.

Listed authorities necessarily assess risks as part of taking decisions. They should, of course, spend public money with care and propriety. At the same time, when assessing risk, they should ensure that they operate fairly and reasonably.

2. Being customer focused

Listed authorities should provide services that are easily accessible to their customers. Policies and procedures should be clear and there must be accurate, complete and understandable information about the service.

Listed authorities should aim to ensure that customers are clear about their entitlements; about what they can and cannot expect from the listed authority; and about their own responsibilities.

Listed authorities should do what they say they are going to do. If they make a commitment to do something, they should keep to it, or explain why they cannot. They should meet their published service standards, or let customers know if they cannot.

Listed authorities should behave helpfully, dealing with people promptly, within reasonable timescales and within any published time limits. They should tell people if things take longer than the listed authority has stated, or than people can reasonably expect them to take.

Listed authorities should communicate effectively, using clear language that people can understand and that is appropriate to them and their circumstances.

Listed authorities should treat people with sensitivity, bearing in mind their individual needs, and respond flexibly to the circumstances of the case. Where appropriate, they should deal with customers in a co-ordinated way with other providers to ensure their needs are met; and, if they are unable to help, refer them to any other sources of help.

3. Being open and accountable

Public administration should be transparent and information should be handled as openly as the law allows. Listed authorities should give people information, and, if appropriate, advice that is clear, accurate, complete, relevant and timely.

Listed authorities should be open and truthful when accounting for their decisions and actions. They should state their criteria for decision making and give reasons for their decisions.

Listed authorities should handle and process information properly and appropriately in line with the law. So while their policies and procedures should be transparent, listed authorities should, as the law requires, also respect the privacy of personal and confidential information.

Listed authorities should create and maintain reliable and usable records as evidence of their activities. They should manage records in line with recognised standards to ensure that they can be retrieved and that they are kept for as long as there is a statutory duty or business need.

Listed authorities should take responsibility for the actions of their staff and those of others who act as their agents.

4. Acting fairly and proportionately

Listed authorities should always deal with people fairly and with respect. They should be prepared to listen to their customers and avoid being defensive when things go wrong.

Listed authorities should treat people equally and impartially. They should understand and respect the diversity of their customers and ensure fair access to services and treatment regardless of background or circumstance.

The actions and decisions of a listed authority should be free from any personal bias or interests that could prejudice those actions and decisions, and any conflict of interests should be declared. Listed authorities should not act in a way that unlawfully discriminates against or unjustifiably favours particular individuals or interests.

People should be treated fairly and consistently, so that those in similar circumstances are dealt with in a similar way. Any difference in treatment should be justified by the objective features or the individual circumstances of the case.

When taking decisions, and particularly when imposing penalties, listed authorities should behave reasonably and ensure that the measures taken are proportionate to the objectives pursued, appropriate in the circumstances and fair to the individuals concerned.

If applying the law, regulations or procedures strictly would lead to an unfair result for an individual, the listed authority should seek to address the unfairness. In doing so listed authorities must, of course, bear in mind the proper protection of public funds and ensure they do not exceed their legal powers.

5. Putting things right

When mistakes happen, listed authorities should acknowledge them, apologise, explain what went wrong and put things right quickly and effectively.

Putting things right may include reviewing any decisions found to be incorrect; and reviewing and amending any policies and procedures found to be ineffective, unworkable or unfair, giving adequate notice before changing the rules.

The actions of a well-run listed authority can sometimes bear more heavily on an individual because of their particular circumstances, even though statutory duties, service standards or both have been met. Listed authorities should be alert to this and respond flexibly to avoid or, where appropriate, put right any such undue effect.

Listed authorities should provide clear and timely information about methods by which people can appeal or complain. They should provide information about appropriate organisational or independent ways of resolving complaints. They should also consider providing information about possible sources of help for the customer, particularly for people who may find the complaints process daunting.

Listed authorities should operate effective complaints procedures which investigate complaints thoroughly, quickly and impartially; and which can provide an appropriate range of remedies to the complainant and any others similarly affected when a complaint is upheld. As a minimum, an appropriate range of remedies should include an explanation and apology from the listed authority to the complainant, remedial action by the listed authority, financial compensation for the complainant or a combination of these. The remedy offered should seek to put the complainant back in the position they would have been in if nothing had gone wrong. Where this is not possible - as will often be the case - the remedy offered should fairly reflect the harm the complainant has suffered.

6. Seeking continuous improvement

Listed authorities should review their policies and procedures regularly to ensure they are effective; actively seek and welcome all feedback, both compliments and complaints; use feedback to improve their public service delivery and performance; and capture and review lessons learned from complaints so that they contribute to developing services.

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March 2008**

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