

2024.04.16.

4.6 Deputy S.M. Ahier of the Chief Minister regarding a Jersey Public Services Ombudsperson (OQ.54/2024)

Will the Chief Minister advise what progress has been made to introduce a Jersey Public Services Ombudsperson and when the draft legislation will be published?

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):

The matter is still under consideration by the Council of Ministers, largely due to concern over the high estimated cost of establishing the service and ongoing running costs. C.O.M. (Council of Ministers) would like to see our existing complaints process significantly enhanced, and work is being done to address this. When the work has been concluded, we can then consider the rationale for increasing public spending on an ombudsperson scheme and whether legislation is required to support improvements to our complaints-handling processes instead.

4.6.1 Deputy S.M. Ahier:

The Chief Minister mentions the costs. The allocation of the 2022 Government Plan was for £401,000 in 2023, £412,000 in 2024 and 2025. Does the Chief Minister now think that that was not sufficient?

Deputy L.J. Farnham:

Yes, we do not believe it is sufficient. That is still a considerable sum of money. I am advised this would be insufficient to cover the cost of the health-related complaints especially, so it is therefore likely that the cost of the ombudsperson in the budget would be significantly more than budgeted for in the Government Plan. In addition, public authorities will incur costs in responding to ombudsperson investigations that have not yet been budgeted for in government departments. That is why we want to have another look at the current complaints system, to see if we can improve that, to do the job; much better value for money.

[10:15]

4.6.2 Deputy J. Renouf:

Does the Chief Minister accept that the Public Ombudsman has widespread support in the public? Does he have any evidence to suggest that the public have gone off the idea of an ombudsman, which would be sufficient to kill the proposition that is in place to bring forward that?

Deputy L.J. Farnham:

We are not looking to kill off the proposition. We have respect for propositions that were approved by this Assembly, and if we did seek to change things, we would probably come back to the Assembly with our propositions. What I am aware of, there is a public dissatisfaction sometimes at the way complaints are handled or not handled, simply due to the fact that I think our ongoing process needs to be reviewed. That is no criticism of the current process, but I think it is worth doing a bit of extra work to see if we can find a better balance between what we have and going to the full service of an ombudsperson, which would be costly. But I want to reiterate, we do respect past decisions of the Assembly, and we would be bringing whatever we decide back to the Assembly, if it does not align with the original decision.

4.6.3 Deputy J. Renouf:

Would the Chief Minister commit to trying to discover what the public's views are on a Public Service Ombudsman before bringing forward any rescindment?

Deputy L.J. Farnham:

I think we have to try and reflect the public's views through this Assembly. I will not undertake to do separate surveys on public views because we know that the public require and deserve a process where they can express their concerns, and we want to make sure they have that. What we are saying now is that before we commit to a full ombudsperson service, we want to have a closer look at what we do now so we can see if we can improve it. If the Assembly will bear with us, we will do that work and keep them all posted.

4.6.4 Deputy K.M. Wilson:

Could the Chief Minister outline just where the areas are that he believes the improvements need to be made, based on his own assessment?

Deputy L.J. Farnham:

I think the biggest challenge we have at the moment is the health service. The Deputy will know that from the work she did there. Of course, the Minister for Health and Social Services and his team are giving that priority. So Health is probably the biggest area of concern. Then generally we see complaints from across the public sector, not in too great a volumes. It is Health and then it is a bit of a general mix, in my opinion.

4.6.5 Deputy K.M. Wilson:

Does the Chief Minister think that it is a systems issue or a customer service issue that needs to improve in terms of the experience that people have through responding or engaging with our complaints system as it currently stands?

Deputy L.J. Farnham:

I think it runs quite a bit deeper than that. There are lots of reasons why people complain. Some is related to customer service, some is related to lack of services, not being able to access the right services, all sorts of reasons. The key to solving it is improving our service and our systems throughout the public sector. Work is always ongoing to do that. But we do need a more effective complaints system. The States previously decided that this would take the form of an ombudsperson, and that could well be the case. But we want to make sure, before committing to the costs of that, that there is not a better option.

4.6.6 Deputy G.P. Southern of St. Helier Central:

Does the Chief Minister not consider that looking around for a better solution sounds awfully like delaying what is a States decision and that actually justice deferred is, in fact, in this case, justice denied?

Deputy L.J. Farnham:

I would not quite agree with the justice delayed is justice denied in this occasion, but in short, yes, it is delaying the decision, and we apologise for that. But I think, as I said, with fear of repeating myself, we think the Council of Ministers would like to explore the possibility of improving an internal complaints process to make that sufficient before committing to going to a fully-fledged ombudsperson. I undertake to do that work as quickly as possible, keep the Assembly updated. As soon as we make a decision, we either come back to the Assembly with a new proposition or proceed with the existing one.

4.6.7 Deputy G.P. Southern:

I love it when the Chief Minister says “as quickly as possible”. It is such a moveable feast. How long before he comes back with a definitive statement, either on the ombudsman or on an alternative to achieving decent appeal systems?

Deputy L.J. Farnham:

I apologise, I must try and stop using phrases like that because I agree with the Deputy. They do not actually mean much and “as quickly as possible” might not be accurate. But we will be assertive in our intention to bring this back but cannot put a timescale on it. But I would like to think it will definitely be this year. But I would rather not put a timescale on it other than just reassure the Assembly that the work is currently underway and we will be expedient in delivering and try not to delay the decision longer than is necessary.

4.6.8 Deputy S.M. Ahier:

In the Chief Minister’s initial response, he mentioned the cost of medical health complaints. But that was not the intention of the original proposition, because the medical health would have its own ombudsman, if it was possible. Does the Chief Minister think this is just an excuse for delay?

Deputy L.J. Farnham:

No.