

## **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

## FACT SHEET

Regulatory Reform Order 2007 No. 1889  
The Regulatory Reform (Collaboration etc. between Ombudsmen) Order  
2007

### What is a Regulatory Reform Order?

An Order made under the Regulatory Reform Act 2001. The Act gives Ministers the power to use such Orders to reform burdensome primary legislation, subject to public consultation and scrutiny by Committees in both Houses of Parliament.

### What is the background to this Regulatory Reform Order?

In 2003 Ann Abraham, the Parliamentary and Health Service Ombudsman and Tony Redmond, the Chairman of the Commission for Local Administration in England (the Local Government Ombudsmen), made proposals to the Cabinet Office and the Department for Communities and Local Government for legislative changes to facilitate closer working between them.

In August 2005 the Cabinet Office issued a consultation paper on a proposed Regulatory Reform Order. They said that the proposed reforms would,

*'improve and streamline the complaints handling processes for the complainant in instances where the circumstances of a particular complaint crosses the jurisdiction of more than one Ombudsman, enabling the relevant Ombudsmen to work together collaboratively to address the issues raised by the case.'*

The Cabinet Office received 129 responses to the consultation. Overall the proposals were supported by around 75% of respondents.

The proposed Order was then scrutinised by the House of Commons Regulatory Reform Committee and the House of Lords Select Committee on Delegated Powers and Regulatory Reform. It has been approved by both Houses of Parliament.

### When does the Order come into force?

The Order was made on 27 June 2007 and comes into force on 1 August 2007.

### **Which legislation is amended by the Order?**

The Order amends:

- The Parliamentary Commissioner Act 1967
- The Local Government Act 1974
- The Health Service Commissioners Act 1993.

### **What does the Order do?**

In broad terms the Order enables the Parliamentary Ombudsman, the Local Government Ombudsmen for England and the Health Service Ombudsman for England to work together collaboratively on cases and issues that are relevant to more than one of their individual jurisdictions.

The Order gives the Ombudsmen specific powers to help them work collaboratively on complaints:

- To share information 'for the purposes of a complaint';
- To conduct joint investigations, subject to the consent of the complainant;
- To authorise each other's staff to work on joint investigations;
- To issue joint reports.

There are also some new powers:

- For the Ombudsmen to appoint and pay a mediator or other appropriate person to assist in the conduct of an investigation;
- For the Local Government Ombudsmen to investigate a complaint that has not previously been notified to the local authority concerned.

### **What types of complaints are likely to be investigated jointly?**

The vast majority of complaints to the Parliamentary Ombudsman, the Local Government Ombudsmen and the Health Service Ombudsman will continue to be relevant to the jurisdiction of a single Ombudsman.

There are a number of areas where complaints may be relevant to more than one Ombudsman's jurisdiction. Examples include complaints about the provision of health and social care; complaints about the administration of housing and welfare benefits; complaints about planning and environmental issues.

### **What does it mean for complainants?**

The vast majority of complaints to the Parliamentary Ombudsman, the Local Government Ombudsmen and the Health Service Ombudsman will continue to be relevant to the jurisdiction of a single Ombudsman. Those complaints should be referred and will be considered in the usual way.

The Ombudsmen cannot conduct a joint investigation without the consent of the complainant. If complainants are clear from the outset that they would like the Ombudsmen to conduct a joint investigation they can make their

complaint to any of the relevant Ombudsman and say that they would like their complaint to be investigated jointly.

If a complaint has been made to a single Ombudsman and that Ombudsman considers that a joint investigation would be appropriate, the Ombudsman will contact the complainant to advise them and to seek their consent.

**What does it mean for organisations and individuals in the Ombudsmen's jurisdiction?**

The vast majority of complaints to the Parliamentary Ombudsman, the Local Government Ombudsmen and the Health Service Ombudsman will continue to be relevant to the jurisdiction of a single Ombudsman. Those complaints will be considered and investigated in the usual way.

The Ombudsmen will contact bodies (or individuals) in jurisdiction if a joint investigation is proposed and advise them how the investigation will be conducted and by whom.

**What does it mean for Members of Parliament who refer complaints to the Parliamentary Ombudsman under the 'MP filter' system?**

There are no changes to the 'MP filter' system whereby Members of Parliament refer complaints to the Parliamentary Ombudsman.

If Members identify complaints which they consider to be appropriate for joint investigation, it would be helpful if they drew that to the Parliamentary Ombudsman's attention when referring them.

If the Parliamentary Ombudsman proposes to conduct a joint investigation of a complaint referred by a Member of Parliament, she will ensure that the Member is kept informed.

If the Parliamentary Ombudsman is advised by another Ombudsman that a matter is appropriate for a joint investigation, she may assist the complainant to make a complaint to their Member of Parliament.

**What does it mean for advice agencies that represent complainants?**

Advice agencies will want to be aware that the Ombudsmen now have the power to conduct joint investigations. A complaint can be made to any one of the individual Ombudsmen who will consider whether a joint investigation might be appropriate.

If advisers wish to discuss individual cases they can contact:

- The Parliamentary and Health Service Ombudsman on 0845 015 4033.
- The Local Government Ombudsmen on 0845 602 1983.

**Issued jointly by the UK Parliamentary Ombudsman, the Health Service Ombudsman for England and the Local Government Ombudsmen for England (July 2007)**