

Public Service

 **ombudsman**

Principles of good administration

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Introduction

This document gives our views on the Principles of Good Administration. It should be read in conjunction with our Principles of Good Complaint Handling and Principles for Remedy.

These Principles draw on over 40 years' experience of investigating and reporting on complaints to propose a clear framework within which public bodies should seek to work. At the same time, the Principles of Good Administration helps clarify the expectations against which the Parliamentary and Health Service Ombudsman will judge performance.

The Principles set out here are intended to promote a shared understanding of what is meant by good administration and to help public bodies in the Ombudsman's jurisdiction provide a first-class public service to their customers.

Principles of good administration

Good administration by public bodies means:

1. Getting it right

- Acting in accordance with the law and with regard for the rights of those concerned.
- Acting in accordance with the public body'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 public body 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 public body learns lessons from complaints and uses these to improve services and performance.

These Principles are not a checklist to be applied mechanically. Public bodies 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 public bodies must comply with the law and have 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.
- Public bodies must 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 public bodies 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.
- Public bodies should provide effective services with appropriately trained and competent staff. They should plan carefully when introducing new policies and procedures. Where public bodies are subject to statutory duties, published service standards or both, they should plan and prioritise their resources to meet them.
- In their decision making, public bodies should have regard to the relevant legislation. Decision making should take account of all relevant considerations, ignore irrelevant ones and balance the evidence appropriately.
- Public bodies 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, public bodies should ensure that they operate fairly and reasonably.

2. Being customer focused

- Public bodies 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.
- Public bodies should aim to ensure that customers are clear about their entitlements; about what they can and cannot expect from the public body; and about their own responsibilities.
- Public bodies 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.
- Public bodies 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 public body has stated, or than people can reasonably expect them to take.

- Public bodies should communicate effectively, using clear language that people can understand and that is appropriate to them and their circumstances.
- Public bodies 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. Public bodies should give people information and, if appropriate, advice that is clear, accurate, complete, relevant and timely.
- Public bodies 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.
- Public bodies should handle and process information properly and appropriately in line with the law. So while their policies and procedures should be transparent, public bodies should, as the law requires, also respect the privacy of personal and confidential information.
- Public bodies 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.
- Public bodies should take responsibility for the actions of their staff.

4. Acting fairly and proportionately

- Public bodies 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.
- Public bodies should treat people equally and impartially. They should understand and respect the diversity of their customers and ensure equal access to services and treatment regardless of background or circumstance.
- The actions and decisions of a public body should be free from any personal bias or interests that could prejudice those actions and decisions, and any conflict of interests

should be declared. Public bodies 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 individual circumstances of the case.
- When taking decisions, and particularly when imposing penalties, public bodies 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 public body should seek to address the unfairness. In doing so public bodies 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, public bodies 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 appropriate notice before changing the rules.
- The actions of a well-run public body can sometimes bear more heavily on an individual because of their particular circumstances, even though statutory duties, service standards or both have been met. Public bodies should be alert to this and respond flexibly to avoid or, where appropriate, put right any such undue effect.
- Public bodies 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.
- Public bodies 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 public body to the complainant, remedial action by the public body, 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

- Public bodies 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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