

Feedback on Public Services Consultation

The purpose of the consultation

The Government of Jersey is seeking your views on how complaints about public services should be dealt with. This includes seeking information on the experience of making a complaint about public services and asking for views on how an independent complaints resolution service should operate.

The information provided will inform the development of proposals to improve the way that complaints are resolved at a final stage, including the potential for introducing a Public Services Ombudsman. The terms of reference for this project can be found [here](#).

Public services are provided directly by the government or commissioned in various ways to external organisations in the community, such as health and social care, education, energy supply and transportation. Examples of public services in this context could include, for example, the Government of Jersey, Andium Homes, Jersey Electricity and Jersey Water.

If people are not satisfied with the level of service they received, they can submit a complaint directly to the relevant organisation. The organisation will try to resolve the complaint through its internal complaint process. However, it is not always possible to reach a final resolution at this stage.

In these instances, independent complaint reviewers such as the States of Jersey Complaints Panel, the Royal Court or a Tribunal can provide an independent complaint resolution service between individuals and organisations who deliver public services. However, their limited remit or high cost of access means that some people do not escalate their complaint further.

This consultation aims to gather people's experiences of submitting a complaint against a public service and people's views (whether or not they have complained against a public service) on the functions that an independent complaint reviewer should have to meet the needs of the community.

We would welcome comments from members of the public and other professional stakeholders, for example local organisations who deliver public services, independent complaint reviewers and the legal community.

Consultation process

Public consultation	March to May 2025
Analysis of consultation feedback	May to June 2025
Consultation feedback report	June 2025

You can provide your feedback by completing the online survey or provide a written submission, comment or question by email or post using the details below.

Email: adminredress@gov.je

Post: Strategic Policy, Planning and Performance

Government of Jersey

Union Street

St Helier

JE2 3DN

Closing date for written submissions, comments and questions: 6 May 2025

Data protection

Strategic Policy, Planning and Performance is registered as a 'Controller' under the Data Protection (Jersey) Law 2018, as we determine the purpose and means of the processing of the personal information collected about you for this service. More information can be found in [Public Engagements and Consultations privacy notice](#).

Your personal information will not be shared outside of the team developing this policy or published online as part of the consultation, but we may use it to notify you of progress and/or further consultations relating to policy development. Under Jersey's Data Protection Law, you have the right to ask us not to contact you again (withdraw your consent to the further processing of the information). This will, however, mean that we will be unable to keep you informed throughout the various stages of the project. Should you wish to exercise this right please email us at adminredress@gov.je.

We may quote or publish responses to this consultation including information being sent to the Scrutiny Office, quoted in a published report, reported in the media, published on www.gov.je, listed in a consultation summary but will not publish the names and contact details of individuals without consent. Confidential responses will still be included in any summary of statistical information received and views expressed. Under the Freedom of Information (Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it, but no personal data may be released.

Consultation

Feedback on Public Services

Content

This consultation document includes the following sections:

Section 1: Terms used in this consultation

Section 2: Background to the consultation

Section 3: Functions of the States of Jersey Complaints Panel

Section 4: Functions of a Public Services Ombudsman

SECTION 1: Terms used in this consultation

Term used:	Definition
Administrative redress	The mechanisms available for individuals to seek remedies when they have been wronged by public services. This can include complaints, appeals and judicial reviews.
Independent complaint reviewer	<p>An independent organisation or group of experts that evaluates the actions and decisions of another organisation related to a complaint. The purpose is to provide an unbiased assessment of the complaint, propose remedies for the complainant and recommendations for future improvement.</p> <p>Examples of independent complaint reviewers in Jersey are the States of Jersey Complaints Panel, the Channel Islands Financial Services Ombudsman, Tribunals, the Royal Court, and the Police Complaint Authority.</p>
States of Jersey Complaints Panel	The States of Jersey Complaints Panel investigates complaints from the public regarding ministerial decisions or maladministration by government departments. Established under Article 5 of the Administrative Decisions (Review) (Jersey) Law 1982 , the panel is composed of members who are not part of the States Assembly and serve voluntarily. When a complaint is submitted, the panel reviews it to determine if it falls within their remit and whether a public hearing is necessary. If a hearing is convened, both the complainant and the relevant minister or department present their cases. The panel then publishes a report with findings and recommendations, which the relevant minister must respond to in the States Assembly.
Ombudsman	An independent organisation established to handle complaints related to maladministration and service failure which have not been resolved by the internal complaint process of a public service.
Public service	Any service provided directly by the Government of Jersey or on behalf of the Government by other organisations which implement some sort of public policy (e.g. Andium Homes, Jersey Electricity, Jersey Water)
Final stage complaint reviewer	Definitive resolution of a complaint by an independent complaint reviewer.

SECTION 2: Background to the consultation

Background

In 2018, the States Assembly approved proposition [P.32/2018](#) to replace the States of Jersey Complaints Panel with a Jersey Public Services Ombudsman (JPSO), but that consideration should be given as to how 'the best elements' of the existing Panel could be retained.

A [public consultation](#) was undertaken in 2019 on matters relating to the proposed functions of a JPSO. The majority of respondents were in favour of a mechanism which would consist of a non-executive board, a professional Ombudsman who makes decisions about findings and recommendations, and case workers who investigate complaints.

Furthermore, many independent organisations such as the Ombudsman Association, the Jersey Law Commission and the Comptroller and Auditor General have been supportive of the establishment of a Public Services Ombudsman in Jersey. The Jersey Law Commission, in particular has produced a number of recommendations on how an Ombudsman scheme could function in Jersey, including measures to improve the States of Jersey Complaints Panel if it is retained.

However, due to the potential cost of setting up and running a Public Services Ombudsman, it is important to consider if an alternative mechanism or combination of mechanisms could deliver a similar level of administrative redress to an Ombudsman scheme. Any proposed independent complaints reviewer will be designed to:

- provide recourse for individuals with complaints against a range of public bodies and not only government departments;
- be accessible and user-friendly;
- provide a non-adversarial route to complaint resolution and enable resolution of complaints informally where appropriate;
- promote transparency while respecting the potential desire for privacy on the part of complainants;
- consider the use of existing infrastructure and expertise to keep operational costs low; and
- have a precise jurisdiction that does not impinge on the jurisdiction of the courts or recourse through existing bodies.

In addition, the Jersey Law Commission has noted that an effective complaints handling system provides an opportunity to learn lessons from the complaints process and contribute to public service improvement.

SECTION 3: Functions of the States of Jersey Complaint Panel

States of Jersey Complaint Panel

The Panel is established under Article 5 of the [Administrative Decisions \(Review\) \(Jersey\) Law 1982](#).

The Privileges and Procedures Committee (PPC) is responsible for recruiting a Chair, a Deputy Chair and a sufficient number of people to constitute the Panel. All members of the Panel are required to be sufficiently qualified for the position.

Individuals with complaints related to administrative decisions made by ministers or States departments can submit their evidence to the States Greffe for review at any stage of the internal complaint process of the relevant department.

The Chair or Deputy Chair is required to review the evidence and decide if the complaint could be resolved informally or requires a public hearing before a Board of Panel members. According to the Panel's [annual report \(2023\)](#), the majority of complaints were resolved informally.

Public hearings require the complainant and the minister or States department officers to attend and present their evidence in front of a Board of Panel members and answer their questions. Individuals can ask for their hearing to be conducted in private.

The members of the Panel adjudicate in private after a public hearing to consider the evidence and agree on their findings and recommendations.

A final report is published on the States Assembly website with information on the nature of the complaint, the complainant, the evidence provided and the findings and recommendations of the Panel.

Ministers and States departments must respond to the Panel's recommendations within a stipulated period by making a statement in the States Assembly.

If the Panel is not satisfied that the minister or department has properly considered or implemented its findings and recommendations, it may reconvene and publish an additional report.

SECTION 4: Functions of Ombudsmen schemes

Ombudsman schemes

Ombudsman schemes operate under a well-defined legal framework and are independent from the government of the jurisdictions in which they are established. There are various types of ombudsman schemes across different sectors, such as health, financial services, local government, property, pensions, and the removal industry.

An ombudsman is typically appointed by the government or parliament to ensure their independence and impartiality. In some cases, they may also be appointed by state, local or municipal governments, or even by private organisations such as corporations or professional regulatory bodies.

Individuals with complaints alleging maladministration or service failure against organisations within the ombudsman's remit can escalate their complaint after exhausting all the internal complaint processes of that organisation.

Initially complaints are handled informally. If this approach fails, the ombudsman has the legal authority to initiate an investigation. These investigations are conducted in private by the ombudsman and their staff, and the complainant is not required to attend a public hearing.

After an investigation, a report is produced with findings and recommendations. The report is published ensuring the complainant's anonymity. Although these recommendations are not legally binding, organisations are encouraged to accept and implement them, and most ombudsman schemes report very high levels of compliance with their recommendations.

In addition, ombudsman schemes often have the capacity to initiate their own investigations if an issue of maladministration or service failure affects a larger group of people. They can also conduct joint investigations with other regulatory bodies.

Finally, ombudsman schemes play an active role in promoting standards of good complaint handling and helping public bodies to improve their internal complaint processes. This often includes powers to set minimum standards for complaints handling with which organisations are required to comply.

Summary

A public services ombudsman typically uses a process called investigative dispute resolution, which combines elements of informal resolution, mediation, and adjudication. The specific approach depends on the ombudsman's authority and the nature of the complaint.

Key Features of an Ombudsman Process

1. Independent Investigation

- The ombudsman reviews complaints about public bodies, such as government agencies, healthcare providers, or local councils. They gather evidence, interview parties, and examine relevant documents.

2. Informal Resolution (Where Possible)

- If the issue can be resolved quickly, the ombudsman may facilitate direct communication between the complainant and the organisation to reach an agreement.

3. Mediation or Negotiation

- In some cases, the ombudsman acts as a neutral facilitator, helping both sides find a fair resolution without issuing a formal ruling.

4. Formal Findings and Recommendations

- If informal resolution is not possible, the ombudsman issues a report with findings and recommendations. While these are often non-binding, they carry significant weight and are usually followed by public bodies.

5. Systemic Change Advocacy

- Beyond individual cases, ombuds often identify broader systemic issues and recommend policy or procedural reforms.

Key Differences from Mediation or Arbitration

Unlike mediators, who do not investigate or make recommendations, an ombudsman has the authority to review evidence and suggest solutions.

Unlike arbitrators, who issue legally binding decisions, an ombudsman's recommendations are usually persuasive rather than enforceable by law (unless specified in legislation).

Conclusion

A public service ombudsman uses a hybrid approach that starts with informal resolution but can escalate to a formal investigation with official recommendations. The goal is to ensure fairness, accountability, and transparency in public services.