



Principles of Good Administration

Draft Guidance

Mae'r ddogfen yma hefyd ar gael yn Gymraeg
This document is also available in Welsh

In this guidance

Foreword.....	3
Introducing the Principles	4
Principle 1: Getting it right.....	6
Principle 2: Being customer focused.....	8
Principle 3: Being open and accountable.....	10
Principle 4: Acting fairly and proportionately	12
Principle 5: Putting things right.....	14
Principle 6: Seeking continuous improvement	16
About us.....	17
Further Reading	18

Foreword

[Foreword by the Ombudsman to be added in the final document post-consultation].

Introducing the Principles

The purpose of this guidance is to be open and clear with both complainants and the public service providers about the sorts of behaviour expected in their service delivery and the tests the Ombudsman applies in deciding whether maladministration and service failure have occurred. In particular, we want public service providers to understand how we will approach complaints, and complainants to understand how we will consider their case. Central to our assessment of the seriousness of any complaint is the impact of the public service provider's actions on the individuals or organisations concerned.

Our investigations have identified time and again occasions of poor records management, which can sometimes have serious consequences. We have therefore published at the same time as this update to the Principles, separate guidance on what we expect from public service providers in terms of standards of record-keeping [[link to be added post-consultation](#)], which should be read alongside these Principles.

The Principles are not a checklist, nor the final or only means by which we will assess and decide individual cases. They are broad statements of what we believe the bodies within The Ombudsman's jurisdiction should be doing to deliver good administration and customer service.

If we conclude that a public service provider has not followed the Principles, we will not automatically find maladministration or service failure. We will apply the Principles fairly and sensitively to individual complaints, which we will, as ever, decide on their merits and the circumstances of the case.

We understand that there is often a balance between being sensitive to the needs of a service user and yet acting proportionately to maximise the effective use of public resources. The actions of public service providers 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.

We appreciate that the bodies within the Ombudsman’s jurisdiction are many and varied, have a wide range of remits and statutory duties, and often have their own demanding standards. Public service providers 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, we believe that the Principles of Good Administration will provide a framework for all public service providers to follow in fulfilling their duties.

This guidance sets out 6 principles for good administration:

1. Getting it right.
2. Being customer focused.
3. Being open and accountable.
4. Acting fairly and proportionately.
5. Putting things right.
6. Seeking continuous improvement.

Principle 1: Getting it right

This includes

- Acting in accordance with the law and with due regard for the rights of those concerned.
- Acting in accordance with policies, procedures 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.

In seeking to achieve the above, you must comply with the law and have due regard for the rights of those concerned. You should act according to your statutory powers and duties and any other rules governing the service you provide. You should follow your own policies, procedures and guidance, whether published or internal.

You should act in accordance with recognised quality standards, established good practice, or both, for example when providing clinical or social care. In considering complaints about clinical and social care, the Ombudsman will take into account our [Clinical Standards](#) when determining whether the care or treatment provided was of an appropriate standard.

You should be alert to possibilities where a novel approach will bring a better result or service. When you decide to depart from your own guidance, recognised quality standards or established good practice, you should record why.

You should provide effective services with appropriately trained and competent staff. You should plan carefully when introducing new policies and procedures. Where you are subject to statutory duties, published service standards or both, you should plan and prioritise your resources to meet them.

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

You should assess risks as part of taking decisions and spend public money with care and propriety. At the same time, when assessing risk, you should ensure that you operate fairly and reasonably.

Principle 2: Being customer focused

This includes

- Ensuring people can access services easily.
- Clearly telling people what they can expect and what you expect of them.
- Keeping to your commitments, including any published service standards
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances.
- Responding to people's needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

In seeking to achieve the above, you should provide services that are easily accessible to people who use your services. Your policies and procedures should be clear and there must be accurate, complete and understandable information about the service.

Aim to ensure that customers are clear about their entitlements; about what they can and cannot expect from you and about your own responsibilities.

Do what you say you are going to do. If you make a commitment to do something, you should keep to it, or explain why you cannot. You should meet your published service standards, or let customers know if you cannot.

Behave helpfully, dealing with people promptly, within reasonable timescales and within any published time limits. You should tell people if things take longer than you or they expect.

Communicate effectively, using clear Welsh or English language so that people can understand in a way which is appropriate to them and their circumstances.

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

Be mindful of the need to consider making reasonable adjustments for people who may need extra support, for example because of a disability.

Be mindful, where appropriate, of the need to have regard to your obligations under the Human Rights Act 1998.

Principle 3: Being open and accountable

This includes

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating your criteria for decision making and giving reasons for decisions.
- Handling information properly and appropriately.
- Taking responsibility for your actions whether you are delivering services yourself or through third party contract or commissioning arrangements.

In seeking to achieve the above, you should handle information as transparently and as openly as the law allows. People who use the service should be given information and, if appropriate, advice that is clear, accurate, complete, relevant and timely.

Be open and truthful when accounting for your decisions and actions. You should state your criteria for decision making and give reasons for your decisions.

You should handle and process information properly and appropriately in line with the law. Whilst your policies and procedures should be transparent, you should, as the law requires, also respect the privacy of personal and confidential information. See our Good Records Management Matter document [link to be added post-consultation] for more guidance around this.

Take responsibility for the actions of your staff and those of others who act as your agents.

Where you enter into arrangements with third parties to provide services (whether from the private, charitable or elsewhere in the public sector), you should ensure there are robust governance arrangements in place. Contracts and agreements with partner organisations should clearly set out which body is responsible for responding to complaints. Also, people who use these services should be clear how they can make a complaint about the service and who is responsible for dealing with it. You need to be clear that you, as the public body with statutory responsibility for delivering the service, remains accountable for it, regardless of who is delivering the service in practice.

Principle 4: Acting fairly and proportionately

This includes

- 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.

In seeking to achieve the above, you should always deal with people fairly and with respect. You should be prepared to listen to your customers and avoid being defensive when things go wrong.

Treat people equally and impartially. You should understand and respect the diversity of your customers and ensure fair access to services and treatment regardless of background or circumstance.

Ensure that your actions and decisions are free from any personal bias or interests that could prejudice those actions and decisions, and any conflict of interest should be declared. You should not act in a way that unlawfully discriminates against or unjustifiably favours particular individuals or interests.

Ensure that people are 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, behave reasonably and ensure that the measures taken are proportionate to the objectives pursued, appropriate in the circumstances and fair to the individuals concerned.

Seek to address the unfairness if applying the law, regulations or procedures strictly would lead to an unfair result for an individual. In doing so you must, of course, bear in mind the proper protection of public funds and ensure you do not exceed your legal powers.

Principle 5: Putting things right

This includes

- 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.

When mistakes happen, apologise, explain what went wrong and put things right quickly and effectively.

Recognise that putting things right may include:

- Reviewing any decisions found to be incorrect.
- Reviewing and amending any policies and procedures found to be ineffective, unworkable or unfair.
- Giving adequate notice before changing the rules.

Recognise that your actions can sometimes bear more heavily on an individual because of their circumstances, even though statutory duties, service standards or both have been met. You should therefore be alert to this and respond flexibly to avoid or, where appropriate, put right any such undue effect.

Provide clear and timely information about methods by which people can appeal or complain.

Provide information about appropriate organisational or independent ways of resolving complaints.

You should operate effective complaints procedures, which are compliant with statutory requirements (for example, for health¹ and social services²), if applicable, and with the Complaints Standards Authority's model complaint handling procedure,³ if applicable, and include:

- Providing information about possible sources of help for people using your services, particularly for people who may find the complaints process daunting.
- Investigating complaints thoroughly, promptly and impartially.
- Providing 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 service provider to the complainant, remedial action, financial redress 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.

¹ [Putting things right \(wales.nhs.uk\)](https://www.wales.nhs.uk)

² [Social services complaints procedure | GOV.WALES](https://gov.wales/social-services-complaints-procedure)

³ www.ombudsman.wales/complaints-standards-authority

Principle 6: Seeking continuous improvement

This includes

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring lessons are learned from complaints and use these to improve services and performance.

In seeking to achieve the above, you should put in place processes to ensure policies and procedures are regularly reviewed.

When you review your policies and procedures, actively seek and welcome all feedback, both compliments and complaints to improve your public service delivery and performance.

Capture and review lessons learned from complaints so that they contribute to developing and improving services.

About us

We serve the people of Wales in 3 different ways.

Our first role is to handle complaints about maladministration, service failure, or failure to provide a service by most public service providers in Wales, such as:



Local
Government



NHS (including
GPs and dentists)



Registered
Social Landlords



Welsh Government
& its sponsored bodies

More information on our process for handling complaints about public bodies in Wales can be found on our website.

Our second role is to consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life. In this role, we can consider complaints about:



Community
Councils



County & County
Borough Councils



Fire Authorities



National Park
Authorities

More information on our process for handling complaints about a local authority member's conduct can be found on [our website](#).

Our third role is to drive systemic improvement of public services. Traditionally, we have done this mainly by publicising our findings, for example in public interest and thematic reports, annual letters to bodies in our jurisdiction and casebooks. However, in 2019 the Act establishing our office was reformed. As part of the reform, we were given new powers to drive systemic improvement. We can now undertake investigations on our own initiative, even when we have not received a complaint. We can also set complaints standards for public bodies in Wales and monitor their performance in complaint handling.

Further Reading

Legislation

- The Public Services Ombudsman (Wales) Act 2019

Regulations

- The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011

Guidance

- Putting Things Right: Guidance on dealing with concerns about the NHS from 1 April 2011, Welsh Government, Version 3 November 2013
- A Guide to Handling Complaints and Representations by Local Authority Social Services, Welsh Government, July 2014
- Good Records Management Matters, Public Services Ombudsman for Wales, October 2021

Reports

- Ending Groundhog Day: Lessons from Poor Complaints Handling, Public Services Ombudsman for Wales, 2018

Online Resources

- Complaints Standards Authority, Public Services Ombudsman for Wales: [Complaints Standards Authority \(ombudsman.wales\)](https://ombudsman.wales)

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 01656 641150

Fax: 01656 641199

E-mail: ask@ombudsman-wales.org.uk

Web: www.ombudsman-wales.org.uk

Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)