

2020.09.08

13 Deputy S.M. Ahier of the Chief Minister regarding the appointment of a Public Services Ombudsman: (OQ.220/2020)

Will the Chief Minister explain to the Assembly why the establishment and appointment of a Public Services Ombudsman has been deferred?

Senator J.A.N. Le Fondré (The Chief Minister):

It is true, the Government Plan originally provided funding for the establishment of a Public Services Ombudsman in 2021, i.e. next year. But as Members are hopefully aware, for the majority of this year officers have been redeployed to support the COVID-19 response. What that means as a consequence, a number of these legislations have been delayed. It is now intended that a draft law will be lodged and debated by spring of 2022, allowing for an Ombudsman to be established in shadow form in 2023 and coming to full force in January 2024. The revised timeframe is a response as well to resource constraints but it does achieve some benefits in terms of enhancing the remit that was originally envisaged for when the Ombudsman was first going to start.

4.13.1 The Deputy of St. Mary:

As the Chief Minister is aware, the Legislation Advisory Panel has conducted a public consultation on this aspect and published a result of that consultation. As far as that Panel is concerned, we are ready to go and indeed are anxious to go. As to the time it is brought back to the Assembly, the Minister will recall the amount of legislation ...

The Bailiff:

Deputy, this does have to be a question. You have made a number of observations so far but I have not heard a question.

The Deputy of St. Mary:

Sorry, the question, therefore, is: will the Minister consider bringing the timetable forward on account of the amount of legislation likely to be brought before the Assembly immediately before an election? In his reply would he perhaps bear in mind the chaos, if I dare say it, that was caused at the time of the last election on account of the amount of legislation then proposed?

Senator J.A.N. Le Fondré:

Yes, I will not say I remember fondly those last days of the last Assembly because the Deputy is absolutely correct. When we get closer to the time obviously we will try and make sure that we do try to avoid that kind of log jam. But obviously the impact of COVID and, bearing in mind the continuing issues of COVID have caused significant delays and this is one of the consequences.

[11:00]

What I will say, which is trying to be slightly positive, there is obviously a monetary saving, which is around £1 million, by the deferral and the time. I believe when the Ombudsman was originally going to start, things like healthcare complaints were not going to be in the initial remit because they could not be addressed by 2021. But the revised date would, I understand, allow for these issues to be addressed in advance and from day one. I suspect the short answer is, yes, I absolutely agree with the point the Deputy is making but too we have to deal with, firstly, the constraints of COVID and, secondly, how long it takes to get the legislation drafted. From then we will go as quickly as we can but that is the intended timeframe at present.

4.13.2 Deputy S.M. Ahier:

Is there any possibility of the inception of the Ombudsman being deferred in the next Government Plan due to COVID and money shortages and will the Chief Minister accept that we also need a Medical Health Ombudsman?

Senator J.A.N. Le Fondré:

Firstly, obviously all Members will see the Government Plan proposals in the next few weeks. The timeframe I have outlined has been taken into account in that proposed plan. In terms of a Medical Health Ombudsman, I hope that is what I just alluded to, i.e. that with the delay we can incorporate the issues around healthcare complaints into the remit of the Ombudsman. Although there is a delay there is, I think, at least some form of positive outcome from it.