

STATES OF JERSEY



ADMINISTRATIVE APPEALS SYSTEM: PROPOSALS FOR IMPROVEMENT – CONSULTATION REPORT

**Presented to the States on 4th May 2004
by the Privileges and Procedures Committee**

STATES GREFFE

ADMINISTRATIVE APPEALS SYSTEM: PROPOSALS FOR IMPROVEMENT – CONSULTATION REPORT

Introduction

1. Responsibility for the administrative appeals system was transferred to the Privileges and Procedures Committee from the former Special Committee to Consider the Relationship between Committees and the States in December 2002.
2. Following the transfer of responsibility, the Privileges and Procedures Committee established a sub-committee consisting of Deputies Hill and Scott Warren to review the operation of the system and the Committee has now had the opportunity to consider the recommendations of the sub-committee. This report sets out the initial conclusions of the Privileges and Procedures Committee and the Committee would welcome comments on these proposals before bringing forward any necessary changes to the relevant legislation.
3. In order to inform States members and others of possible alternatives, this report also gives information on the operation of the U.K. public sector ombudsmen schemes as the Committee is aware that some members of the States and others support the recommendation in the report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier’ report) that the present administrative appeals system should be replaced with an Ombudsman system.

Operation of the Administrative Appeal System

4. The present administrative appeals system, with a Panel of independent members, has been in operation since 1997. The system enables anyone who is aggrieved by any decision of a States Committee or Department to apply to the Greffier of the States with a request that the matter be reviewed by a Board of Administrative Appeal which is a Board of 3 people chosen from the Administrative Appeals Panel which is appointed by the States.
5. Various concerns and criticisms of the present system have been expressed by States members and others in recent years and these include –
 - the fact that the system has no ‘teeth’ and the findings of Boards can be ignored by Committees and Departments. This can lead to frustration for both complainants and members of the Panel who feel they have wasted their time;
 - a perception that there is no clear ‘follow-up’ procedure when the findings of Boards are not implemented;
 - criticism by some Committees that certain findings have not, in their opinion, been based on a full knowledge of policies and procedures of the Committee concerned;
 - a perceived lack of independence from the States because of the rôle of the Greffier of the States in deciding whether or not to refer a complaint to a Board (although the members of the Panel have made it clear that they very much value the administrative support given by the States Greffe that they would like to retain);
 - the fact that the system is too slow and ‘formal’ and does not provide a simple, quick, informal method to resolve minor complaints;
 - the small number of complaints each year (no more than 20 to 25) leading to a perception that some persons who are aggrieved do not bother to use the system;

- a lack of firm and binding guidelines on the operation of the system.
6. The Privileges and Procedures Committee shares the view that the system is currently suffering from what may be described as a ‘credibility’ problem as many States members and others, such as the Manager of the Citizens’ Advice Bureau, have stated publicly that the system is not effective and should be amended.
 7. It is clearly essential that there should be some simple and effective mechanism in place for citizens who are aggrieved by decisions of Committees and Departments to seek redress without the need to take the matter to court and the Committee agrees that, if the present system is not felt to be working efficiently, it should be amended or replaced.

Introduction of a Public Sector Ombudsman

8. The most obvious replacement for the present system would be the appointment of an Ombudsman with similar powers and functions to public sector ombudsmen in other jurisdictions. As mentioned above this recommendation was made in the Clothier report and, in 2003, it was suggested by Deputy Breckon that this recommendation should be progressed. The Deputy’s proposals suggested that an Ombudsman service could cover complaints against both public sector organisations and private bodies such as financial institutions and, although this could lead to economies of scale (and this should be borne in mind when considering comments about cost set out below), the Privileges and Procedures Committee does not believe it would be feasible to mix functions in this way and, for that reason, has concentrated on how to deal with complaints against the public sector.

The operation of the U.K. Public Sector Ombudsman Systems

9. In 1961, ‘Justice’ published a report called *The Citizen and the Administration: the Redress of Grievances* (the Whyatt Report). The report distinguished between –
 - complaints by a citizen about a decision affecting him or her which was alleged to be wrong on its merits; and;
 - complaints of maladministration.
10. The Whyatt Report suggested the setting up of a “General Tribunal” to deal with miscellaneous appeals from discretionary decisions which were alleged to be wrong on merits. The report also recommended the establishment of an institution, along the lines of the Scandinavian Ombudsmen, to be called the “Parliamentary Commissioner” to deal with complaints of maladministration.
11. The Conservative Government of the day was attracted by neither of these proposals. But the Labour Government elected in 1964 came to office pledged to create a Parliamentary Commissioner but without any commitment to create a “General Tribunal” and the Parliamentary Commissioner Act 1967 created the first British Ombudsman. Key points to note about the 1967 Act are –
 - (a) access to the Parliamentary Commissioner (PCA) is only via an MP;
 - (b) the PCA provides his report on a complaint to the MP who referred it to him;
 - (c) the PCA is concerned solely with whether there has been injustice as a consequence of maladministration by, or on behalf of, a Government Department (and certain other bodies) and is not concerned with the merits of decisions taken without maladministration;
 - (d) the PCA may make recommendations but they are not binding;

- (e) the PCA may not conduct an investigation on his own initiative; and
 - (f) the PCA may not investigate a matter if a remedy for it has been or may be sought by means of an appeal to a Tribunal or through the courts.
12. The 1967 Act did not meet with universal acclaim. For example, some MPs feared that the PCA would weaken their traditional role of obtaining redress for constituents' grievances. Other MPs and commentators thought that the PCA would be so toothless as to be of no value. In fact, the PCA quickly won the confidence of the House of Commons and of Whitehall. So much so that it was soon accepted that a similar system of redress would be appropriate for other parts of the public sector. Legislation to do this was introduced –
- (a) in 1973, to create the Health Service Commissioners for England, Scotland and Wales;
 - (b) in 1974 to create the Local Government Ombudsmen (formally, the Local Commissioners for Administration) for England and Wales;
 - (c) in 1975 to create a Local Government Ombudsman for Scotland;
 - (d) and similar arrangements for the public sector in Northern Ireland.
13. All of these newer ombudsman schemes were modelled, to a greater or lesser extent, on the Parliamentary Commissioner Act 1967.

The English Local Government Ombudsman

14. Because of the nature of complaints likely to be made against public administration in Jersey it is possibly more helpful to draw parallels with the U.K. Local Government Ombudsman rather than the PCA.
15. There are 3 Local Government Ombudsmen for England, each dealing with a specific geographical area. Although the differences in these 3 areas are large each receives roughly the same number of complaints every year.
16. The jurisdiction of the English Local Government Ombudsmen covers all local authorities (excluding town and parish councils); police authorities; education appeal panels; and a range of other bodies providing local services. The vast majority of the complaints received concern the actions of local authorities.
17. The English Local Government Ombudsmen may investigate complaints by members of the public who consider that they have been caused injustice by maladministration in connection with action taken by, or on behalf of, authorities within their jurisdiction in the exercise of their administrative functions. Since 1988, members of the public have been able to complain on their own behalf. There is no need for them to be referred by a councillor (and it is of interest to note that when that restriction was removed, the number of complaints received went up by over 44% in the first year).
18. There are some statutory limitations on jurisdiction. The most notable are as follows –
- (a) the complaint should be made “in time” – the Ombudsman may not entertain a complaint unless it is made to him (or a member of the authority concerned) within 12 months from the day on which the aggrieved person first had notice of the matters alleged in the complaint, although there is discretion to conduct an investigation not made within 12 months if it is considered reasonable to do so;
 - (b) before investigating, the Ombudsman must be satisfied that the complaint has been brought to the notice of the authority to which the complaint relates and that the authority has been given a reasonable opportunity to investigate and reply to the complaint;

- (c) the Ombudsman may not investigate a complaint where there is a right of appeal to a tribunal or a Minister or where the person aggrieved has a remedy by way of proceedings in a court of law, although there is discretion nonetheless to investigate if he is satisfied in the particular circumstances that it is not reasonable to expect the aggrieved person to appeal or to go to court;
 - (d) the Ombudsman may not investigate a complaint about action which affects all or most of the inhabitants of the authority's area;
 - (e) the Ombudsman may not investigate the commencement or conduct of civil or criminal proceedings before a court or certain specified commercial transactions, or action in respect of appointments, removals, pay, discipline, superannuation or other personnel matters. Nor may he investigate action concerning the giving of instruction or conduct, curriculum, internal organisation, management or discipline in any school or other educational establishment maintained by a local education authority.
19. Despite these restrictions, most of the administrative actions of local authorities are within his or her jurisdiction.
20. In the year to March 2003 the Local Government Ombudsmen received 18,376 complaints. The categorisation of complaints by subject was as follows –
- housing 40%
 - planning 20%
 - education 9%
 - highways 8%
 - social services 7%
 - local taxation 6%
 - environmental health 3%
 - land 2%
 - other 7%
21. All the powers of investigation are vested in each of the Ombudsmen personally. The 3 Ombudsmen are equal in status and none has power to review the decisions of another.

What are the Ombudsman's powers?

22. For the purposes of an investigation, an Ombudsman has the same powers as the High Court in respect of the attendance and examination of witnesses and the production of documents. The Ombudsman may require anyone – whether a councillor, an officer or anyone else – to provide information and documents. But nobody is compelled to give any evidence which he or she could not be compelled to give in civil proceedings before the High Court. Anyone who, without lawful excuse, obstructs an Ombudsman in the performance of his or her functions is guilty of an act or omission which, if the investigation were a proceeding in the High Court, would constitute contempt of court (there has not, so far, ever been need to resort to proceedings for contempt).
23. The Ombudsman is given unqualified discretion whether to initiate, continue or discontinue an investigation. Unlike the current administrative appeals hearings in Jersey, which are usually held in public, investigations by the Ombudsman must be conducted in private. The procedure for the conduct of an investigation is at the Ombudsman's discretion. Ombudsmen are not bound by precedent in reaching their conclusions and making recommendations, but they aim to act consistently.

How does the Ombudsman deal with complaints?

24. When a complaint is received, the first question the Ombudsman has to ask is whether it is within his or her jurisdiction. For example, has the authority had a reasonable opportunity to consider it; if not, it is

premature and it will be sent to the authority, asking it to investigate and reply to the complainant. In 2002/2003, 4,106 of the 18,376 complaints were premature and 2,213 were outside the jurisdiction of the system for other reasons.

25. If the complaint is within his or her jurisdiction, the Ombudsman decides what information is needed in order to reach a decision whether injustice has been caused by maladministration. Sometimes the complainant has provided enough information to allow the Ombudsman to conclude with reasonable confidence either that there has been no fault or that there has been no injustice, or both. In that event, the Ombudsman writes to the complainant to explain why he has reached that conclusion and the complaint is terminated. The authority is sent a copy of the complaint and the decision on it.
26. In many cases, it is not clear exactly what the complainant objects to, or what injustice they claim to have suffered. In these circumstances the Ombudsman gets in touch with the complainant to obtain clarification. Having done so, he will then write to the authority, defining the complaint and asking for comments. He usually also specifies what information he wants (e.g. copies of policies, minutes of meetings).
27. When the authority replies, the Ombudsman usually sends a copy of the reply to the complainant and asks for his or her comments. In the covering letter, he may highlight particular points which he thinks significant or on which he is particularly anxious to have the complainant's views.
28. Although the Ombudsman may wish to conduct further investigations it is, in the majority of cases, possible to reach a decision without inspecting files or conducting extensive interviews. In such cases, he usually sends the complainant a letter setting out the provisional conclusions and asking for comments before he reaches a final view.

Outcome of complaints

29. The outcome of the 18,376 complaints submitted to the English Local Government Ombudsmen in 2002/2003 was as follows –

Local settlements without report	3,651
Local settlement with report	84
Maladministration causing injustice (issued report)	122
Maladministration, no injustice (issued report)	23
No maladministration (issued report)	42
No maladministration (without report)	5,518
Ombudsman's discretion not to pursue complaint	2,617
Premature complaint	4,106
Outside jurisdiction	2,213

30. The Privileges and Procedures Committee believes it is of note that, of the 18,376 complaints submitted, complainants only obtained remedies as a result of going to the Ombudsman in 3,880 cases (21.11%).
31. As can be seen in the table above, in a large number of cases Councils accept in the course of an investigation that they have done something wrong and that they would like to put it right. This initiative may come from the Council itself or, more often, is proposed by the Ombudsman's office.
32. If the Ombudsman is satisfied with the remedial action offered by a council, he or she will regard the complaint as 'locally settled'. Before reaching that view, the Ombudsman will usually consult the complainant but is not bound by the complainant's views. In most cases, the decision is explained in a letter. On occasions the local settlement involves a matter which is of general public interest and in those cases the Ombudsman publishes a report, setting out the facts of the case, the points of particular interest and the settlement which he or she has approved.
33. Because authorities are willing to offer local settlements in so many cases, it is only in a very small

minority of cases that it is necessary to publish an adverse report. Before issuing such a report, the Ombudsman sends a draft to the authority, the complainant and any other relevant parties inviting their comments on the accuracy of the draft. The covering letter tells the authority what the Ombudsman's findings are likely to be and invites comments on those too.

34. Formal reports usually begin by setting out the complaint that has been investigated and then go on to give the relevant legal and administrative background. This is followed by a summary of the key facts found in the course of the investigation. Finally, the report sets out the Ombudsman's findings on whether there has or has not been maladministration and, if there has been, whether it has caused injustice. The Ombudsman usually recommends a remedy for the injustice to the complainant and, in many cases, also recommends administrative changes to help avoid a repetition of the difficulty. The recommendations are not binding.
35. By law, the authority has to give notice in newspapers that copies of the report are available for public inspection unless the Ombudsman has issued a direction that the report should not be made publicly available. Such directions are rare but can be necessary where, for example, however hard the Ombudsman tries, the identity of the complainant (or others) would be likely to become known and could cause distress or worse.
36. Within 3 months of the issue of the report, the authority is required to tell the Ombudsman what action it proposes to take. In nearly every case, authorities agree to comply in full with the Ombudsman's recommendations.
37. In a tiny proportion of cases authorities are not willing to take action which satisfied the Ombudsman. In that event, the Ombudsman is required to publish a further report, formally recommending what action the authority should take. Again, the authority is required to reply. If the Ombudsman remains dissatisfied having considered the reply, he or she may require the authority to publish a statement in newspapers setting out what he or she has found and why the Ombudsman considers the authority's response is unsatisfactory.
38. It is important to stress that no public sector U.K. Ombudsman can make binding recommendations although they can recommend the payment of compensation in certain circumstances. Comments made by the Local Government Ombudsman for parts of southern England, Mr. Jerry White, in the 2002/2003 Annual Report are not dissimilar to concerns expressed by some in Jersey who have been disappointed at the attitude of some Committees when faced with an adverse finding from a Board of Administrative Appeal. He wrote –

'I cannot, though, understand the actions of Chichester District Council who rejected the recommendations of two separate reports to pay compensation of £500 and £1,000 to complainants whose grievances I had upheld. Here the Council advertises the Ombudsman as the third and final stage of its complaints procedure. Yet its citizens should be aware that the Council seems to have no compunction in rejecting any decision it chooses not to like. This is a Council that apparently finds it very hard to admit that it has made a mistake. In my view, its actions do no credit to local government or the people of Chichester.'

39. It should be mentioned that many private sector ombudsman schemes established in the U.K. (such as the huge Financial Services Ombudsman scheme which has an annual budget of some £28 million) can make binding recommendations either because they are established by statute with such powers or because they are set up by companies or other commercial bodies who bind themselves collectively to accept the recommendations of the Ombudsman in their particular sector. However it is accepted worldwide that public sector ombudsmen cannot be given the power to overrule decisions made by democratically elected members and officers for whom the elected members are responsible. Their decisions are not therefore binding. The Gibraltar Ombudsman, for example, makes this clear on his website where it states –

"The Ombudsman can make recommendations for a resolution of a complaint and although he has

no power to force its acceptance a substantial number of recommendations are likely to be accepted.”

40. In the Annual Report referred to above Mr. Jerry White comments as follows about the U.K. Local Government Ombudsman scheme –

‘The Ombudsman’s recommendations to Councils are not enforceable in law. This is quite often considered a disadvantage of the Ombudsman system by organisations which represent complainants. In general though, the Ombudsmen consider this to be a valuable feature facilitating an informal and non-adversarial approach to investigations. The capacity for a Council finally to disagree with the Ombudsman’s findings generally means that Councils are open, co-operative and not defensive while the investigation is being carried out.’

The number of complaints in Jersey

41. As mentioned earlier the number of complaints submitted to the Greffier under the administrative appeals system is very small at present. Per head of population the number is not greatly lower than the number of complaints made to the U.K. public sector ombudsmen but by comparison with the statistics from Gibraltar the local figures are miniscule. In that jurisdiction, with a population of approximately one third of Jersey’s, there were 618 complaints dealt with by the Ombudsman in one year.
42. There may be a variety of explanations on why the number of complaints submitted to the Greffier is relatively small in Jersey. Possible explanations could be –
- States members are very accessible in Jersey and many complaints that might otherwise be directed to the system are handled by members on behalf of their constituents;
 - there are other effective methods of making complaints (e.g. Citizens’ Advice Bureau, direct contact with Departments, etc.);
 - the system is considered to be designed to deal with very serious, far-reaching complaints and not with minor matters;
 - the current system is viewed as ineffective by some and, as a result, people do not bother complaining.
43. It is clearly the case that the vast majority of complaints that are submitted under the current system are matters that have already been considered in some detail by the Committees and Departments concerned. In planning matters, for example, it is often the case that an application will have been rejected by both the Planning Sub-Committee and the full Environment and Public Services Committee before being submitted to the Greffier with a request for a review. In many ways it is perhaps not therefore surprising that, after already having given cases such detailed consideration, Committees are not always responsive to the eventual findings of a Board. The system does not seem to be regarded as a way to make a complaint for relatively minor matters which appear to be more readily referred to the Ombudsman in other jurisdictions.

The options for change in Jersey

44. As mentioned earlier it would seem essential that the current administrative appeals system is amended because of the perceived lack of confidence in it. The Committee has therefore given careful consideration to the various options available.
45. The Committee accepts that the establishment of an Ombudsman in Jersey might, in itself, be sufficient to re-establish confidence in a system of informal dispute resolution.

46. One obvious disadvantage of appointing an Ombudsman is, however, the likely cost. At present there is virtually no real cost of operating the administrative system as none of the Panel are remunerated in any way for the work they undertake and administrative support is provided by the Greffier of the States (in practice largely by the Deputy Greffier of the States and the Greffier's secretary). Although it may be possible to find a person who would be willing to undertake the duties of Ombudsman in an honorary capacity it would seem more likely that it would be necessary to create a salaried position with some level of administrative support. It is possible that the total annual cost, allowing for office rental and ancillary costs, would be in excess of £300,000 which could be difficult to justify in the present financial circumstances. The Clothier report suggested that an Ombudsman could be shared with other Channel Islands but this would seem to imply that the Ombudsman might not always be readily available to deal with complaints which would run contrary to the desire to provide a swift response to complaints.
47. It has been suggested by some that an Ombudsman in Jersey could deal with complaints over a wide range of areas including both public sector complaints and sectors such as financial services. This could, of course, lead to economies of scale and make it easier to justify the cost of setting up and running a scheme, especially if financial institutions were required to contribute to the costs of the scheme as is the case in other jurisdictions. Nevertheless it would be necessary to find an Ombudsman with sufficient experience and ability to deal with different types of complaints, ranging from detailed banking matters to complaints about maladministration in the public sector. In addition it could lead to confusion if an Ombudsman was able to make binding recommendations in some circumstances and not in others. The Committee does not therefore believe that this option is feasible.
48. Having given the matter careful consideration, the Privileges and Procedures Committee is not minded to recommend that a public sector Ombudsman be established in the Island at the present time. The Committee notes that some of those who have advocated the establishment of an Ombudsman have done so because they believe that the current system lacks 'teeth' but, as shown above, no public sector Ombudsman in the U.K. can make binding findings and there is no logical reason to expect that Committees and, in future, Ministers, would be more responsive to the findings of an Ombudsman than they are at present to the findings of Boards. Any system is likely to be criticised by those who do not obtain the redress they are seeking and the Committee believes that the figures on the outcome of complaints made to the U.K. Local Government Ombudsman, referred to in paragraphs 29 and 30 above, dispel any notion that the U.K. system provides the perfect remedy for everyone who makes a complaint.
49. The present administrative appeals system, which relies on well respected, independent, members of the community with a wide range of professional and personal backgrounds, has many advantages and the Committee notes that the Jersey scheme has met the strict criteria set out by the British and Irish Ombudsman Association, of which the Island is an Associate member, as an effective scheme.

Suggested improvements to the present Administrative Appeals System

50. In rejecting the recommendation of the Clothier report the Committee is nevertheless conscious that the present scheme must be amended and improved to address the problems and concerns referred to in paragraph 5 above. Some of the proposed changes set out below will require amendments to the Administrative Decisions (Review) (Jersey) Law 1982 which governs the scheme and the Committee intends to bring forward appropriate changes once it has received and considered comments on these proposals.
51. **The rôle of the Greffier of the States.** The Privileges and Procedures Committee considers that the rôle of the Greffier of the States in taking the final decision on whether or not a complaint should be referred to a Board is inappropriate and the present Greffier has also made it clear that he considers that this is a difficult rôle for an officer in his position. It is not clear why this matter was not addressed when the amendments were made to the Law in 1996 to establish the independent Panel and the Committee believes that a change should now be made to enable the Chairman of the Panel alone (or one of the Deputy Chairmen in her absence) to decide whether a complaint should be referred to a Board. (The Chairman and Deputy Chairmen have been legally qualified in recent years and, although this is not a requirement in the Law, the Committee believes future Chairmen and Deputy Chairmen should be

similarly qualified.) The Greffier of the States has made it clear that there would be no need to change the arrangements for the administrative support provided through the States Greffe.

52. **Greater flexibility in the system.** At present, if the complaint is judged worthy of review by a Board, it is necessary to constitute a Board of 3 persons and to arrange a formal hearing. This can be time consuming and can lead to delay. Although this process is undoubtedly suitable for more major complaints the Committee believes that it would be appropriate to empower the Chairman, before deciding that a Board should be established, to be able to attempt a more informal resolution of the complaint, with appropriate administrative support as required from the States Greffe. On occasions a resolution might be possible through a 'phone call or letter to the Department or Committee concerned. This would not only speed up the resolution of some complaints but would also encourage the public to refer more 'minor' complaints to the system. The Chairman would, in effect, be operating the 'informal' dispute resolution procedure which is widely practiced by the U.K. local government ombudsmen.

53. **Dealing with the findings of Boards.** The Committee is aware that the few well-publicised cases when Committees have chosen to ignore the findings of Boards in recent years have probably done more to damage the credibility of the system than anything else. If the administrative appeals system is to be retained and enhanced it is therefore essential that a better system of reporting the outcome of Boards and of publicising a Committee's response should be instituted. The Committee nevertheless wishes to stress that, although it would like to reach a situation when the vast majority of findings are followed by Committees, it is not proposing that the findings of Boards should be made binding as this would effectively empower an independent, unelected, body to override the decisions of democratically elected politicians. The Committee is therefore proposing that the following changes should be instituted –

- the findings of each Board should be presented to the States by the Privileges and Procedures Committee as an official report (in the R.C. series) as soon as they are finalised. This would give greater prominence to the findings and make all States members more aware of the work of the scheme (if the case concerned sensitive personal information it would be necessary to ensure that appropriate amendments were made to the report to respect the privacy of the individuals concerned);
- if a Board found in favour of the Complainant, the Committee concerned should be required to report its response to the States, also by way of an R.C., within a given period. If a Committee decided to ignore the findings of the Board it would be required, in its response, to set out why it believed that the findings of the Board were flawed and the precise reasons why it had therefore decided to refuse to accept them. In this way all States members could judge for themselves the reasonableness of the Committee's decision and, if appropriate, any member of the States could then lodge a proposition which would force a States debate on the case.

54. **Stricter timescales.** Although there has been a great improvement in the last 3 years on the time taken to deal with complaints (a matter referred to in the Clothier report) the Committee proposes that the Law should be amended to set down statutory maximum time periods for the various parts of the process so that a complainant would have a clear indication, when submitting a complaint, of the likely time it would take to conclude the process. At present some Committees can be slow to respond to requests for information from the Greffier and this can lead to delay.

55. **Guidelines.** The Committee, in consultation with the States Greffe, intends to draft clear guidelines setting out how Committees and Departments should deal with complaints. These would set out how Committees should respond when first receiving notification of a complaint and would also explain what information should be provided to a Board by a Committee. The Committee believes, for example, that it is unreasonable for a Committee to complain, on receiving findings, that a Board had not appreciated the policy context of a decision it had taken if the Committee itself had not taken the trouble to explain that policy context clearly to the Board.

56. **Publicising the system.** The Committee believes that, once the above changes are instituted, efforts

should be made to improve awareness of the scheme among States members, relevant bodies (such as the Citizens' Advice Bureau) and the public in general. Any system of this nature can only ever work effectively if there is a general acceptance of it and confidence in its effectiveness. It is probably true to say that the confidence which undoubtedly exists in the U.K. public sector ombudsmen schemes is lacking in the Jersey administrative appeals scheme at the present time even though the powers available to the U.K. Ombudsmen are no greater than those available locally. The Committee is of the view that, if all States members and others do not support the local scheme, it will inevitably struggle to be successful whatever changes are made.

57. **The name of the system.** If the scheme is to be amended and enhanced as suggested above the Committee believes that it may be helpful to change the name of the scheme to draw attention to the changes. The Committee believes that the most appropriate name would be the 'States of Jersey Complaints Panel'.

Conclusion

58. The Committee welcomes comments on this discussion document and, as mentioned above, will bring forward definite proposals for approval by the States once all comments received have been considered. Comments should be forwarded to the Greffier of the States, Morier House, St. Helier, Jersey, JE1 1DC (m.delahaye@gov.je) no later than 30th June 2004.