



Gibraltar Public Services Ombudsman

‘Efficiency is paramount’



A number of weeks ago I wrote a few lines on the general importance, as an institution within a political democracy, of the Office of the Public Services Ombudsman. Now that Parliament has debated the budget and it seems to be in everybody's mind it is an opportune time to reflect on some of the challenges faced or likely to be faced by the institution.

Law Reform

Colleagues from the UK and I have had the privilege to meet and debate with the Law Commission Reform Committee on matters affecting the role and function of the Ombudsman. It has to be said that the considerations of any reform within the Administrative Law has the main purpose of facilitating the work for the Ombudsman in order to make him more accessible to the citizen and to make the Office more effective and accountable.

Several topics such as, staying legal proceedings pending the outcome of Ombudsman investigations, removing the MP filter in the UK's Parliamentary Ombudsman, doing away with the mandatory written complaint and allowing the Ombudsman to act *ex officio* have been brandished as possible positive ways of reform going forward. In Gibraltar our Ombudsman does not have an MP filter however; he can only act upon receipt of a written complaint - an arrangement which up to now has worked relatively well.

The context of legislative reform

It is evident that Gibraltar is not suffering the plight that other economies around the world are facing. However, facilitating the work of the Ombudsman and making it more accessible to the citizen is particularly important in today's world of economic austerity because it is arguably the most appropriate time to promulgate and champion the services of the ombudsman notwithstanding, that we have seen ombudsmen offices disappear in countries such as Spain and seen restructures / cuts occurring in the UK offices. However, wherever the public service is being put to the test, through the tightening of its funding and recruitment, there is an ongoing fundamental need to ensure that the

general public receive the best service possible. In my view it is not a question exclusively of quantity but more importantly of the quality of the public service.

In general terms a transformation of any service does not necessarily equate to its extinction, in fact, any process of transformation should be viewed as an opportunity to evolve and to better adapt in order to overcome the current adversities or challenges.

Efficiency is vital

In that context, whether economic duress exists or not, the benefits of increasing rather than decreasing the effect that the Ombudsman can have within the public administration can be as beneficial to the citizen requiring the service as it can be to those being asked to supply the service.

Inadequate use of resources or inefficiency is sadly all too prevalent in cases investigated by ombudsmen around the world. Therefore, the need to increase awareness and accessibility is vital in the life of the Ombudsman.

There is one other fairly recent striking development to which our Ombudsman has become aware of namely, the increasing tendency of the public service to deliver through outsourcing to the private sector, social enterprises, government owned companies and other co operations. Whatever the economic circumstances and whatever the mode of delivery of the public service the Ombudsman is concerned with making sure that the general public, as users and as taxpayers, obtain the most efficient service possible.

In Gibraltar, our Ombudsman has for some months now embarked into an internal review to ensure that he is able to maintain the required level of service that the public demands and within the best possible levels of efficiency.

The introduction of a new website, the streamlining of the complaint handling process at the Office of the Ombudsman and the review of matters affecting his jurisdiction are currently occupying the Ombudsman's daily duties. Hopefully, many of these matters will in their own accord, as well as, in their cumulative sense result in a positive step towards the service the Office provides. In turn these developments should have an impact on the public service entities accountable to the Ombudsman.

From a close monitoring of the problems and reactions in other countries it is clear that our Ombudsman recognises that these may be pressing times for the providers of public services, however, such a factor cannot mean that the public have to be made to suffer through sheer lack of efficiency. Particularly, if the lack of efficiency is with regards to fundamental rights enshrined in our constitution to which every person in Gibraltar is entitled.

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