



House of Commons  
Public Administration Select  
Committee

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**From Citizen's Charter  
to Public Service  
Guarantees:  
Entitlements to Public  
Services**

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**Twelfth Report of Session 2007–08**

*Report, together with formal minutes*

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## The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

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## Summary

This is the third of a series of Reports on our inquiry into *Public Services: Putting People First*. One of the key themes of this inquiry has been how to guarantee that people receive minimum levels of public service provision and service quality.

In this Report, we consider the lasting legacy of the Citizen's Charter programme—in particular, its core idea of empowering public service users by defining their entitlements to public services. We look at three aspects of that initiative in particular. First, we re-examine the underlying principles of the Citizen's Charter and assess their continuing relevance to public service delivery (Chapter 2). We then explore the part of the Citizen's Charter programme concerned with improving service to users, the Charter Mark, and its recent successor, the Customer Service Excellence standard (Chapter 3). Finally, we consider the issues raised by setting entitlements to minimum standards of public services, and propose that a set of 'Public Service Guarantees' be created to allow people to claim their rights to agreed standards of public service provision (Chapter 4).

The Citizen's Charter marked a significant shift in thinking about public service provision in this country. Introduced under John Major's Government, the Citizen's Charter put the users of public services at the heart of public service delivery. It is this key idea that endures, particularly as elements of the Charter programme are reassessed and updated to meet the needs of public service provision today.

The Charter Mark is one aspect of the Charter initiative that has recently been reviewed and revamped. The Charter Mark and its successor, the Customer Service Excellence scheme, represent the Government's standard for excellence in customer-oriented public services. We conclude that there is a continuing need for a standard focused on improving public services, especially one that emphasises the interests and perspectives of service users. This standard should be based on user-focused measures including, but not limited to, user satisfaction.

One of the most important features of the Citizen's Charter was its stated aim of setting out people's entitlements to public services. Charters for individual public services were intended to outline the standards of service that people could expect to receive. In this crucial area, however, the Citizen's Charter programme was rather confused—promises contained in the charters were often vague and aspirational, confounding the aim of defining a tangible set of entitlements to public services that people could readily understand and use.

We set out the case for a clear and precise statement of entitlements to minimum standards of public services, which we term 'Public Service Guarantees'. This would empower people by allowing them to understand the level of service provision they could expect to receive, and to claim that as of right. Some commitments to provide minimum standards of provision already exist in a number of public services, and the Government is setting out others in new initiatives such as the NHS Constitution. The process of defining Public Service Guarantees would consolidate existing public service entitlements, while also indicating where new entitlements might be needed.

Creating Public Service Guarantees would raise numerous issues—the level at which they should be set, the resource implications they entail, the responsibilities expected of service users, and how to ensure effective enforcement and redress. The basic idea is, however, quite clear-cut. It involves putting people at the centre of public services and enabling them to claim the standards of service to which they are entitled.

# 1 Introduction

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## Background

1. This is the third of a series of Reports by the Public Administration Select Committee resulting from an inquiry into *Public Services: Putting People First*.<sup>1</sup> Our inquiry has explored how public services could be improved by taking the perspective of the people that use services and involving them to a greater extent in service design and provision. It follows on from our predecessor Committee's report on *Choice, Voice and Public Services*,<sup>2</sup> which considered how listening to and learning from the 'voice' of service users could make public services better.

2. We have identified several themes in the course of this inquiry that concern how public services could be more responsive to the people they serve:

- How government and public services handle and learn from complaints;
- How public service providers work together with service users in the design and delivery of services; and
- How standards of service could be set in order to guarantee minimum levels of service provision.

3. This Report examines the lasting impact of the Citizen's Charter programme in improving the standard of public service provision. In the course of our inquiry, we took evidence from Bernard Herdan, author of a government review of the Charter Mark scheme (the Government's national standard for customer service in public service delivery). We also took evidence on minimum standards of public services from Ann Abraham, the Parliamentary and Health Service Ombudsman; David Bell, Permanent Secretary of the then Department for Education and Skills; and Peter Wilkinson of the Audit Commission. In addition, we had the benefit of being able to draw on over fifty memoranda submitted in response to our issues and questions paper.

4. In this Report, we re-examine some of the ideas associated with the Citizen's Charter initiative that retain their relevance today. We look first at the background to the Citizen's Charter programme and its impact on how public services are viewed. We then examine issues of user satisfaction with public services: in particular, the role of the Charter Mark (and its successor scheme, the Customer Service Excellence standard) in ensuring that public services focus on the needs and views of service users. Finally, we consider the idea of 'Public Service Guarantees'—which, like the charters for public services introduced under the Citizen's Charter, would act as a mechanism for setting out the standards of service provision that people can expect from public services.

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1 The first Report in the series is our Fifth Report of Session 2007–08, *When Citizens Complain*, HC 409; the second Report in the series is our Sixth Report of Session 2007–08, *User Involvement in Public Services*, HC 410; and a volume of oral and written evidence is published as *Public Services: Putting People First*, Session 2007–08, HC 408

2 Public Administration Select Committee, Fourth Report of Session 2004–05, *Choice, Voice and Public Services*, HC 49-I

## 2 The Citizen's Charter

5. The Citizen's Charter represented a landmark shift in thinking about how public services are delivered in this country—a shift that saw the interests and perspective of service users given much greater prominence. We thought it worthwhile to revisit the ground covered by the Citizen's Charter for the insights it could give us on how to improve public services today. It might seem odd to go back nearly two decades for this. As we shall see, however, the impetus of the Citizen's Charter initiative was to put people first in the delivery of public services—which, apart from being the central theme of our inquiry, is a policy goal that remains relevant to this day. This section therefore considers the evolution of the Citizen's Charter programme and its long-term impact.

### The Citizen's Charter: background

6. The Citizen's Charter scheme was first launched in 1991, with the aim of ensuring that public services were responsive to the citizens they served. The then Prime Minister, John Major, explained the intention of the Citizen's Charter in the following way:

It will work for quality across the whole range of public services. It will give support to those who use services in seeking better standards. People who depend on public services—patients, passengers, parents, pupils, benefit claimants—all must know where they stand and what service they have a right to expect.<sup>3</sup>

7. The emphasis of the Citizen's Charter was on citizens as 'customers' of public services, and the levels of service provision they could expect to receive. The Citizen's Charter scheme was made up of several elements, including the Charter Mark, an award to recognise excellence in the public sector, as well as the creation of individual charters for public services that set out the standards those services were expected to achieve. As the 1991 *Citizen's Charter* White Paper declared, the scheme was not a uniform "blueprint" for service provision, but a "toolkit" to allow standards to be raised in the way most appropriate to each service.<sup>4</sup> A flavour of what the Citizen's Charter meant for public services is given by the proposals set out for education and housing in the White Paper:<sup>5</sup>

#### The Citizen's Charter: extract from summary of proposals (1991)

##### Education

- parents' charter
- school reports on each child
- publication of schools' results in each area

3 Speech by Rt Hon John Major MP to Conservative Central Council annual meeting, 23 March 1991

4 *The Citizen's Charter: Raising the Standard*, Cm 1599, July 1991, p 4

5 *Ibid*, pp 8–9

- regular and independent inspection of schools
- regular information for parents

#### **Tenants**

- improved local authority Tenants' Charter
- opportunities to transfer away from local authority control
- stronger Tenants' Guarantee for housing associations
- extending compulsory competitive tendering into the field of housing management

8. The most prominent aspect of the Citizen's Charter initiative was the creation of the individual service charters. The basic idea of the charters was that they would form a kind of contract between service users and service providers. The charters would inform citizens of their entitlements to public services, and make clear to providers the level and standard of service they in turn were committed to meet. By clarifying these commitments, service providers were encouraged to improve both standards and responsiveness to service users. By 1997, there were 42 national charters covering the main public services and over 10,000 local charters.

9. The Citizen's Charter programme was underpinned by the following principles of public service, as set out in the White Paper:<sup>6</sup>

#### **The Principles of Public Service (1991)**

Every citizen is entitled to expect:

##### **Standards**

Explicit standards, published and prominently displayed at the point of delivery. These standards should invariably include courtesy and helpfulness from staff, accuracy in accordance with statutory entitlements, and a commitment to prompt action, which might be expressed in terms of a target response or waiting time. If targets are to be stretched, it may not be possible to guarantee them in every case; minimum, as well as average, standards may be necessary. There should be a clear presumption that standards will be progressively improved as services become more efficient.

##### **Openness**

There should be no secrecy about how public services are run, how much they cost, who is in charge, and whether or not they are meeting their standards. Public servants should not be anonymous. Save only where there is a real threat to their safety, all those who deal directly with the public should wear name badges and give their name on the telephone

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6 *Ibid*, p 5

and in letters.

**Information**

Full, accurate information should be readily available, in plain language, about what services are being provided. Targets should be published, together with full and audited information about the results achieved. Wherever possible, information should be in comparable form, so that there is a pressure to emulate the best.

**Choice**

The public sector should provide choice wherever practicable. The people affected by services should be consulted. Their views about the services they use should be sought regularly and systematically to inform decisions about what services should be provided.

**Non-discrimination**

Services should be available regardless of race or sex. Leaflets are being printed in minority languages where there is a need. In Wales public bodies are aware of the needs of Welsh speakers.

**Accessibility**

Services should be run to suit the convenience of customers, not staff. This means flexible opening hours, and telephone inquiry points that direct callers quickly to someone who can help them.

**And if things go wrong?**

At the very least, the citizen is entitled to a good explanation, or an apology. He or she should be told *why* the train is late, or *why* the doctor could not keep the appointment. There should be a well-publicised and readily available complaints procedure. If there is a serious problem, it should be put right. And lessons must be learnt so that mistakes are not repeated. Nobody wants to see money diverted from service improvement into large-scale compensation for indifferent services. But the Government intends to introduce new forms of redress where these can be made to stimulate rather than distract from efficiency.

**Service First**

10. The change in administration in 1997 led to a re-evaluation of the Citizen's Charter scheme, although its core purpose and principles remained broadly similar. In 1998 the Government introduced 'Service First: The New Charter Programme':

We want public services that respond to the needs and wishes of people who use them on a daily basis, which give public servants the chance to show their dedication, enthusiasm and initiative, and which work together to improve the communities they serve.

...We think it right that all public services—nationally and locally—should set out clear standards of service, and report on their performance; should consult and

involve their users in carrying out these tasks; and should provide effective remedies when things go wrong.<sup>7</sup>

11. In addition to the elements of the Charter programme already in place, six service standards for central government departments and agencies were introduced. These were reported on annually, and read as follows:<sup>8</sup>

### **The Six Service Standards for Central Government (1997)**

In serving you, every central government department and agency will aim to do the following:

1. Answer your letters quickly and clearly. Each department and agency will set a target for answering letters and will publish its performance against this target.
2. See you within 10 minutes of any appointment you have made at its office.
3. Provide clear and straightforward information about its services and at least one number for telephone enquiries to help you or to put you in touch with someone else.
4. Consult its users regularly about the services it provides and report on the results.
5. Have at least one complaints procedure for the services it provides, and send you information about a procedure if you ask.
6. Do everything that is reasonably possible to make its services available to everyone, including people with special needs.

12. Service First seems to have largely disappeared. The Cabinet Office website, which makes information on the Service First programme available for archive purposes, notes that the programme itself has now been completed.<sup>9</sup> Residual elements remain, however, such as the service standards that are still cited by some government departments and bodies.<sup>10</sup>

### **Impact of the Citizen's Charter**

13. In many ways, it is easy to underestimate the impact of the Citizen's Charter programme—particularly since the Citizen's Charter is now best remembered for the much-derided Cones Hotline.<sup>11</sup> Contemporary assessments of the Citizen's Charter

7 Cabinet Office, *Service First: The New Charter Programme*, June 1998, p 1

8 *Ibid*, pp 37–38

9 <http://archive.cabinetoffice.gov.uk/servicefirst/2000/introduc/six.htm>

10 Ev 205; another example is the Charity Commission's expression of the Service First standards at: <http://www.charity-commission.gov.uk/tcc/ccstand.asp>

11 Qq 268–269

programme were often critical, particularly on the grounds that the promises contained in the service charters were so vague as to be meaningless.<sup>12</sup> It is certainly a valid criticism that the Citizen's Charter was muddled in its approach, particularly on the core issue of what the charter promises actually meant in practice—whether they were tangible entitlements that people could claim, or merely aspirations the Government hoped to reach.<sup>13</sup> Our predecessor Committee, in its report on *Choice, Voice and Public Services*, noted that:

The Citizen's Charter lost public respect because it was seen as being too confused in its objectives. However the basic idea, that public services should operate at a minimum standard of performance, whatever the provider, is one that has survived and, to an extent, prospered.<sup>14</sup>

In Chapter 4 we take up the idea of setting entitlements to public services, and outline how the Government could revive this idea with a stronger, clearer emphasis on giving people the ability to claim specific entitlements to public services.

14. Despite the criticisms, it is still the case that the Charter programme was one of the clearest articulations of the need to focus on the experience of public service users, and for services to be responsive to the people using them. It also popularised the ideas that performance should be measured and measurements made public, and that information about services should be readily available in plain language.

15. The Public Service Committee concluded in its 1997 report on *The Citizen's Charter* that the initiative had made “a valuable contribution to improving public services”.<sup>15</sup> In particular, that Committee found that the Citizen's Charter had led to improvements in the delivery, culture and responsiveness of many services. The Public Service Committee acknowledged that not all of the observed changes to public services were directly attributable to the Charter's implementation, but that it had certainly played a key role:

The Charter, it is plain, has to a great extent swept away the public's deference towards the providers of public services, and their readiness to accept poor services, and has taught providers to welcome the views of users as a positive assistance to good management.<sup>16</sup>

16. It is, perhaps, time to reconsider the Citizen's Charter programme and reassess what lessons it has for public service provision today. Looking back at the Citizen's Charter programme now, the Parliamentary Ombudsman told us:

...in a strange sort of way it seems as if it has all been downhill since the Citizen's Charter. That really is more me saying something positive about the Citizen's Charter than necessarily negative about the state of things now. It seemed there was

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12 For example, see “Major's public-service brainchild fails test”, *Financial Times*, 14 March 1994, p 9

13 T Wright and P Ngan, *A New Social Contract: From Targets to Rights in Public Services*, Fabian Society, March 2004, p 25

14 Public Administration Select Committee, *Choice, Voice and Public Services*, para 233

15 Public Service Committee, Third Report of Session 1996–97, *The Citizen's Charter*, HC 78–I, para 92

16 *Ibid*, para 20

so much of value in that which was built on and then seemed to wither on the vine a bit.<sup>17</sup>

**17. The Citizen's Charter has had a lasting impact on how public services are viewed in this country. The initiative's underlying principles retain their validity nearly two decades on—not least the importance of putting the interests of public service users at the heart of public service provision. We believe this cardinal principle should continue to influence public service reform, and encourage the Government to maintain the aims of the Citizen's Charter programme given their continuing relevance to public service delivery today.**

## 3 The Charter Mark and user satisfaction with public services

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18. One area of the Citizen's Charter programme that the Government has re-evaluated in recent times is the Charter Mark. Bernard Herdan, former Chief Executive of the UK Passport Agency, was commissioned by the Cabinet Office in 2005 to review the operation of the Charter Mark scheme and its relevance to effective public service delivery. Following consideration of the Herdan review's findings, the Government in March 2008 launched a new standard to replace the Charter Mark: the 'Customer Service Excellence' scheme. This section considers the history of the Charter Mark, the findings of the Herdan review, and subsequent developments. In particular, it examines the Herdan review's proposal that a revitalised Charter Mark or equivalent scheme (such as the new Customer Service Excellence standard) should focus on ensuring user satisfaction with public services.

### The Charter Mark: background

19. The Charter Mark was an integral part of the Citizen's Charter programme. It was launched in 1992 as an award for organisations that had achieved excellent customer service in the public sector. Charter Mark organisations had to demonstrate that they met the Citizen's Charter principles for delivering quality public services. They were also required to display evidence of "customer satisfaction" with the service provided.<sup>18</sup> In the first year of its operation there were 35 Charter Mark award holders; ten years later, in 2002, this figure had grown to 949.<sup>19</sup> At present there are around 1,600 organisations with a Charter Mark, with some 400,000 people working within those organisations. This represents about 7 per cent of the public sector.<sup>20</sup> The Charter Mark scheme will continue to operate until 2011, when the new Customer Service Excellence standard is intended to become the sole award for customer service in the public sector.

20. The most recent Charter Mark criteria are as follows.<sup>21</sup>

#### **Charter Mark criteria (2004)**

1. Set standards and perform well
2. Actively engage with your customers, partners and staff
3. Be fair and accessible to everyone and promote choice
4. Continuously develop and improve
5. Use your resources effectively and imaginatively
6. Contribute to improving opportunities and quality of life in the communities you serve

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18 Cabinet Office, *Charter Mark Standard*, April 2004, p 20

19 B Herdan, *The Customer Voice in Transforming Public Services: Independent Report from the Review of the Charter Mark Scheme and Measurement of Customer Satisfaction with Public Services*, Cabinet Office, June 2006, p 39

20 Q 297

21 Cabinet Office, *Charter Mark Standard*

21. Perhaps the most significant change in the nature of the Charter Mark since its inception was the shift from it being a competitive award to a standard of service provision. Initially, public sector bodies competed for the award of a Charter Mark, but this aspect was dropped in 1995 so that any organisation meeting the criteria could gain a Charter Mark. As Bernard Herdan observed in his recent review of the scheme, since 2002 the emphasis has been on using the Charter Mark as a tool for improving responsiveness to service users. It was repositioned as a national standard for customer service excellence—“a benchmark that all should aspire to, rather than a badge to collect”.<sup>22</sup>

22. Assessments of the Charter Mark scheme have been broadly positive, although with the caveat that uptake has been disappointingly low. The Public Service Committee believed that the standard of service to users set by the Charter Mark was something to which all public service delivery bodies should aspire: “all public sector organisations which deliver services to the public should aim to win the Charter Mark...they should be expected to gain the award as a matter of course, rather than, as now, as an exception”.<sup>23</sup> The Herdan review, meanwhile, found that the Charter Mark had been effective at improving customer service, but that “the relatively low penetration across public services means that the Charter Mark is still not having a major impact in driving up standards”.<sup>24</sup>

23. The concern to raise performance, rather than simply to reward good service, was a key conclusion of the Cabinet Office-commissioned review of the Charter Mark.<sup>25</sup> We turn now to consider the review’s analysis and findings in light of the new standard for customer service in the public sector.

### The Herdan review: the Charter Mark and customer satisfaction

24. Bernard Herdan’s report, *The Customer Voice in Transforming Public Services*,<sup>26</sup> examined the Charter Mark in the wider context of improving responsiveness to users of public services. It explicitly linked the Charter Mark to the need to secure adequate levels of user satisfaction with public services. Bernard Herdan explained it to us in this way:

The fundamental thing is to make it [the Charter Mark] much more focused on what it was really there for, which is public service users’ satisfaction with what they are getting.<sup>27</sup>

25. The Herdan review’s overall view on the Charter Mark was that it had been “something of an unsung success story”.<sup>28</sup> Charter Mark holders were generally very positive about the scheme and its effectiveness in raising service standards. Nevertheless, the review concluded that its impact in raising standards across the board had been blunted by low take-up and low public recognition of the scheme. The review also noted a perception,

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22 Herdan, *The Customer Voice in Transforming Public Services*, p 39

23 Public Service Committee, *The Citizen’s Charter*, para 84

24 Herdan, *The Customer Voice in Transforming Public Services*, p 40

25 *Ibid*, p 16

26 *Ibid*

27 Q 266

28 Herdan, *The Customer Voice in Transforming Public Services*, p 4

among those that were aware of it, that the Charter Mark was out of date and old-fashioned.<sup>29</sup>

26. The solution prescribed by the Herdan review was to reposition the Charter Mark. The review recommended making the purpose of the Charter Mark simpler and clearer, and linking it much more explicitly to the requirements of service users: “The principal objective of Charter Mark is to improve customer focus—and consequently customer satisfaction—within public services”.<sup>30</sup> In other words, the yardstick for judging the success of public services would become their ability to satisfy service users. The Herdan review recommended that all existing Charter Mark criteria not directly relevant to the “key drivers of customer satisfaction” should be dropped.<sup>31</sup> (We consider the issue of user satisfaction in greater detail below.)

27. The Government’s response to the Herdan report broadly accepted the analysis that the primary focus of the Charter Mark’s successor should be ensuring user satisfaction with public services. The Government pledged that a new standard would set out rigorous obligations on public service providers to “understand the customer”, including requirements to measure customer satisfaction.<sup>32</sup> This commitment is evident in the new Customer Service Excellence standard, which contains the following criteria:<sup>33</sup>

#### **Customer Service Excellence criteria (2008)**

**1. Customer insight:** Effectively identifying your customers, consulting them in a meaningful way and efficiently measuring the outcomes of your service are a vital part of this approach. It’s not just about being able to collect information; it’s about having the ability to use that information.

**2. The culture of the organisation:** It is challenging for an organisation to build and foster a truly customer-focused culture. To cultivate and embed this there must be a commitment to it throughout an organisation, from the strategic leader to the frontline staff.

**3. Information and access:** Customers value accurate and comprehensive information that is delivered or available through the most appropriate channel for them. Putting your customer first can be an important step towards providing effective communications.

**4. Delivery:** How you carry out your business, the outcomes for your customer, and how you manage any problems that arise can determine your organisation’s success. Customers’ views about the outcomes of your services are just as important as achieving the main indicators your organisation uses to measure its performance. Listening to, and asking for, comments, feedback and complaints can be a great way to make small

29 *Ibid*, pp 47, 49

30 *Ibid*, p 57

31 *Ibid*, p 16

32 Cabinet Office, *The Customer Voice in Transforming Public Services: The Government Response*, December 2006, p 3

33 <http://www.cse.cabinetoffice.gov.uk/standardRequirementCSE.do> (see also Cabinet Office, *Customer Service Excellence: The Government Standard*, March 2008)

adjustments to the way your organisation runs.

**5. Timeliness and quality of service:** The promptness of initial contact and keeping to agreed timescales is crucial to your customers' satisfaction. However speed can be achieved at the expense of quality, therefore the issue of timeliness has to be combined with quality of service to ensure the best possible result for customers.

**28. There is evidence that even without widespread public awareness or promotion, the Charter Mark has been a useful management tool. We consider there remains a need for a standard which promotes excellence in public service provision, particularly one that focuses on the interests and perspectives of service users. We consequently welcome the introduction of the new Customer Service Excellence standard.**

### Raising service standards and user satisfaction

29. The logic of the Herdan review is that a revamped Charter Mark scheme would improve standards of public service provision—which, in turn, would increase user satisfaction with services:

The main thing is to use it as a tool to drive up the public service standards and then the users will recognise they are getting the service they wanted.<sup>34</sup>

We received a great deal of evidence, however, that measures of customer satisfaction were problematic for a variety of reasons—raising the question of whether user satisfaction is the most appropriate indicator of successful, high-quality public services.<sup>35</sup>

30. One key criticism of such measures is that they are entirely subjective and can reflect low expectations as much as high quality provision. Age Concern told us that in their experience this is often the case among groups such as those on low incomes, those living in disadvantaged areas or older people:

Across many services older people tend to report higher customer satisfaction, in spite of other evidence that suggests they frequently receive a worse service than younger people.<sup>36</sup>

31. The tax advice charity TaxAid told us that assessments of user satisfaction may be based on secondary or relatively less important considerations than the quality of service received:

Sadly, because of the huge complexity of the tax system, “customers” of HMRC (and indeed clients of the charity TaxAid) are not really in a position to judge the key element of service—which in this context is whether they were given the correct information or advice. In our experience of customer surveys, since they have no

34 Q 267

35 For example, see Ev 169, 199, 224, 237, 242, 288

36 Ev 169

other basis for making a judgement, clients are more inclined to assess satisfaction on the basis of whether their experience was “pleasant” and whether their adviser had good interpersonal skills.<sup>37</sup>

32. Another difficulty with measures of user satisfaction is that they may not be consistent with broader policy objectives. Tetlow Associates, which has worked with the National Consumer Council and the Local Government Association on developing customer satisfaction measures for local government services, gave us an education-related illustration: students might be satisfied with undemanding coursework, but their longer-term interests and those of society are better served by a more challenging curriculum.<sup>38</sup> More generally, the health charity the Picker Institute, which pioneered the development of patient experience surveys in the UK, argues that ‘satisfaction’ is an ill-defined concept—there is no agreement about which aspects of user satisfaction should be taken into account or which are the most important.<sup>39</sup>

33. Given these potential difficulties with the use of satisfaction measures, the Picker Institute favours using measures of user *experience* instead. The national surveys of patients’ experiences of health care are a successful example of this approach, and have been used extensively to identify areas where health service provision could be improved.<sup>40</sup> Similarly, Diabetes UK proposes satisfaction measures that are focused on actual outcomes for service users, since in its view “customer satisfaction is not just about satisfaction with the service but about satisfaction in terms of impact on quality of life”.<sup>41</sup>

**34. Measures of user satisfaction can shed some light on the quality of public service provision. They should, however, be treated with care because they are subjective and are sometimes based on less important considerations than service quality. We agree with the Herdan review that a user focus is essential for any standard aimed at improving public services. We believe, however, that this should be based on measures wider than surveys of user satisfaction. More sophisticated measures—such as those that consider users’ experiences of services, or outcomes for service users—are likely to be more effective at enabling organisations to improve public service provision.**

35. Other types of data could usefully feed into the service improvement process associated with the new Customer Service Excellence standard. The evaluations of service quality undertaken by various audit, regulatory and inspection bodies are clearly relevant here, as are the results of benchmarking performance against other services and sectors.<sup>42</sup>

**36. We believe there is strong merit in having a tool—such as the Charter Mark or the new Customer Service Excellence scheme—for improving user responsiveness and raising the quality of public services. If it is to be effective at this task, however, we believe that the emphasis should be on securing high *standards* of service provision.**

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37 Ev 288

38 Ev 224

39 Ev 242

40 Ev 242–243

41 Ev 237

42 Ev 198

**This means that considerations other than user satisfaction will need to be taken into account, including the broader user-focused measures we have already recommended, as well as the results of wider assessments by audit, regulatory and inspection bodies.**

37. The importance of achieving and maintaining standards of service provision is also central to the next aspect of the Charter programme we consider—that of people's rights, or entitlements, to minimum standards of public service provision.

## 4 Entitlements to public services: Public Service Guarantees

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38. Perhaps the most significant aspect of the Citizen's Charter programme was the creation of individual charters for public services. These charters set out the levels of service provision that the public could expect to receive—allowing people to be clear about what they were entitled to, and making it clear to service providers the standards they were committed to meet. In this way, as the Public Service Committee observed in its report on *The Citizen's Charter*, the charters set a minimum framework of standards for a range of public services.<sup>43</sup> There were 42 charters, ranging from the Passenger's Charter and the Tenant's Charter to the Parent's Charter and the Jobseeker's Charter. One example, the Taxpayer's Charter, is replicated below.

### **The Taxpayer's Charter (1991)**

You are entitled to expect HM Customs and Excise:

#### **To be fair**

- by settling your tax affairs impartially
- by expecting you to pay only what is due under the law
- by treating everyone with equal fairness

#### **To help you**

- to get your tax affairs right
- to understand your rights and obligations
- by providing clear leaflets and forms
- by giving you information and assistance at our enquiry offices
- by being courteous at all times

#### **To provide an efficient service**

- by settling your tax affairs promptly and accurately
- by keeping your private affairs strictly confidential
- by using the information you give us only as allowed by the law
- by keeping to a minimum your costs of complying with the law
- by keeping our costs down

#### **To be accountable for what we do**

- by setting standards for ourselves and publishing how well we live up to them

#### **If you are not satisfied**

- we will tell you exactly how to complain

- you can ask for your tax affairs to be looked at again
- you can appeal to an independent tribunal
- your MP can refer your complaint to the Ombudsman

**In return, we need you**

- to be honest
- to give us accurate information
- to pay your tax on time

39. The charters were designed to ensure the public were aware of and able to claim their rights or entitlements to public services. In this chapter, we look at the idea of entitlements to specified levels of public service provision more generally. Since the Citizen's Charter, there have been other expressions of this idea. Our predecessor Committee recommended a form of public service entitlement in its *Choice, Voice and Public Services* report. The proposed set of entitlements were to minimum standards of public service provision, and were termed 'Public Service Guarantees' (PSGs):

...it should be possible to devise a developing set of Public Service Guarantees (PSGs) which may apply either nationally or locally and which would be pledges of services being provided to a minimum standard. They would:

- support policy outcomes;
- be precise as to the level of service to be expected (e.g. an operation in six months, or a passport in six weeks);
- have a clear statement that the service could be delivered by a provider of the user's choice; and
- clear arrangements for redress in the event of failure.<sup>44</sup>

40. Specifying people's entitlements to public services can promote service improvement as well as empowering service users. Age Concern told us that:

There are clear examples where the setting of minimum standards has driven improvements in performance. For example maximum limits for NHS waiting times have created an individual-focused guarantee, which has acted as an important addition to targeting average waiting times. By contrast in social care there are no clear standards relating to waiting times for assessments or care packages; this means that it has been relatively easy for services to increase waiting times in response to financial pressures.<sup>45</sup>

41. The Government has announced several recent initiatives that draw on the idea of entitlements or rights to public services. The most high-profile of these is the draft NHS

<sup>44</sup> Public Administration Select Committee, *Choice, Voice and Public Services*, para 242

<sup>45</sup> Ev 167

Constitution, which “sets out commitments to patients, public and staff in the form of rights to which they are entitled and pledges which the NHS will strive to deliver”.<sup>46</sup> The Government explicitly acknowledges the debt that the draft NHS Constitution owes to the original Patient's Charter.<sup>47</sup> Other charters that were conceived as part of the Citizen's Charter programme, including the Courts Charter and the Taxpayer's Charter, have been revised and revived already or are in the process of being so.<sup>48</sup>

42. In this part of the Report, we consider in greater detail some of the issues that would be raised by the creation of Public Service Guarantees, or entitlements to minimum standards of public service provision. We examine first the form that entitlements to public services should take. We then consider some of the issues that would arise out of creating such entitlements: universal minimum standards of provision and local responsiveness; rights to public services, responsibilities on service users, and resources; setting levels of entitlement; empowering people to take up entitlements; and enforcement and redress.

### Creating entitlements to public services

43. In creating Public Service Guarantees, the first issue is to determine the *form* of entitlement. The original Citizen's Charters varied considerably in their length and content, and contained different types of promises to service users. According to the Public Service Committee, the 1991 Patient's Charter contained the following distinct types of commitment:<sup>49</sup>

- i. Formalisation of best practice relating to, for example, standards of catering and accommodation;
- ii. Statutory entitlements, such as access to medical records and informed consent;
- iii. Targets, such as waiting times for treatment; and
- iv. Broader policy objectives, such as the promotion of community support.

44. As the Public Service Committee pointed out, this inconsistency ran the risk of confusing the public about the nature of their entitlements to public services:

One of the worst confusions concerns what the commitments or promises made in charters and charter documents actually mean. Sometimes they indicate a broad commitment to good practice; sometimes they indicate a specific target to demonstrate that commitment; sometimes they indicate in the broadest way the aim of the organisation.<sup>50</sup>

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46 Department of Health, *The National Health Service Constitution: A Draft for Consultation*, p 2

47 *Ibid*, p 13

48 HM Courts Service, *Courts Charter*, [http://www.hmcourts-service.gov.uk/infoabout/courts\\_charter/index.htm](http://www.hmcourts-service.gov.uk/infoabout/courts_charter/index.htm); HM Revenue and Customs, *HM Revenue and Customs and the Taxpayer: A New Charter for HMRC and its Customers*, June 2008

49 Public Service Committee, *The Citizen's Charter*, para 40

50 *Ibid*, para 41

45. The Public Service Committee went on to say that departments and agencies were often vague as to which of their promises were to be regarded as binding guarantees requiring redress or compensation if not met. It recommended that charters should make clear the rights that are capable of being enforced.<sup>51</sup> Similarly, our predecessor Committee proposed that specific entitlements to service provision be set out, with a statement of redress arrangements if standards were not attained.<sup>52</sup> **We recommend that there should be clear, precise and enforceable statements of people's entitlements to public services. These should be in the form of Public Service Guarantees, as proposed by our predecessor Committee. The Guarantees should specify the minimum standard of service provision that service users can expect, and set out the arrangements for redress that apply should service providers fail to meet the standard promised.**

46. Some commitments to provide minimum standards of provision already exist in a variety of public services. Many of the most prominent ones occur in health, such as commitments on GP appointment and hospital treatment waiting times.<sup>53</sup> The Department of Health has, since 2004, promulgated the *Standards for Better Health*, which outline 24 core standards that apply to all NHS care.<sup>54</sup> **We welcome the Government's existing efforts to set out people's entitlements to minimum standards of public service provision, as expressed in a number of targets and core standards. In developing a set of Public Service Guarantees, we would expect the Government to consolidate these existing commitments.**

47. The process of developing a set of Public Service Guarantees would be a continuous one, starting with the entitlements that exist now. New entitlements—for example, entitlement to respite care—could be added as necessary, resulting in a continually evolving set of Guarantees. Drawing together existing entitlements in one place would give public service users a powerful tool to help them claim their rights to public services. It would also assist in identifying where it would be desirable to spell out new entitlements. **We envisage the creation of a set of Public Service Guarantees that could be put in the hands of public service users. This would, in effect, form a citizen's handbook of entitlements. The set of Guarantees would be a progressively evolving document that is able to adapt to changing need and attitudes about entitlements to public services.**

## Universal minimum standards of provision

48. Public Service Guarantees that are based on minimum standards of service provision would apply universally. The Guarantees would, therefore, serve as the basis for *all* service users to claim their right to an agreed minimum level of service. In this way minimum standards could promote fairness in public service provision, as acknowledged by the Government's recent report *Excellence and Fairness: Achieving World Class Public Services*.<sup>55</sup> Likewise, all service providers would be clear about what was expected from them in terms of acceptable levels and standards of service to be provided. In this way,

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51 *Ibid*, para 41

52 Public Administration Select Committee, *Choice, Voice and Public Services*, para 242

53 Department of Health, *The NHS Plan*, Cm 4818-I, July 2000, p 101

54 Department of Health, *Standards for Better Health*, July 2004

55 Cabinet Office, *Excellence and Fairness: Achieving World Class Public Services*, June 2008

Public Service Guarantees can serve a useful purpose by evening out the inequity of 'postcode lotteries' of service provision, as Age Concern suggested to us.<sup>56</sup>

49. We recognise there is a concern that minimum standards set the bar too low, encouraging service providers to satisfy the bare minimum rather than striving to achieve the highest standards. David Bell explained to us his view on such matters as the former head of Ofsted:

Some people would say, "Is it not terrible that you are only focusing on minimum standards?" My initial reaction to that was, "It would be nice, would it not, if every institution met those minimum standards because, where they fail to do that, actually youngsters are not getting a decent education", but the minimum standards are not the maximum standards. What you are saying is: this is what you consider to be an acceptable floor.<sup>57</sup>

50. He went on to say that minimum standards need not pose a barrier to diversity of service provision:

...we would like to see schools move towards or geared up to be excellent...and within that context of minimum standards schools can offer a whole range of different alternatives and options. Your point about somebody coming along and saying, "I would like my school to be as good as the one next door", may be right, or is right, but maybe it is not the same as the person who says, "I want my school to be the same as the one next door". So I think you have minimum standards that guarantee that floor but beyond that you can have a diversity of approach, styles and so on.<sup>58</sup>

51. In a related vein, the Metropolitan Police Authority told us that:

The MPA is of the view that it is essential to set minimum standards for public services. A combination of minimum standards to set a floor, with freedom to set local standards on top is critical to achieving this...A critical component to the success of police authorities, for example, is their ability to set flexible and local priorities to complement national targets.<sup>59</sup>

52. This addresses in part the concern of many that centrally-set minimum standards, if imposed inappropriately, could stifle responsiveness to local or specific circumstances. The Audit Commission, for instance, told us that:

While there are some areas where standards for public services should be nationally consistent, for example in education, local complexities and differences mean that minimum standards could and should be different for many services. In most cases standards relating to local services and priorities, such as access to green spaces,

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56 Ev 165

57 Q 532

58 *Ibid*

59 Ev 261

should be set locally and rely on service providers agreeing what standards should be in practice, in consultation with citizens and users.<sup>60</sup>

53. In the foregoing discussion, we have assumed that the minimum standards to be set are the 'right' ones. If they are not, there is a danger that the imposition of inappropriate minimum standards could result in the kinds of unintended or perverse consequences that have, on occasion, plagued public service targets.<sup>61</sup> One example that is also relevant for our purposes was given to our predecessor Committee during its inquiry on government targets. It concerns the effects of a commitment on waiting times for eye hospital appointments for new patients, as compared to those waiting for follow-up appointments:

The waiting time targets for new outpatient appointments at the Bristol Eye Hospital have been achieved at the expense of cancellation and delay of follow-up appointments. At present we cancel over 1,000 appointments per month. Some patients have waited 20 months longer than the planned date for their appointment...One particularly sad case was that of an elderly lady who was completely deaf and relied upon signing and lip-reading for communication. She lives with her disabled husband who like her is completely deaf. Her follow-up appointment for glaucoma was delayed several times and during this time her glaucoma deteriorated and she became totally blind.<sup>62</sup>

54. It is clear that service providers would need to anticipate any potential adverse or perverse consequences of setting entitlements to minimum standards. On balance, however, we believe that the benefits of guaranteeing minimum standards of service provision—clearly setting out the entitlements to public services that people could claim, and the standard of service expected of public service providers—justify taking this approach. **The point of national minimum standards is not to bring about uniformity of service provision, but to set the minimum acceptable level and quality of public service provision that should apply to all. We believe that minimum standards are therefore an appropriate basis on which to formulate Public Service Guarantees.**

## Rights, responsibilities and resources

55. Given that all governments will face a situation of finite resources for public service provision, entitlements to public services cannot be unlimited. The Public Service Committee observed that one difficulty with the charters under the Citizen's Charter initiative was that they were not linked to decision making about the resources required to meet the entitlements: "The Citizen's Charter has helped to create expectations of service. It is not its role to provide the resources to deliver them".<sup>63</sup>

56. It is important that discussions about the level of entitlements contained in Public Service Guarantees occur with a degree of realism about the funding of public services. We have couched our proposal for Public Service Guarantees in terms of entitlements to the

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60 Ev 199

61 See Public Administration Select Committee, Fifth Report of Session 2002–03, *On Target? Government by Measurement*, HC 62–I

62 *Ibid*, para 52

63 Public Service Committee, *The Citizen's Charter*, para 32

*minimum* acceptable standards of public services, which might help to avoid some of the problems that could be raised by setting unrealistically aspirational entitlements. In addition, differing levels of resources may be required to enable communities or services in different circumstances to meet universal minimum standards, as noted by the Audit Commission:

Some areas will take longer and require more resources to meet standards due to local circumstances or their historical starting point. For example, public agencies operating in deprived communities may require more time and resources to achieve minimum national standards, compared with less deprived areas.<sup>64</sup>

57. A related issue is that of the responsibilities owed by users of public services, as the corollary to their rights to services. Some of the original Citizen's Charter service charters, such as the Taxpayer's Charter cited earlier, listed the responsibilities expected of service users as well as the rights granted to them. The Government has recently announced a number of initiatives that pick up on this idea of responsibilities as well as rights to public services. The draft NHS Constitution contains a section on the responsibilities of patients and the public, such as obligations to follow courses of treatment agreed with clinicians and to register with a GP practice.<sup>65</sup> A new draft Taxpayers' Charter updating the rights and obligations of taxpayers, a clearer expression of the responsibilities expected of those receiving welfare benefits, and the broader debate around the Bill of Rights and Responsibilities are other instances of this new emphasis on duties owed by citizens and public service users.<sup>66</sup>

58. The argument that service users should fulfil certain responsibilities recognises that public services are provided in the context of limited resources, which need to be used efficiently and effectively. Bernard Herdan put forward the view that efficient and fair service provision warranted placing obligations on people claiming their rights to public services:

...one of the things that makes the health service inefficient and creates problems in customer service is the number of people who do not show up for their out-patient appointments, something like 10%, which is a waste of resources and in the end impedes customer service because those slots which could be taken by other people are lost. I do think there is a two-way thing here. Hospitals should make adequate numbers of appointments and book appointments in a good timescale but people should be responsible and they should show up when they have their appointments.<sup>67</sup>

59. In evidence to us, the British Medical Association also declared itself in favour of specifying the responsibilities of service users (in this case, patients) as well as rights:

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64 Ev 199

65 Department of Health, *The National Health Service Constitution*, p 4

66 HM Revenue and Customs, *HM Revenue and Customs and the Taxpayer: A New Charter for HMRC and its Customers*; Department for Work and Pensions and Department for Innovation, Universities and Skills, *Work Skills*, Cm 7415, June 2008; Ministry of Justice, *Governance of Britain: One Year On*, July 2008

67 Q 323

With patient rights should also come patient responsibility. The patients' charter was a rights-only charter, with no mention of responsibilities. The majority of patients accept and acknowledge their responsibilities, including making appropriate use of services, behaving in a civil way and co-operating in their own healthcare. There are current examples of where patients' charters are used, including Hong Kong, Spain and King's College Health Centre in London. Each of these examples emphasises both the rights and the responsibilities of patients, reflecting the partnerships that are necessary within healthcare.<sup>68</sup>

60. Interestingly, the evidence we received did not address whether people should lose their rights to public services if they failed to uphold their responsibilities. This is a question the Government is starting to weigh up as it begins to set out formulations of rights and associated responsibilities such as the NHS Constitution. The Prime Minister, in a recent appearance before the Liaison Committee, outlined his view on the matter:

...you have just seen the publication in the last few days of the constitution for the National Health Service, which talks about both rights and responsibilities. If someone has a time for an appointment and then fails to take that up, then they cannot automatically be expected to be governed by the guarantees that apply to everybody else that they should have an 18-week gap between the time they go to a doctor and receiving the treatment they want. So rights and responsibilities are embedded also in the new National Health Service constitution.<sup>69</sup>

61. Rights or entitlements to public services do not exist in a vacuum. **If Public Service Guarantees are to be credible, they must reflect the reality that there are limits to the resources available for public service provision. This means that discussions about the nature of entitlements to public services must explicitly take into account the resources available to fulfil those entitlements. It also suggests that people need to be made aware of the responsibilities arising out of their use of public services, as a concomitant of their rights to publicly provided services.**

## Setting levels of entitlement

62. Setting entitlements to public services will often be a difficult task, as it will involve making political judgements about the standard of service provision to be guaranteed to all service users. As we have seen, it also depends on wider considerations such as the funding of public services. User groups such as Breakthrough Breast Cancer and Mencap told us that it was important to set entitlements that have the legitimacy of being based on the views of service users. This could be done by, for example, examining data on complaints about services and through genuine consultation (i.e., *before* a minimum standard of service is set rather than after).<sup>70</sup>

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68 Ev 300

69 Uncorrected transcript of oral evidence taken before the Liaison Committee on 3 July 2008, Session 2007–08, HC 192–ii, Q 137

70 Ev 155, 290; see also Public Administration Select Committee, *User Involvement in Public Services*

63. The National Consumer Council (NCC) suggested that entitlements should be quite simple to develop, as service users will know what matters to them when they receive a service. The NCC drew an analogy with the service provided by supermarkets:

It should be relatively straightforward to develop a set of minimum standards for public services. Consumers are fundamentally consistent in what they need: a service that delivers what it is meant to deliver, with staff who have the appropriate skills and competencies, and where communication is effective. Through working with their customers Tesco has developed a model based on the five aspects of supermarket experience that are critical to customers:

- the aisles are clear
- I can get what I want
- the prices are good
- I don't want to queue
- and the staff are great.<sup>71</sup>

64. The NCC's approach takes us some, though not all, of the way. While it may be relatively simple to identify people's broad preferences, translating these into tangible entitlements is a trickier task—particularly when resource implications are factored in. To take the Tesco example, it is not obvious how Tesco translates a broad statement such as “the prices are good” into a firm commitment about the level of its prices relative to competitors' (although the existence of ‘price guarantees’ suggests it is possible). In public services terms, a comparable example might be how a generalised preference such as “I want to see my GP quickly” gets transformed into a quantifiable commitment such as the 48 hour appointment waiting time target.

65. Despite the difficulties of formulating precise entitlements, the overall point about the need to base entitlements on people's preferences is clear. **It is a useful discipline to require public service decision makers to think about what is most important to their service users, and to build entitlements and commitments to service levels around these views. We believe that the process for setting Public Service Guarantees must genuinely involve service users if the Guarantees are to reflect accurately what users want from public services.**

### Empowering people to take up entitlements

66. Once entitlements have been set, the emphasis shifts to encouraging people to take them up. One of the strongest user-focused elements of Public Service Guarantees is the active role they would give to service users to claim entitlements to minimum standards of service. The New Economics Foundation told us that this aspect of Public Service Guarantees effectively created a form of bottom-up accountability for good service provision.<sup>72</sup> Similarly, Age Concern described to us how people would be empowered by entitlements to specified standards:

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71 Ev 218

72 Ev 186

Improved communications about the NHS standards would set out citizens' rights and responsibilities with respect to services, and more generally would facilitate the involvement of patients and the public. Patients would be empowered to challenge any failure to meet the core standards, giving them a more equal relationship with NHS providers.<sup>73</sup>

67. This fits with the Government's emphasis on "empowering citizens", as set out in its recent statement of its vision for public services and, more generally, in the proposed draft Community Empowerment Bill in the 2008–09 draft legislative programme. The Government has said that it wants to:

[develop] new approaches to **empowering citizens** who use public services: both extending choice and complementing it with more direct forms of individual control, such as personal budgets in areas like care; opportunities for people to do more themselves, such as manage their own health; stronger local accountability, such as directly-elected police representatives; and providing greater transparency of performance.<sup>74</sup>

**Introducing entitlements to public services in the form of Public Service Guarantees would be a powerful addition to the measures the Government has already outlined for empowering the people that use public services.**

68. Nonetheless, the current reality appears to be that there is low public awareness of existing entitlements to service levels. As we noted earlier, many minimum standards of service provision exist already (such as waiting time targets and the core standards that apply to all NHS care). In discussing the Department of Health's *Standards for Better Health*, the Healthcare Commission told us that in its view:

[There is] a question of the extent to which the public understand the core standards. While our assessment process will have raised the profile of the standards, it remains our perception that there is a relatively poor public appreciation of these entitlements, and that this may reduce the effectiveness of the standards as a tool for ensuring acceptable care for all.<sup>75</sup>

69. Service user groups such as Shaping Our Lives and Age Concern agreed that awareness of existing service level standards needed to be raised. Age Concern, in particular, proposed concrete steps to communicate the core health standards more widely. This might, for example, involve making information on the standards available in relevant health and care settings—putting it in the waiting rooms of doctors' surgeries, or including it with hospital appointment letters.<sup>76</sup> **Many minimum standards for public service provision exist already, but public awareness of these standards appears to be very low. We recommend that, across all public services, the Government should make a systematic effort to publicise and communicate these standards as an initial step**

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73 Ev 167

74 Cabinet Office, *Excellence and Fairness*, p 11

75 Ev 248

76 Ev 167

**towards enabling people to claim their entitlements to minimum standards of service provision. Public Service Guarantees, if introduced, would also need to be publicised widely.**

### Enforcement and redress

70. Putting standards in the form of Public Service Guarantees indicates that there is a direct form of accountability involved—people should be able to claim redress if the relevant standard is not met. This would, in practice, require an effective enforcement mechanism to support individuals seeking redress. As the Parliamentary Ombudsman put it to us:

Once standards have been set and accepted, bodies should not seek to avoid the consequences of failure to meet them. Clear standards must be matched by clear accountability.<sup>77</sup>

71. The Audit Commission told us that: “Standards in public services can in many cases be regulated and enforced voluntarily by the providers themselves”.<sup>78</sup> The Government signalled in its recent report on the future of public services that it would give greater powers to service providers to address poor performance where that resulted in the failure to meet minimum standards:

The Government is clear that its priority must be to eradicate such underperformance, as recent announcements have demonstrated.

- The Department of Health recently announced proposals to ensure that when a hospital or other health care provider falls below acceptable standards new powers will be used to turn them around, including by bringing in new management.
- The new National Challenge programme sets out how local authorities will work with schools where attainment is low. This has been combined with greater freedoms to build new academies, merge schools or deploy excellent head teachers to help struggling institutions.

The Government will apply this approach more widely and support swift action to ensure high standards for all.<sup>79</sup>

72. We welcome the steps the Government is taking to ensure that service providers have the necessary powers to secure high standards in public service provision. What is also necessary, however, is for there to be a strong, independent enforcement mechanism to bring into line those organisations that do not meet standards. One suggestion has been to make the Ombudsman responsible for enforcing public service entitlements, as occurred in relation to the original Citizen's Charter service standards:

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77 Ev 125

78 Ev 199

79 Cabinet Office, *Excellence and Fairness*, pp 37–38

As the charter programme developed, and began to look like a bundle of quasi-rights, the Parliamentary Ombudsman (who investigates complaints about state services) decided that he would regard failures to meet the service standards promised by the Government as 'maladministration', and therefore give rise to a case for redress: 'If [Charter] targets are expressed as mandatory, or a promise has been given that the citizen has an expectation to compensation should they not be met or should they be missed by a specified period, the case for compensatory redress is strong.'<sup>80</sup>

73. The formulation of entitlements as Public Service Guarantees, to be enforced by the Ombudsman, avoids some of the difficulties that could arise if justiciable rights to public services were to be specified. We are in favour of an enforcement mechanism based on the Ombudsman's powers to seek redress for maladministration, rather than on requiring public service users to go to the courts. Securing rights to public services through a legal process is likely to be complex, expensive and off-putting for many users. Public Service Guarantees are hence more likely to achieve their aim of empowering public service users if they do not become the province of lawyers.

**74. There would need to be a body dedicated to enforcing Public Service Guarantees so that, in practice, public service users were able to secure their entitlements. We believe that this would logically fall within the Ombudsman's remit, since the failure to meet promised minimum standards would result in complaints about 'maladministration' on the part of public service providers. The Ombudsman would also be well-placed to enforce Public Service Guarantees because of her wide-ranging remit over all public services and considerable experience in securing redress for those that have suffered from poor administration.**

75. Ensuring that there is appropriate redress should standards fail to be met is key to effective enforcement. In the past, the Government was largely concerned with the issue of financial redress. It was reluctant to pay financial compensation when standards set out in the individual service charters were not achieved, as the Charter Unit guidance on redress makes plain:

...where appropriate, charters and statements of charter standards should explain whether compensation may be paid, and in what circumstances. It is important to ensure that they do not create a general expectation that compensation will automatically be paid if charter standards are not met.<sup>81</sup>

76. In order to fulfil their function of guaranteeing service levels, Public Service Guarantees must outline the redress—financial or non-financial—due to users when specified minimum standards are not met. This should be made clear in the form of the Public Service Guarantees themselves. The precise nature of the redress will depend on the circumstances, but the Ombudsman's *Principles for Remedy* set out the broad approach that should be adopted if entitlements are not met:

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80 Wright and Ngan, *A New Social Contract*, p 32

81 Public Service Committee, *The Citizen's Charter*, para 47

Our underlying principle is to ensure that the service provider restores the complainant to the position they would have been in if the maladministration or poor service had not occurred. If that is not possible, the service provider should compensate them appropriately. We aim to secure suitable and proportionate remedies for complainants whose complaints are upheld and, where appropriate, for others who have suffered injustice or hardship as a result of the same maladministration or poor service. We want public bodies to be fair and take responsibility, acknowledge failures and apologise for them, make amends, and use the opportunity to improve their services.<sup>82</sup>

**77. For entitlements to minimum standards of public services to be effective, there must be robust enforcement and redress arrangements in place. Measures to remedy any failure to meet promised standards should be spelled out clearly in the form of the Public Service Guarantees themselves. Redress should be made in a fashion appropriate to the circumstances of the particular entitlement, and should aim to restore individuals to the position they would have been in had the standard been achieved in the first place.**

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82 Parliamentary and Health Service Ombudsman, *Principles for Remedy*, October 2007, p 3

## 5 Conclusion

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78. Despite being somewhat unkindly judged by history, the Citizen's Charter was nonetheless a significant milestone in public service reform. The Charter programme's primary focus was to ensure that public services met the needs of the people using them. This goal remains relevant to public service delivery today. The lasting impact of the Charter programme can be seen in user-focused initiatives such as the new Customer Service Excellence standard (the successor to the Charter Mark) and in the Government's commitment to specifying the rights and responsibilities of public service users (for example, in the draft NHS Constitution).

79. In this Report, we have examined in particular the idea of setting out people's entitlements to minimum standards of public service provision. **We believe there is a very strong case to institute Public Service Guarantees that empower users by allowing them to claim their rights to public services.** There are numerous implications that arise from the proposal, such as the appropriate level at which to set entitlements, how to avoid unintended or perverse consequences, and the sort of the responsibilities that should be placed on people in return for their rights to public services. The basic idea, however, is quite straightforward. **Setting out clear entitlements to public services empowers people and strengthens their attachment to publicly provided services. As the Government clarifies the future direction of public service reform, introducing Public Service Guarantees would be a clear indication that, in the provision of public services, it genuinely intends to put people first.**

## Conclusions and recommendations

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1. The Citizen's Charter has had a lasting impact on how public services are viewed in this country. The initiative's underlying principles retain their validity nearly two decades on—not least the importance of putting the interests of public service users at the heart of public service provision. We believe this cardinal principle should continue to influence public service reform, and encourage the Government to maintain the aims of the Citizen's Charter programme given their continuing relevance to public service delivery today. (Paragraph 17)
2. There is evidence that even without widespread public awareness or promotion, the Charter Mark has been a useful management tool. We consider there remains a need for a standard which promotes excellence in public service provision, particularly one that focuses on the interests and perspectives of service users. We consequently welcome the introduction of the new Customer Service Excellence standard. (Paragraph 28)
3. Measures of user satisfaction can shed some light on the quality of public service provision. They should, however, be treated with care because they are subjective and are sometimes based on less important considerations than service quality. We agree with the Herdan review that a user focus is essential for any standard aimed at improving public services. We believe, however, that this should be based on measures wider than surveys of user satisfaction. More sophisticated measures—such as those that consider users' experiences of services, or outcomes for service users—are likely to be more effective at enabling organisations to improve public service provision. (Paragraph 34)
4. We believe there is strong merit in having a tool—such as the Charter Mark or the new Customer Service Excellence scheme—for improving user responsiveness and raising the quality of public services. If it is to be effective at this task, however, we believe that the emphasis should be on securing high standards of service provision. This means that considerations other than user satisfaction will need to be taken into account, including the broader user-focused measures we have already recommended, as well as the results of wider assessments by audit, regulatory and inspection bodies. (Paragraph 36)
5. We recommend that there should be clear, precise and enforceable statements of people's entitlements to public services. These should be in the form of Public Service Guarantees, as proposed by our predecessor Committee. The Guarantees should specify the minimum standard of service provision that service users can expect, and set out the arrangements for redress that apply should service providers fail to meet the standard promised. (Paragraph 45)
6. We welcome the Government's existing efforts to set out people's entitlements to minimum standards of public service provision, as expressed in a number of targets and core standards. In developing a set of Public Service Guarantees, we would expect the Government to consolidate these existing commitments. (Paragraph 46)

7. We envisage the creation of a set of Public Service Guarantees that could be put in the hands of public service users. This would, in effect, form a citizen's handbook of entitlements. The set of Guarantees would be a progressively evolving document that is able to adapt to changing need and attitudes about entitlements to public services. (Paragraph 47)
8. The point of national minimum standards is not to bring about uniformity of service provision, but to set the minimum acceptable level and quality of public service provision that should apply to all. We believe that minimum standards are therefore an appropriate basis on which to formulate Public Service Guarantees. (Paragraph 54)
9. If Public Service Guarantees are to be credible, they must reflect the reality that there are limits to the resources available for public service provision. This means that discussions about the nature of entitlements to public services must explicitly take into account the resources available to fulfil those entitlements. It also suggests that people need to be made aware of the responsibilities arising out of their use of public services, as a concomitant of their rights to publicly provided services. (Paragraph 61)
10. It is a useful discipline to require public service decision makers to think about what is most important to their service users, and to build entitlements and commitments to service levels around these views. We believe that the process for setting Public Service Guarantees must genuinely involve service users if the Guarantees are to reflect accurately what users want from public services. (Paragraph 65)
11. Introducing entitlements to public services in the form of Public Service Guarantees would be a powerful addition to the measures the Government has already outlined for empowering the people that use public services. (Paragraph 67)
12. Many minimum standards for public service provision exist already, but public awareness of these standards appears to be very low. We recommend that, across all public services, the Government should make a systematic effort to publicise and communicate these standards as an initial step towards enabling people to claim their entitlements to minimum standards of service provision. Public Service Guarantees, if introduced, would also need to be publicised widely. (Paragraph 69)
13. There would need to be a body dedicated to enforcing Public Service Guarantees so that, in practice, public service users were able to secure their entitlements. We believe that this would logically fall within the Ombudsman's remit, since the failure to meet promised minimum standards would result in complaints about 'maladministration' on the part of public service providers. The Ombudsman would also be well-placed to enforce Public Service Guarantees because of her wide-ranging remit over all public services and considerable experience in securing redress for those that have suffered from poor administration. (Paragraph 74)
14. For entitlements to minimum standards of public services to be effective, there must be robust enforcement and redress arrangements in place. Measures to remedy any failure to meet promised standards should be spelled out clearly in the form of the Public Service Guarantees themselves. Redress should be made in a fashion

appropriate to the circumstances of the particular entitlement, and should aim to restore individuals to the position they would have been in had the standard been achieved in the first place. (Paragraph 77)

15. We believe there is a very strong case to institute Public Service Guarantees that empower users by allowing them to claim their rights to public services. Setting out clear entitlements to public services empowers people and strengthens their attachment to publicly provided services. As the Government clarifies the future direction of public service reform, introducing Public Service Guarantees would be a clear indication that, in the provision of public services, it genuinely intends to put people first. (Paragraph 79)

# Formal minutes

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**Tuesday 15 July 2008**

Members present:

Dr Tony Wright in the Chair

Paul Flynn

David Heyes

Kelvin Hopkins

Mr Gordon Prentice

Paul Rowen

Mr Charles Walker

Draft Report (*From Citizen's Charter to Public Service Guarantees: Entitlements to Public Services*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 79 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Twelfth Report of the Committee to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

*Ordered*, That the Chairman make the Report to the House.

[Adjourned till Thursday 17 July 9.45 am

The following oral and written evidence is published separately as *Public Services: Putting People First, Session 2007–08, HC 408*.

## Witnesses

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### Thursday 18 January 2007

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**Ann Abraham**, Parliamentary and Health Service Ombudsman

Ev 1

### Thursday 1 March 2007

**Paul Gray CB**, Chief Executive, HM Revenue and Customs

Ev 10

### Thursday 8 March 2007

**Tom Steinberg**, Director, mySociety website, **Ross Ferguson**, Director, eDemocracy programme, Hansard Society, **William Heath**, Director and **Ruth Kennedy**, Associate Director, Kable Ltd

Ev 22

### Thursday 15 March 2007

**Leigh Lewis CB**, Permanent Secretary, Department for Work and Pensions and **Terry Moran**, Chief Executive, Disability and Carers Service

Ev 40

### Thursday 22 March 2007

**Bernard Herdan**, Executive Director of Service Delivery, Identity and Passport Service

Ev 53

**Professor Patrick Dunleavy**, London School of Economics and Political Science and **Philip Cullum**, National Consumer Council

Ev 63

### Thursday 26 April 2007

**Professor Peter Beresford**, Chairman, Shaping our Lives, **David Holmes**, Mind, **Andrew Harrop**, Age Concern and **Liz Stone**, Mencap

Ev 72

**David Boyle**, New Economics Foundation, **Matthew Taylor**, Royal Society of Arts and **Sophia Parker**, Demos

Ev 82

### Thursday 10 May 2007

**Pat McFadden MP**, Parliamentary Secretary and **Ian Watmore**, Head of Delivery Unit, Cabinet Office

Ev 93

### Tuesday 22 May 2007

**Peter Wilkinson**, Audit Commission and **David Bell**, Permanent Secretary, Department for Education and Skills

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36 Professor Andrew Gray	Ev 283
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52 Immigration and Nationality Directorate	Ev 332
53 National Confederation of Parent Teacher Association	Ev 337
54 ACEVO	Ev 338
55 Community Links	Ev 340
56 Department of Health	Ev 345
57 Catherine McGrath	Ev 352

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## Session 2007–08

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Second Report	Propriety and Peerages	HC 153 ( <i>Cm 7374</i> )
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Third Report	Politics and Administration: Ministers and Civil Servants	HC 122
Fourth Report	Ethics and Standards: The Regulation of Conduct in Public Life	HC 121 ( <i>HC 88 Session 2007–08</i> )
Fifth Report	Pensions Bill: Government Undertakings relating to the Financial Assistance Scheme	HC 523 ( <i>HC 922</i> )
Sixth Report	The Business Appointment Rules	HC 651 ( <i>HC 1087</i> )
Seventh Report	Machinery of Government Changes	HC 672 ( <i>HC 90 Session 2007–08</i> )
Eighth Report	The Pensions Bill and the FAS: An Update, Including the Government Response to the Fifth Report of Session 2006–07	HC 922 ( <i>HC 1048</i> )
Ninth Report	Skills for Government	HC 93 ( <i>HC 89</i> )
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Second Report	Tax Credits: putting things right	HC 577 ( <i>HC 1076</i> )
Third Report	Legislative and Regulatory Reform Bill	HC 1033 ( <i>HC 1205</i> )
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Sixth Report	The Ombudsman in Question: the Ombudsman's report on pensions and its constitutional implications	HC 1081 ( <i>Cm 1961</i> )
Seventh Report	The Ministerial Code: the case for Independent Investigation	HC 1457 ( <i>HC 1088, Session 2007–08</i> )
First Special Report	The Attendance of the Prime Minister's Strategy Adviser before the Public Administration Select Committee	HC 690