

Responses to Assembly Members' Questions

At our last meeting, several members asked for more information on aspects of the UK's democracy. This document offers answers. If you have further questions about any of the concepts raised at the Assembly, please contact James Cleaver (j.cleaver@ucl.ac.uk).

What is an ombudsman?

An ombudsman is an independent service which investigates unresolved complaints about a certain company or organisation for free. There are two types of ombudsman:

- those covering the private sector, which are mainly involved with financial and consumer complaints
- those covering the public sector, which investigate complaints about government organisations and public services.

In addition to responding to specific cases, an ombudsman can identify issues within a sector and make recommendations on change.

If the ombudsman concludes that a complaint is justified, they will recommend a solution to the organisation in question. A public sector ombudsman can't force an organisation to follow their recommendation, but the vast majority do. A private sector ombudsman's decision can be legally binding.

Examples of ombudsmen include the Housing Ombudsman (which examines complaints about housing organisations, landlords or letting agents registered with the ombudsman) and the Financial Ombudsman Service (which deals with problems with banks, insurance, PPI, loans, mortgages, pensions, etc.).

All ombudsmen are members of the Ombudsman Association. Each ombudsman is headed by a Chief Ombudsman, who is appointed either by the relevant government minister or by that ombudsman's board.

What are human rights, and what is their relevance to the UK today?

Our [glossary of terms](#) defines rights as 'basic entitlements that each citizen possesses'. Examples of widely accepted rights are freedom of speech, freedom of assembly, the right to a fair trial and freedom from torture. Such rights are considered fundamental to human existence, hence the term 'human rights'. Another term you might hear used is 'basic rights', as Michael Olatokun described these rights last weekend.

In the UK, many basic rights are enshrined in law by the Human Rights Act 1998. The Act sets out rights and freedoms that everyone in the UK is entitled to. These rights include: freedom from torture; the right to a fair trial; freedom of thought, conscience and religion; freedom of expression; and freedom of assembly and association (the ability to meet and interact with other people).

The rights covered by the Human Rights Act were first established through the European Convention on Human Rights. This was created in 1950 by the Council of Europe, an international organisation of 47 members set up to uphold human rights, democracy and the rule of law in Europe in the wake of the Second World War. The Council of Europe is separate from the European Union.

Some rights were already protected in law in the UK before the Human Rights Act, either through laws passed by Parliament or by the 'common law'. (Common law means law developed through judges' rulings.)

What is the role of the Supreme Court?

The Supreme Court of the United Kingdom is the highest court in the United Kingdom. It can hear appeals of civil cases from anywhere in the UK and appeals of criminal cases from England, Wales and Northern Ireland. This difference between civil and criminal appeals stems from the fact that there are three separate legal systems in the UK: in England and Wales; Scotland; and Northern Ireland.

The Supreme Court is made up of twelve judges, or 'Justices'. Justices are chosen on the recommendation of an independent selection commission (which contains people from all four parts of the UK) and the Lord Chancellor. The Supreme Court hears cases of great public or constitutional importance, and its rulings are central to the development of law in the UK.

However, the UK has a system of 'parliamentary sovereignty'. This term means that there is no power which can prevent Parliament making a law. Parliamentary sovereignty means that the Supreme Court cannot annul, or 'strike down' the main laws passed by Parliament – so-called 'primary legislation'. The Supreme Court can strike down 'secondary legislation', which refers to smaller changes to the law. (You will hear more about primary and secondary legislation during Weekend 3.) It can also strike down primary and secondary legislation passed by any of the devolved legislatures in Scotland, Wales and Northern Ireland.