Whatever Happened to the Citizen’s Charter?

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Abstract

Remember the Citizen's Charter? That initiative, satirically described by some as ‘John Major's big idea’, was launched in a White Paper, published in July 1991. It was presented from the outset as encapsulating Mr Major’s prime ministerial vision of excellence in the public services, and in its early years, he certainly took a close personal interest in the welfare of his offspring: woe betide the minister or permanent secretary who failed to pay due homage to it. So 2001 marked the tenth birthday of the Charter: but if, somewhere, a party was held, with a cake baked in honour of the occasion, was the celebrant Charter itself there to blow out the candles? It would seem unlikely. For, rather mysteriously, and despite its promising beginnings, the Citizen’s Charter seems now almost to have disappeared from view. When did you last hear it mentioned? If the answer is, not for quite a long time, what on earth became of it?

Before trying to answer this question let us set the Charter story in a wider context – as an item in the disparate agenda of public management reform that has been so much in vogue in Europe and beyond for the last two decades. In recent years there has been a growing consensus, particularly in the OECD countries, that public bodies – having been slimmed down, privatised and encouraged down the road of ‘efficiency, effectiveness and economy’ - need to become more responsive to the users and consumers of public services. Many countries, in recent years, have taken initiatives to empower their citizens by raising their critical awareness of the quality of services, and at the same time to encourage those responsible for the delivery of such services to improve their standards of performance, to operate in a more transparent way and to be more responsive to the needs and expectations of their customers. An important consideration underlying this consensus has, unsurprisingly, been the desire to get better value for taxpayers’ money in the provision of public services.

In some countries these initiatives have included the publication of citizen’s charters or public service charters: Western European examples include the UK, Belgium, France, Italy, Portugal and the Netherlands. In a memorandum submitted to the UK House of Commons Public Service Committee in October 1996, the Cabinet Office’s Charter Unit (as it then was) claimed that at least fifteen countries have implemented or are implementing programmes similar to that in the UK, including Argentina, Australia, Canada, the United States, Belgium and Singapore.. Hong Kong has its Performance Pledge. In October 1997, the South African Government joined the charter family, with the publication of its white paper, People First.

All these charters vary in content and purpose, but most of them have included (in various combinations) initiatives to improve the transparency and accessibility of services, the
simplification of administrative procedures, cutting red tape, the development of new performance indicators and the publication of performance outcomes, and the improvement of mechanisms for the redress of citizens grievances.

The French Charte des Services Publics, adopted in March 1992, announced the intention of adding to the traditional French public service principles of equality, neutrality and continuity, new principles of transparency, participation and simplification. The objectives of the French charter included taking account of service users’ needs and explaining and helping them with procedures; encouraging participation by citizens; cutting delays and simplifying procedures; increased accountability, particularly through quality indicators, and more recourse to conciliation and arbitration with regard to disputes.6

Back in the UK, readers of this journal will need little reminding that, compared with many other countries - particularly France and some of the UK’s other continental European neighbours - public law has a relatively low profile, as does (at least until recently) the concept of legally enforceable rights. As one British commentator has put it:

When talking to an audience elsewhere in Europe, this appear to them the most striking feature of the Charter initiatives. Coming from a different tradition of public law, their expectation is that a document of this kind should have legal force and that recourse to the courts should follow if there are breaches of commitments formally entered into by the state.7

The UK charter itself was not a constitutional, or even a statute-based, initiative (though some statutes have flowed from it); its status in public law has been peripheral; it did not, in itself, confer legally enforceable rights. One possible, partial explanation of the apparent disappearance of the Charter is that it has now been overtaken in the public consciousness (and certainly in the consciousness of public lawyers) by the enactment of the Human Rights Acts 1998 – which promises real ‘rights’ – albeit of a different kind. The enactment of the Freedom of Information Act 2000, giving a statutory right of access to official records and information may also be significant in this context.8

Another point to bear in mind is that a Charter can be the victim of its own success. In particular, its fundamental goal of ‘empowering’ citizens by informing them of their entitlements and encouraging them to make a nuisance of themselves if they think they have been short-changed can all too easily backfire. Critics pointed out that use of the word ‘citizen’ in the context of the original Charter initiative was misleading, because the original Citizen’s Charter did not seek to match its catalogue of customer rights with corresponding civic and social obligations – the hallmark of citizenship. And the ones to suffer at the hands of empowered citizen-customers are inevitably – as some of the public service unions pointed out when the charter was first launched – hard-pressed and low-paid front line staff.

One apparent instance of this undesirable side effect was in the NHS with its Patient’s Charter – containing ambitious promises that, for instance, all patients should be assessed within 30 minutes of arrival in accident and emergency, and that no one should wait more than 30 minutes for an outpatient’s appointment. A report by the King’s Fund9 in 1998 found
many defects in the Patient’s Charter – not least that most patients knew little about it and most staff found it unhelpful (though HNS managers apparently liked it). Frank Dobson, then Health Secretary, opined subsequently that the Charter had raised unreasonable expectations among patients and their relatives, and that the consequent frustrations had contributed to an increase in violent attacks on NHS staff. He promised to replace the Charter with a new version in which patients would have responsibilities – including that of behaving decently towards staff - as well as rights. This approach was endorsed in a review of the Patient’s Charter conducted by Greg Dyke, the TV executive, who also argued that the imposition of national standards (e.g. on waiting times) often cut across the realities of local circumstances, and that most standards should be set locally.

The new approach was incorporated into a new document, Your Guide to the NHS, published in conjunction with the NHS Plan, launched by the prime minister in July 200010. Its first section comprised a set of ‘core principles’, stated in very general terms (e.g. a reaffirmation of the universality of the NHS’s services, ‘based on clinical need, not ability to pay’); the second section set out ‘your commitment to the NHS’ – including (in paraphrase) look after your own health and lifestyle, donate blood, pay NHS charges promptly and be polite to staff and other NHS users.

The NHS version of the Charter has been reinvented in the light of experience – which accounts for the disappearance of the Patient’s Charter, at least in England (it still survives in Northern Ireland, Scotland and Wales11) . But more generally, across the whole range of public services, the Charter initiative has undergone an incremental metamorphosis over the ten years since its birth, which goes most of the way to explaining its apparent disappearance. In June 1998, the Blair Government revamped and renamed its predecessors’ Charter as ‘Service First’. A year later, the main elements of Service First were in turn incorporated into the Government’s White Paper, Modernising Government12. ‘And, following upon an announcement in that White Paper, on 9 February 2001 the Government announced a new ‘consumer focus’ for public services, involving regular use of the government’s People’s Panel to carry out regular consumer surveys across a range of public services13. So the spirit of the original Citizen’s Charter lives on – albeit with new nomenclature and as part of a wider agenda of ‘modernisation’ and ‘consumer focus’. The heavy top-down pressure from the Cabinet Office in the early days, reflecting strong prime ministerial involvement, has become less necessary as the Charter principles have become absorbed into the bloodstream of public services – and are taken largely for granted by both the producers and the users of those services. Centrally, ‘Service First’ is still embedded in the subculture of the Modernisation Unit, but practically the only centralised features of the original 1991 Charter that now remain visible are the annual Chartermark exercise and the nationally published performance league tables – particularly in the fields of Health and Education.

A web-search for ‘Citizen’s Charter’ still produces dozens of entries, which turn out on closer examination to be, almost exclusively, local and/or sectoral in scope. The original, rather ponderous child of the Major years has produced numerous small offspring, scattered across the public services – and has itself perished, or at least atrophied, in the process.
Notes


4. Quoted in an updated version of the memorandum submitted by the Charter Unit to the Select Committee Enquiry into the Citizen’s Charter. The Select Committee’s Report, with a separate volume containing this and other evidence, was published in March 1997, HC 78, 1996-97.


11. Useful information can be found at BBC online, http://www.bbc.co.uk/health/consumer/rights_charter.shtml

12. Cm. 4310, March 1999

13 http://www.servicefirst.gov.uk/consumerfocus/guide_general.htm