



RULES

(approved at Annual Meeting on 14 May 1997 and amended at Annual Meetings on 11 May 2000, 24 May 2001, 30 May 2002, 28 May 2004, 7 April 2005, 9 May 2008, 14 May 2010, 12 May 2011, 16 May 2013, 14 May 2015 and 25 May 2017)

1. Name

The Association shall be called:

Ombudsman Association

2. Objects

The objects of the Association shall be to:

- a) Support and promote an effective system of complaint handling and redress in the United Kingdom, Ireland, Britain's Crown Dependencies and Britain's Overseas Territories.
- b) Encourage, develop and protect the role of an ombudsman in both the public and private sectors as the 'best practice' model for resolving complaints, according recognition through membership.
- c) Provide an authoritative voice and promote best practice and policy for those involved in complaint handling and redress to ensure an effective service for the public.
- d) Support open and transparent accountability and endorse principles of good complaint handling.

3. Membership

- (a) There shall be three categories of Membership for which those eligible shall be as follows:
 - (i) 'Ombudsman Member': an Ombudsman office recognised by the Association as satisfying the Association's Criteria for the Recognition of Ombudsman Offices. The Criteria are attached as Schedule 1.
 - (ii) 'Complaint Handler Member': organisations which have complaint handling as a significant part of their role and which operate in accordance with the Association's Principles of Good Complaint Handling, but do not meet the Association's Criteria for the Recognition of Ombudsman Offices. The Requirements for Complaint Handler Membership are attached as Schedule 2.

- (iii) 'Associate Member': any individual (Individual Associate Member) or organisation (Corporate Associate Member) who, in the opinion of the Executive Committee, is interested in and supports the objects of the Association.
- (b) The Director shall maintain an up-to-date list of Members of the Association.
- (c) Applications for Membership shall be decided as follows:
 - (i) Any Ombudsman office as shall wish to become an Ombudsman Member of the Association must submit to the Director an application in the form specified by the Association and signed by the Ombudsman or on their behalf. The Executive Committee shall at their discretion admit to Membership as an Ombudsman any Ombudsman office recommended by the Validation Committee in accordance with the Association's Criteria or remit the recommendation to the Annual Meeting or a Special General Meeting of the Association for decision.
 - (ii) Any organisation as shall wish to become a Complaint Handler Member of the Association must submit to the Director an application in the form specified by the Association and signed by the head of the organisation or on their behalf. The Executive Committee shall at their discretion admit to Membership as a Complaint Handler Member any complaint handling organisation recommended by the Validation Committee in accordance with the Association's Requirements for Complaint Handler Membership or remit the recommendation to the Annual Meeting or a Special General Meeting of the Association for decision.
 - (iii) Any individual or organisation as shall wish to become an Associate Member must submit to the Director an application in the form specified by the Association and signed by the individual or the head of the organisation or on their behalf, as appropriate. The Executive Committee shall at their discretion admit to Membership as an Associate Member any individual or organisation who, in their opinion is interested in and supports the objects of the Association, after seeking advice from the Validation Committee if the Executive Committee so wishes. Where an application for Associate Membership appears to be straightforward, the Chair, in consultation with the Director, shall have discretion without reference to the Validation Committee or the Executive Committee to approve it on behalf of the Executive Committee, subject to reporting the decision subsequently to both Committees – see Rule 9(g) below.)
 - (iv) Regardless of the category of Membership applied for, the Executive Committee, following consideration by the Validation Committee, may determine which category is appropriate for an applicant scheme and may offer Membership in a category other than that applied for, where appropriate.
- (d) Each Ombudsman Member shall have a Representative who shall be the Ombudsman (or other individual person performing that role at the office of that Ombudsman Member). However, if an Ombudsman office has two or more Ombudsman (or other individual persons performing that role) its Representative shall be such one of them as it shall specify by notice in writing to the Director.

- (e) The Representative of an Ombudsman Member shall be entitled to exercise on behalf of that Member all such rights as attach to being an Ombudsman Member of the Association.

4. Subscription

- (a) Each Member shall pay an annual subscription according to the category of Membership as set out in Rule 3(a) namely, Ombudsman Member, Complaint Handler Member, Individual Associate Member or Corporate Associate Member, and according to any differential in the rates of subscription within a particular category which the Executive Committee may determine.
- (b) The annual subscription shall be due on joining the Association and thereafter on the 1st day of April each year, except that a new Member joining on or after 1 January, shall not be required to pay a subscription for the remainder of that financial year.
- (c) The amount of the subscription shall be determined from time to time by the Executive Committee and their decision reported to the Annual Meeting.

5. Resignation

- (a) A Member shall cease to be a Member on giving written notice to the Director of resignation.
- (b) A Member whose subscription is more than three months in arrears shall be deemed to have resigned.

6. Expulsion

- (a) The Executive Committee shall have power to expel a Member when, in its opinion, the Member no longer meets the Criteria for the Recognition of Ombudsman Offices or the Requirements for Complaint Handler Membership, as appropriate, or it would not be in the interests of the Association for that Member to remain a Member for some other reason.
- (b) A Member shall not be expelled unless the Member shall first have been given the opportunity to attend a meeting of the Executive Committee and 28 days notice in writing specifying the date, time and place of the meeting and details of the reasons for the proposed expulsion. The Member shall be entitled to appear before the Executive Committee accompanied, if the Member so wishes, by a representative or friend to answer any complaint against the Member and shall not be expelled unless at least two thirds of the Executive Committee then present vote in favour of the Member's expulsion. The decision of the Executive Committee on whether or not to expel a Member, with reasons, shall be notified in writing to the Member.

7. Officers

- (a) The Association shall have a Chair, a Vice-Chair, a Director, and a Treasurer. The Chair and Vice-Chair must both be Ombudsman Members of the Association.
- (b) The Director may also be the Treasurer of the Association.
- (c) The Chair and Vice-Chair shall be proposed, seconded and elected by the Ombudsman Members at an Annual Meeting and shall hold office for two years until the conclusion of the next but one Annual Meeting when they shall retire. Any vacancy occurring between Annual Meetings by resignation or otherwise may be filled by the Executive Committee at their discretion until the conclusion of the next Annual Meeting, at which an election shall be held. A retiring Chair and Vice-Chair shall be eligible for re-election.
- (d) The Director (and Treasurer, if the post is separate from that of Director) shall be a paid employee of the Association accountable to the Executive Committee and shall be appointed by a sub-committee of the Executive Committee following public advertisement. The duties of the Director (and Treasurer if a separate post) shall be those fixed from time to time by the Executive Committee but shall include the duties described in these Rules. The Executive Committee shall fix the Director's (and Treasurer's) salary and any other remuneration from time to time.

8. Executive Committee

- (a) The Association shall have an Executive Committee, which shall consist of the Chair, Vice-Chair, Director and Treasurer (if the post of Treasurer is separate from that of Director), and up to nine other elected members, composed of six Ombudsman Members and three Complaint Handler/Associate members.
- (b) The nine members of the Executive Committee, other than the Chair, Vice-Chair, Director and Treasurer, shall be elected at an Annual Meeting.
 - (i) The eight members representing Ombudsman Members (including the Chair and Vice-Chair) will ideally include:
 - Two public sector ombudsman schemes from the UK
 - Two private sector ombudsman schemes from the UK
 - Two ombudsman schemes from Ireland
 - One 'small' ombudsman scheme (XXS, XS or S budget categories)
 - (ii) The three members representing Complaint Handler Members and/or Associate Members (from either the UK or the Republic of Ireland) will ideally include at least one 'small' scheme (XXS, XS or S budget categories).

- (c) The members of the Executive Committee shall hold office for two years until the conclusion of the next but one Annual Meeting when they shall retire. Retiring members of the Executive Committee shall be eligible for re-election. Any vacancy occurring between Annual Meetings by resignation or otherwise may be filled by the Executive Committee by co-option until the conclusion of the next Annual Meeting, at which an election shall be held.
- (d) The Executive Committee shall be responsible for the conduct of the business of the Association in accordance with these Rules and the decisions taken at the Annual and Special General Meetings.
- (e) The Director shall give all members of the Executive Committee not less than seven days written notice of a meeting of the Executive Committee. Decisions of the Executive Committee shall be made by a simple majority of all the members present and voting and in the event of equality of votes the Chair (or the acting chair of that meeting) shall have a casting or additional vote. The Director, or in the absence of the Director, a member of the Executive Committee shall take minutes.
- (f) A sub-committee or sub-committees may be set up for particular purposes either by the Executive Committee or by the Association at an Annual Meeting, or a Special General Meeting. The membership may include Complaint Handler Members and Associate Members as well as Representatives of Ombudsman Members. A sub-committee shall have the power to make recommendations to the Executive Committee. The recommendations of a sub-committee set up by the Association at an Annual Meeting or at a Special General Meeting shall first be considered by the Executive Committee, but shall be received by the Association at the next Annual Meeting or Special General Meeting together with the Executive Committee's comments on them.

9. Validation Committee

- (a) Each year the Executive Committee shall appoint a Validation Committee whose responsibility shall be to:
 - (i) Advise the Executive Committee on whether applications for Membership shall be approved.
 - (ii) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Ombudsman Members continue to meet the Criteria for the Recognition of Ombudsman Offices as set out in Schedule 1 to these Rules, and to advise the Executive Committee if they consider that an Ombudsman Member no longer meets the Criteria.
 - (iii) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Complaint Handler Members continue to meet the Requirements for Complaint Handler Membership as set out in Schedule 2 to these Rules and to advise the Executive Committee if they consider that a Member no longer meets those Requirements.

- (iv) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Associate Members continue to meet the requirements for Membership as set out in 3 (a) (iii) above and to advise the Executive Committee if they consider that a Member no longer meets those requirements.
 - (v) The Validation Committee's report following a review of a Member's eligibility for Membership, together with the comments of the Executive Committee, shall be submitted to the next Annual Meeting or, at the discretion of the Executive Committee, a Special General Meeting of the Association.
- (b) The Validation Committee shall consist of the Vice-Chair of the Association, who shall be the Chair of the Validation Committee, one other Ombudsman Member of the Executive Committee and three independent non-ombudsman members. Members may be reappointed at the end of their year of office. Recommendations of the Validation Committee shall be decided by a simple majority of votes.
 - (c) The independent members of the Validation Committee shall be chosen from among those who, in the opinion of the Executive Committee, represent the public interest; have knowledge of the Ombudsman function; are known to support it; and will make a relevant contribution to the work of the Validation Committee because of their particular skills and experience.
 - (d) Ombudsman Members and Complaint Handler Members are not eligible for appointment as independent members of the Validation Committee.
 - (e) The Validation Committee shall meet as required and the Director of the Association shall be responsible for providing relevant papers, advising the Committee and recording its proceedings.
 - (f) At the Chair's discretion, the Validation Committee's business may be conducted other than by holding a meeting, e.g. by correspondence or by telephone.
 - (g) All applications for Ombudsman Membership and Complaint Handler Membership must be considered by the Validation Committee, but where an application for Associate Membership appears to be straightforward, the Chair in consultation with the Director shall have discretion without reference to the Validation Committee or the Executive Committee to approve it on behalf of the Executive Committee, reporting the decision subsequently to both Committees.

10. Annual Meeting

- (a) The Association shall hold an Annual Meeting in each year to transact the following business:
 - (i) To receive the Chair's report of the activities of the Association during the previous year.
 - (ii) To receive and consider the accounts of the Association for the previous year, the Auditor's report on the accounts, and the Treasurer's report as to

the financial position of the Association.

- (iii) To remove and elect the Auditor or to confirm that he or she remains in office.
 - (iv) To elect the officers and other members of the Executive Committee.
 - (v) To decide on any resolution which may be duly submitted in accordance with Rule 10(k).
- (b) The quorum for the Annual Meeting shall be a quarter of the Ombudsman Membership.
 - (c) The Chair or, in his or her absence, the Vice-Chair or another Ombudsman Member selected by the Executive Committee, shall take the chair.
 - (d) All Members present shall be entitled to speak and to participate in discussion but only Ombudsman Members shall be entitled to vote at the Annual Meeting, other than to receive and consider the accounts of the Association (see rule 10(a)(ii)) and for the election of the Complaint Handler Members and/or Associate Members to be members of the Executive Committee (see rule 10(j)).
 - (e) An Ombudsman Member shall be represented at the Annual Meeting by its Representative or, in his or her absence, by such other individual representative as the Representative may by prior notice in writing to the Director appoint for a particular meeting.
 - (f) The Director, or in the absence of the Director, a member of the Executive Committee, shall take minutes at the Annual Meetings.
 - (g) Nominations for the election of a member to the offices of Chair, Vice-Chair and for the election of the six other Ombudsman Members of the Executive Committee shall be made in writing to the Director not less than 14 days before the Annual Meeting by the proposer and seconder, who must both be representatives of Ombudsman Members.
 - (h) A decision on the election of the Chair, Vice-Chair and six other Ombudsman Members of the Executive Committee shall be made by the Ombudsman Members, if necessary by a vote when a simple majority of Ombudsman Members present and voting shall be required for a candidate to be elected.
 - (i) The nominations for the ninth, tenth and eleventh members of the Executive Committee, who shall be Complaint Handler Members and/or Associate Members (from the UK or the Republic of Ireland), shall be made in writing to the Director not less than 14 days before the Annual Meeting by the proposer and seconder who must both be Complaint Handler Members and/or Associate Members.
 - (j) A decision on the election of the three Complaint Handler Members and/or the Associate Members of the Executive Committee shall be made by the Complaint Handler Members and the Associate Members, if necessary by a vote when a simple majority of Complaint Handler and Associate Members present and voting shall be required for a candidate to be elected. Director

- (k) Notice of a resolution to be moved at the Annual Meeting proposed and seconded by a Member, who may be an Ombudsman Member, Complaint Handler Member or Associate Member, shall be given in writing to the Director not less than 14 days before the meeting.
- (l) A decision on a resolution moved at the Annual Meeting, other than a resolution proposing an amendment(s) to the Rules, the Criteria for the Recognition of Ombudsman Offices (Schedule 1) or the Requirements for Complaint Handler Membership (Schedule 2), shall be made by the Ombudsman Members, if necessary by a vote, when a simple majority of Ombudsman Members present and voting shall be required for a resolution to be carried. In the event of an equality of votes, the Chair of the meeting shall have, as the case may be, a casting or additional vote.

11. Special General Meeting

- (a) A Special General Meeting may be called at any time by the Executive Committee.
- (b) A Special General Meeting shall be called by the Executive Committee within six weeks of being so requested by not less than five Ombudsman Members by notice in writing to the Director signed by or on behalf of those Ombudsman Members to consider such business as may be specified in the notice.
- (c) The procedure at a Special General Meeting shall be the same as at the Annual Meeting.

12. Alteration of the Rules and Criteria

The Rules and the Schedules to the Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a two-thirds majority of Ombudsman Members present and voting at the General Meeting.