Message from BIOA’s new Chair

By Emily O’Reilly, Ombudsman, Ireland

My election this year as Chair of BIOA is a great honour for myself, for the Irish Office of the Ombudsman and for the ever growing community of Irish Ombudsmen. I am grateful for the rather daunting privilege bestowed upon me and will do my best to continue the fine work undertaken by my predecessors.

There may be some trepidation (mild, I hope) at the prospect of an Irish Ombudsman at the helm of what is predominantly a British membership based Association. Yet the increasing size of the Irish membership prompts a larger role for the ‘I’ part of BIOA. Both Irish and British members share mutual concerns and ambitions but for obvious and practical reasons Jerry White, the UK based Vice-Chair of BIOA, has been tasked with looking after uniquely British concerns in relation to general Ombudsman policy.

I won’t be marching on the Cabinet Office just yet!

I come to this position at an interesting time in the evolution of BIOA. The Association is getting bigger, more complex, and the demands on BIOA from the membership are themselves evolving. An incoming Chair must take stock of the current landscape before moving ahead with a programme of work.

Recently I reviewed the work of former Chair Walter Merricks and his Executive Committee, noting the outcome of a membership survey undertaken just under five years ago.

Some ideas from that survey have been or are being implemented; others, such as a proposal from Walter himself to change the Association into an Institute were never subsequently developed. It struck me that next year - the fifth anniversary of the survey - would be a good time to look again at our organisation and chart out a fresh course if that is what the membership wants.

At our first Executive Committee meeting, my colleagues also noted that next year’s BIOA conference will coincide with the 200th anniversary of the creation of the first Ombudsman in Sweden - yet another reason for re-evaluating the work of BIOA.

That re-evaluation, in broad terms, will be the guiding theme...
A note from the Editor

This issue endeavours to mark some of the many significant events that have taken place over the past months in the ombudsman world in general and BIOA in particular. Our cover story is from our new Chair, Emily O’Reilly, the first Ombudsman from Ireland ever to head the Association. In July, the Parliamentary Ombudsman published an important report with far-reaching consequences in the area of redress. In other fields, remits changed, new appointments were made and legislation was proposed or introduced. And, with sadness, we remember Michael Mills, Ireland’s first Ombudsman, who died in April, and Ian Smith, a member of the Ombudsman Team at tOSL, who died in July.

Our regular features include profiles of Ros Gardner, Independent Complaints Mediator for the Criminal Records Bureau, and Mr. Justice Kevin Haugh, Chairman of the Garda Síochána Ombudsman Commission. Our colourful building feature describes the home of the Ombudsman for Children in Ireland, and our interview is with Dr Tony Wright, MP, Chair of the Parliamentary Administration Select Committee. His interview covers a range of issues, including the accessibility of complaints handling systems to citizens. Accessibility is one of two new policy statements outlined in an article by the Financial Ombudsman Service, and our case studies are about ‘vulnerable’ people and their particular needs.

In other items, Shelley Radice, former Removals Industry Ombudsman, argues for more private sector ombudsmen, and former BIOA Chair Tony Redmond gives us his impressions of the inaugural conference of the Australian and New Zealand Ombudsman Association. There is also an account of our own Annual Meeting and the fringe events that were held in Edinburgh earlier this year, and advance notice of the Biennial Conference to be held in Warwick next May.

Best wishes,
Emma Gray, Editor

New Energy Ombudsman Appointed

On 19 June 2008, Ofgem appointed the Ombudsman Service Limited (tOSL) to become the new independent ombudsman for gas and electricity customers. The new ombudsman service (the Energy Ombudsman) will replace the voluntary scheme that Ofgem ordered the industry to put in place in 2006 with a statutory scheme that all energy companies, including network companies, must join.

The new statutory ombudsman will still settle disputes between energy companies and customers and retain the powers to award customers up to £5,000 in compensation. The coverage of the scheme will now be extended to small businesses as well as domestic customers.

As part of the Consumers, Estate Agents and Redress Act (CEARA) 2007, consumer representation will also change in the energy industry. The new arrangements will replace energywatch. From 1 October, Consumer Direct will take on responsibility for providing initial advice to energy consumers, as they do already in other sectors. The new National Consumer Council will bring together the current NCC with some of the functions of energywatch and Postwatch to create a more powerful and streamlined consumer body.

As part of the new arrangements, a new statutory redress scheme was to be set up to formalise the industry-led arrangements which Ofgem required to be put in place in 2006 to provide redress to energy customers who could not resolve their disputes with suppliers. All companies will now, on a date set by the Department for Business, Enterprise and Regulatory Reform, be required to join the scheme run by tOSL. It is expected that this date will be 1 October to align with the rest of the new arrangements.

Ombudsman for Estate Agents

The Office of Fair Trading (OFT) has approved the applications from both the Ombudsman for Estate Agents (OEA) and tOSL (Surveyors Ombudsman Scheme) to operate estate agents redress schemes for the purposes of the Estate Agents Act (EAA) 1979, as amended by CEARA.

The Department for Business, Enterprise and Regulatory Reform (BERR) is working towards commencement of the CEARA redress scheme provisions for the estate agency sector on 1 October. With the approval of redress schemes, the Secretary of State for BERR will now be able to make an order under CEARA requiring all estate agents dealing with residential property in the UK to join an approved scheme. BERR expects this order to commence on 1 October from which time estate agents will be required to join an approved scheme.

First LGO – PHSO joint report

Using their new powers, the Local Government Ombudsman, Tony Redmond, and the Parliamentary and Health Service Ombudsman, Ann Abraham, collaborated for the first time on an investigation crossing their jurisdictions and issued their first joint report. Injustice in residential care: A joint report by the Local Government Ombudsman and the Health Service Ombudsman for England was published in March. Both Ombudsmen found the Council and Health Trust failed to provide an acceptable standard of care for a man with severe learning disabilities.

The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 enabled the Ombudsmen to consider maladministration and the resulting injustice in a joined up manner. Although they had separate jurisdictions over different parts of the complaints,
the Ombudsmen felt that collaboration was in the best interest of the complainant as many aspects of the health and social care complaints were inextricably linked.

**PHSO recruitment drive**
The Parliamentary and Health Service Ombudsman is to set up an office in Manchester for up to 150 staff, and will launch a major recruitment drive from September. This will be part of the build-up to the implementation of the two-stage system for NHS complaints in April 2009. A range of posts in both London and Manchester will be advertised, including opportunities for people with relevant skills, knowledge and experience to join PHSO as case workers, customer service officers, clinical advisers, managers and administrative support staff. A separate recruitment process will be available for applicants who are currently employed in complaint handling by the Healthcare Commission.

**Complaints group reports to Scottish Government**
The Fit-for-Purpose Complaint System Action Group’s report to Scottish Ministers was published on 21 July. Membership of the Group was drawn from consumer organisations, service providers and complaints handling organisations (including Alice Brown, the Scottish Public Services Ombudsman) as well as from policy makers. The Group was chaired by Douglas Sinclair, from the Scottish Consumer Council. If accepted by Scottish Ministers, the recommendations herald significant changes across the complaints handling landscape in Scotland. The SPSO would extend its jurisdiction to take on the external review of complaints about prisons, water services and buses; take final stage local authority social work complaints directly; become the ‘design authority’ for public service complaints processes; and would have a more explicit role in ‘training for complaints handlers’. A new signposting service would also be established to provide guidance and general advice to consumers on complaining.

**Legal Services Ombudsman bill for Ireland**
The Legal Services Ombudsman Bill 2008 was published by the Minister for Justice, Equality and Law Reform in Ireland on 31 March. The Ombudsman will oversee the handling by the Law Society and Bar Council of complaints by clients of solicitors and barristers. The key functions of the Ombudsman are:
- to provide a form of review for clients of solicitors and barristers who are dissatisfied with the handling of a complaint made to the Law Society or Bar Council
- to oversee the complaints procedures in place in the Law Society and Bar Council
- to monitor and report annually to the Minister and the Oireachtas on the adequacy of the admissions policies of both professions.

**Ombudsman for the Defence Forces in Ireland delivers keynote address**
Ombudsman Paulyn Marrinan Quinn delivered a keynote address at the OSCE Headquarters in Vienna on 29 May at the launch of the Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel produced by the Office for Democratic Institutions and Human Rights and the Geneva-based Centre for the Democratic Control of Armed Forces. The handbook is aimed at all individuals who play a role in promoting, protecting and enforcing the human rights of armed forces personnel, including policy makers, military personnel and judges.

In Dublin on 3 June the Ombudsman launched the ODF Annual Report 2007. The report reveals an exponential increase in cases referred to her Office in its second year of operation. 2007 saw the ODF examine 76 cases, a 192% increase on 2006. The report highlights the increased use of the ODF by senior ranks, the first cases referred by members of the Air Corps and the Naval Service and the first cases involving allegations of harassment and bullying referred to the ODF.

**New role for former Northern Ireland Police Ombudsman**
The former Northern Ireland Police Ombudsman, Dame Nuala O’Loan, is to be Ireland’s first Roving Ambassador and Special Envoy for Conflict Resolution to Timor-Leste, it was announced earlier this year. It marked the first appointment made under the Irish Government’s Conflict Resolution Initiative.

**Scottish Public Services Ombudsman to stand down**
Professor Alice Brown has announced her intention to demit office in March 2009.

**New BIOA members**
The Association is delighted to welcome the following new Corporate Associate members since the last edition of the newsletter:
- Barristers Professional Conduct Tribunal, Ireland – represented by Donal O’Kelly (Secretary)
- Service Complaints Commissioner for the Armed Forces – represented by Dr Susan Atkins, Commissioner.

**BIOA Executive Committee**
The following were elected to the BIOA Executive Committee at the Association’s Annual Meeting on 9 May:

**Chair of the Association:**
Emily O’Reilly – Ombudsman for Ireland

**Representing Voting members:**
Professor Alice Brown – Ombudsman for Ireland
Elizabeth France – Chief Ombudsman, tOSL (Energy, Telecommunications and Surveyors Ombudsman)
Caroline Mitchell – Ombudsman, Financial Ombudsman Service

**Representing Voting members in the Republic of Ireland:**
Paul Kenny – Pensions Ombudsman, Ireland

**Representing Associate members:**

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**Michael Mills**

Michael Mills, Ireland’s first Ombudsman, died in April. Michael, a highly-respected former political journalist with the Irish Press, was Ombudsman from 1984 to 1994, having been appointed by the Fine Gael-Labour government led by Garret FitzGerald. A full obituary will appear in the next issue.
The Ombudsman
Issue 35

Ros Gardner – Independent
Complaints Mediator for the
Criminal Records Bureau

The Annual Meeting also
approved the increase
by two in the number
of Executive Committee
members. To fill these
vacancies for the current
year, the following have
agreed to be co-opted onto
the Committee:

Representing Voting
members:
Jerry White – Vice-Chair
of the Commission for
Local Administration for
England (Local Government
Ombudsman)

Representing Associate
members:
Susanne McCarthy
– Immigration Services
Commissioner

The Executive Committee has
also elected Jerry White as
the Association’s Vice-Chair
for the current year.

Interest groups
Four interest groups met
earlier this year, as follows:

Legal Interest Group – on
12 March, under John Tate,
Director of Legal Services
at the Independent Police
Complaints Commission, as
Chair

Communications Interest
Group – on 13 March,
under Shelley Radice,
former Removals Industry
Ombudsman, as Chair

HR Interest Group – on
14 March, under Peter
Stansfield, HR Director at
the Financial Ombudsman
Service, as Chair

First Contact Interest
Group – on 21 May, under
Carol Neill, Outreach
Team Leader at the
Scottish Public Services
Ombudsman, as Chair.

Sue Fox, Director of
Communications and External
Relations at the Information
Commissioner’s Office, has
now taken over as Chair of
the Communications Interest
Group on the retirement from
office of Shelley Radice.

Attendance at interest
group meetings is open to
any interested staff member
of BIOA member schemes,
and new members are always
very welcome. These groups
facilitate communication
between schemes and
enable staff to share ideas
and issues of concern, and
to disseminate good practice.

Please contact the Secretary
(secretary@bioa.org.uk) if you
are interested in joining one
or more of these interest
groups.

Fair Premises

Millennium House,
Dublin

No. 6 in a series

When Emily Logan was appointed Ireland’s first
Ombudsman for Children in March 2004, not only was
she charged with building the organisation up from its
foundations, she was also required to find a suitable home
for the new entity. It was vital that the physical premises
reflect the culture and values of the body responsible for
promoting children’s rights, so it naturally took some time
and considerable effort to find a suitable space.

A floor and a half of a commercial building on a small
street in Dublin’s north city centre were secured and then
subjected to a full fit-out designed with children and young
people in mind. Emily Logan worked for months with
architects, builders and interior designers to create the
right look and feel for a place that would regularly welcome
children, young people, parents and professionals of many
disciplines, and would also accommodate the serious work
of an Ombudsman, and have the capacity to cope with
increasing staff numbers over time.

A vibrant colour scheme was selected for the first floor
of the office which now houses a number of participation
spaces including an exhibition area, an amphitheatre style
education room for school and other visits, and a number
of other rooms. A kaleidoscope of colour was added to
this part of the premises by artwork created by children
and young people from local schools. The artwork adorns
windows, glass walls and regular walls. It is complemented
by poignant photographs, specially commissioned for the

Operational Management
Seminars

On 24 April, Operational

By Nikki Gallagher, Communications Advisor, Ombudsman for
Children’s Office
Biennial Conference 2009
The next Biennial Conference of the Association will be held on 7/8 May 2009 at Scarman House Conference Centre, University of Warwick.

The Conference will celebrate 200 years of the institution of the Ombudsman (the first Ombudsman in its present form was introduced by the Swedish Constitution in 1809), examining how and where BIOA and its member schemes fit into that landscape, with the overall theme of ‘much done – still more to do’. The first day will concentrate on inside out with BIOA members looking objectively at the Association and its members from within; the second day will concentrate on outside in with external speakers looking in from the outside.

The Conference fees will remain as for the last two conferences at £380 (+ VAT) to include accommodation on 7 May and meals.

Full details, including booking information, will be sent out in due course.

Future events
Autumn Seminar
The biennial Autumn Seminar this year will be held on Tuesday, 7 October at the offices of Lawrence Graham Solicitors at 4 More London Riverside, London SE1 2AU (near Tower Bridge). Starting at 10.00am and ending at 4.30pm, the following two topics will be covered using both external and internal speakers to generate discussion:

■ First Contact
■ Performance Management Systems.

A modest charge of £50 (to include lunch) will be made to those attending, and the event is open to all staff of BIOA member schemes.

Preparation for the next AGM will include the soliciting of questions and views about the ongoing work and the proposed future changes to the role of the various working groups in order to promote lively debate and a clear sense of mandate. Everyone has a voice in BIOA and everyone needs to contribute.

I look forward to working with the new executive in the evaluation and promotion of your interests and I thank you again for the honour of being enabled to do so.

Message from BIOA’s new Chair
Continued from page 1 of the Conference and I would welcome thoughts on that from you the members.

Also at our first meeting, the Executive Committee approved the continuation of the work of the Accreditation Working Group in its progress towards producing one or more pilot courses for BIOA staff later next year. The Committee approved the expenditure of £15,000 to assist with this in the form of consultancy work. It is intended that not only will approved courses for case-handling staff be run by several providers, but also that existing suitable training arrangements within schemes can be ‘kite-marked’.

Membership engagement with the work of BIOA is something I am extremely keen to promote under my Chairmanship. This is your organisation; the executive and the working groups need engaged feedback from you to enrich and direct our work. Preparation for the next AGM will include the soliciting of questions and views about the ongoing work and the proposed future changes to the role of the various working groups in order to promote lively debate and a clear sense of mandate. Everyone has a voice in BIOA and everyone needs to contribute.

I look forward to working with the new executive in the evaluation and promotion of your interests and I thank you again for the honour of being enabled to do so.

The Ombudsman Issue 35
ANZOA Conference

As BIOA Chair, Tony Redmond was invited to attend the first conference of the Australian and New Zealand Ombudsman Association (ANZOA) in April. Here he writes about some of the key issues discussed.

Fiona McLeod, the Chair of ANZOA, proudly opened the inaugural conference of the Association in Melbourne, addressing more than 150 delegates. In the first session of the Conference John McMillan, Commonwealth Ombudsman for Australia, drew attention to the use of the term ‘Ombudsman’ by those who are certainly not independent and are often part of the organisation to be investigated. These include internal ombudsmen in councils, universities, companies, industry and government ombudsman subject to ‘direction’. This trend is apparently carrying on largely unchecked but ANZOA is proactive in lobbying Government and the bodies concerned.

The delegates watched 16 two-minute video presentations by ombudsmen where the issues and challenges facing their offices were outlined. It was my role to comment on these, drawing out messages and trends from what was being said and, where appropriate, using BIOA’s experiences to identify possible solutions. Almost every ombudsman pointed to fluctuations in demand for the services and changes occasioned by new legislation, industry activity or new regulation. Other subjects raised included: raising public awareness; recruitment of skilled staff; merging existing schemes; greater use of conciliation; relationships with scheme members and complainants; the ability of the scheme member to pay compensation; and meeting industry benchmarks for quality and consistency underpinned by a regime of clear guidance, robust procedures and sound quality management. The role of the ombudsman in putting a personal stamp of authority on these processes was also stressed.

Beverley Wakem, Chief Ombudsman (New Zealand) talked about achieving administrative justice and procedural fairness in ombudsman investigations. She spoke eloquently about the role the ombudsman plays alongside courts, tribunals and other bodies in providing remedial help to people and how the rules of natural justice / procedural fairness are fundamental to effective investigations.

Finally, a panel of ombudsmen, judges and academics debated “The role of Ombudsmen in the justice system – where does the Ombudsman sit?” There was a high degree of consensus about how ombudsmen had developed their roles in the administrative justice system. Much was made of the ombudsman’s service being accessible, free at the point of delivery and relatively timely. Whilst some argued for more of a regulatory role, this was resisted by others. There was also agreement that the ombudsman complemented the courts in providing administrative justice.

A most enjoyable and worthwhile conference of more than 150 delegates covering a wide range of subjects, well attended and, as an inaugural conference, undoubtedly a success.
Let’s have more… private sector ombudsmen

By Shelley Radice, (former Removals Industry Ombudsmen)

H aving spent six years as the removals ombudsman I am convinced that the general public is aware of the ombudsman concept, and understands that if there is a problem, the ombudsman is there to help.

When given the choice between service providers, in this case domestic removal companies, consumers regularly chose a member of the Ombudsman Scheme, sometimes telephoning to check that the company was still in membership. In an otherwise unregulated market, this was often a deciding factor, over-riding cost considerations.

The ombudsman is used as a marketing feature in the brochures of removal companies. The role is described, and the telephone number provided. This meant that sometimes a distressed householder was able to call up during or immediately after a removal, and have explained what they should do next. The issues were seldom administrative; they would concern familiar and cherished household objects in the hands of strangers, or sometimes queries relating to money at a time when already there are huge financial obligations.

Although the ombudsman is always described as being ‘independent’ and ‘fair’, the public does tend to assume that the ombudsman is a ‘consumer champion’, and can be upset when the argument is not resolved in their favour. But on the whole, private sector ombudsmen do deliver quick resolution in minor disputes: an aggrieved consumer receives some degree of satisfaction, and innocent service providers have a nuisance customer restrained.

The variety of private sector ombudsmen

There is a difference between the Removals Scheme and other schemes within BIOA. Most others now have some statutory position by virtue of being linked to a regulator. In an ideal world this is a preferred model, as it offers a weightier sanction against those companies which do not comply with the ombudsman’s decision. But as complainants can still have recourse to the courts, this is not a substantial drawback in practice, and means that it is relatively easy to set up new schemes.

An advantage to commercial companies in having their own ombudsman is that the customs and practices, constraints and specialities of their particular business sector can be understood, appreciated and explained when necessary; this is not available to a judge in the small claims court.

Structure of the schemes

Trade associations coming together to establish a scheme can be highly successful because they can bring in all their members. This model brings with it the industry standards and codes, possibly an intermediate level of complaint handling, and can play a useful role in applying sanctions. However, an ombudsman scheme where individual companies choose to join can be very effective where it would give them a competitive edge. This is an incentive to participate which can also raise standards. Whichever model is used, the governance bodies can be accommodated.

Conclusion

It would be good to see BIOA actively encouraging the establishment of more private sector ombudsmen. My own experience leads me to be sure that consumers welcome such a role, and when given the opportunity, do seek it out. Even when redress is theoretically available through the courts, or through arbitration, a customer with a problem with a supplier does like to know that they are dealing with someone who understands, who knows how to approach the dispute, and who is able to address the supplier, while they can get on with their daily life.
Q&A

Editor Emma Gray is grateful to Dr Tony Wright, MP, Chair of the Public Administration Select Committee, for agreeing to answer questions about the Committee’s March 2008 report, *When Citizens Complain*. Dr Wright has been a Member of Parliament since 1992, and became Chair of the PASC in 1999. The Committee is charged with examining the quality and standards of administration within the Civil Service and scrutinises reports of the Parliamentary Ombudsman.

*When Citizens Complain* notes that complaints systems favour “the educated and the articulate”. In her presentation at the BIOA Annual Meeting in May 2008, Sharon Gilad (King’s College) spoke of the need to nurture this special, small group of people who have the necessary persistence to tell organisations when things are going wrong. Do you agree, and if so, what are the implications of this for widening access to the vast majority of people who do not complain, particularly the more vulnerable who are most dependent on public services?

Clearly, those rare people that have the tenacity to ensure that organisations respond to their complaints and concerns do a fine public service to us all, and need to be encouraged. The point we were making in our *When Citizens Complain* report, though, is that complaints processes need to be as open and accessible as possible to all. What we found from our work on complaints is that complaints procedures in government are often confusing, complex and tricky to navigate. This means that only the most persistent—the group that Sharon Gilad mentions, and rightly celebrates—manage to get through the system. What we want to see is for procedures to be made simpler and clearer, so that everyone who has a valid complaint can get their case considered and their views known.

Could you expand a little on the report’s statement in paragraph 57 that: “Public services should seek to discover what complainants hope to achieve from making their views known. Some may look for financial compensation; others may want no more than a sincere apology, and an explanation of the steps being taken to ensure that mistakes are not repeated”. What specific improvements would you suggest if public services were to adopt this approach?

The point here is that where complaints are found to be valid, people should get the redress appropriate to their particular situation. And in most cases, people will have an idea of what they would like from an organisation in order to put things right—whether that is an apology, monetary compensation or a commitment to improve how things are done in the future. This is consistent with the *Principles for Remedy* that the Parliamentary Ombudsman has set out. The underlying idea is that complaints systems, and those dealing with complaints, need to be responsive to the people making complaints. Complainants want to feel that they are being heard and understood, and an important part of this is for organisations to listen to people’s views on what should be done to rectify poor performance.

The key role of efficient complaints handling in enhancing public confidence is stressed in the report. Could you say a little more about complaints as a mechanism for feeding back learning? To what extent can they be a tool for rebuilding trust when things have gone wrong?

We established in our report the importance of government bodies handling complaints well, so that things can be put right where necessary—which, as you suggest, helps to ensure public confidence and trust in the system. But it is also important that organisations use the information that complaints provide to improve both their core service and how they deal with future complaints. This is why we say that government needs to learn from complaints in getting things right for the future—which is just as important as putting them right in the first place. This is essential to the process of restoring trust in organisations, since it helps assure the public that lessons have been learned from past mistakes or poor performance.

The report calls for consideration to be given to setting up a single access and advice point for complaints. As the report acknowledges, there is a huge range of services delivered by government, often by several organisations together, and a need for the service to be a telephone one as well as an online portal. *Was the Committee able to identify any examples from other countries or from the private sector, where such an advice point has been successfully set up?*

Our recommendation for a single access point within government for advice about how to complain arises directly out of an earlier proposal of ours that there should be a ‘one-stop shop’
for information about public services in general—Public Services Direct. The broad idea is that it should be as simple as possible for people to get the information they need about public services. We were inspired by examples such as NHS Direct, which has been very successful at making information about health care much more readily accessible to people.

The Government’s website Directgov provides a great deal of information about a variety of public services. We felt, though, that a one-stop complaints information service should be more user-friendly and have a telephone helpline. We were thinking more along the lines of the service provided by Consumer Direct, the publicly-funded consumer advice service. Consumer Direct takes a very practical, user-oriented approach to consumer issues and complaints, and makes a huge amount of specialised advice available online or by phone.

**Did the Committee have a view on the sometimes voiced concern that advice points can become impersonal call centres where people feel passed from pillar to post and unable to get an answer?**

The problem of people being passed from pillar to post did come up as an issue of particular frustration to people wanting to make a complaint. What we found was that often people had no idea where to turn to get the information they wanted, or couldn’t get the answers they needed from the parts of government organisations they did manage to get through to. The problem arises from large government organisations not being geared up to deal effectively with individual complaints, especially those raising complex concerns that cut across a number of departments’ responsibilities. What is logical in terms of how an organisation arranges its business will not always make sense to an individual trying to find the right person to deal with their complaint. Having a single access point for information about complaints, like our Public Services Direct proposal, is designed to get around this problem, by providing complainants with an initial way in and guidance about how to proceed with their concern.

**Should there be a closer relationship between complaint handlers and the Citizens Advice Bureau in the area of providing support to the public in making a complaint? If so, what steps would you recommend for bringing the two organisations together?**

I would certainly welcome any steps to improve the support that people can get to make a complaint. Citizens’ Advice Bureaux provide a brilliant service, and complaint handling bodies could well learn a great deal from how CABs relate to and work with their clients.

One thing to be clear about, though, is that government complaint bodies have an adjudicatory role over complaints. This means that ultimately they will have a fundamentally different relationship with complainants than Citizens’ Advice Bureaux, which exist primarily to provide support and advice to people.

**Is there a danger that using the proportion of upheld Ombudsman complaints as a performance indicator could lead to the Ombudsman being seen as a regulator?**

In her annual report, the Ombudsman already publishes statistics on the numbers of complaints she receives about government departments and bodies, and the percentage of these that are upheld. These are very useful statistics for observing trends across government about the number of complaints being made.

What the Committee suggests is that departments should use this type of information to help improve their performance – in terms of both complaint handling and the overall service they provide. The number of complaints upheld gives organisations an indication of how well (or otherwise) they are handling the complaints they receive. This can help them identify whether they need to improve their complaint handling procedures. Likewise, data on the number and content of complaints received allows organisations to see where and how they could improve their core job of service delivery.

**Could and should subject specific parliamentary committees (e.g. health) make greater use of the learning from Ombudsman’s offices?**

It is clearly the case that parliamentary select committees benefit greatly from keeping an eye on the Ombudsman’s work and her findings. I speak from experience here. Some of my Committee’s most significant achievements have resulted from taking up the findings of Ombudsman reports – on occupational pensions, for example, or the compensation scheme for British civilians interned by the Japanese during the Second World War. The Ombudsman’s investigations are a unique resource in helping select committees to scrutinise government effectively and hold it to account.
Improving user service and increasing transparency: taking forward the Financial Ombudsman Service agenda

By Alison Hoyland, Policy Manager, FOS

The aim
The Financial Ombudsman Service aims to ensure that people who need to use our service know about us, that we are accessible and that we meet the particular needs of our customers have in using the service. We also pl ace a great deal of importance on being an appropriately open and transparent organisation about what we do and how we do it.

These concepts are not new and will be familiar to fellow BIOA members; individual schemes will take an approach that is suitable to the sector and environment within which they work and in line with their own processes and procedures. However, it is appropriate that we should take stock from time to time and review and reassess our approach in the light of developments within our individual sectors and more generally - to check that we are in step with best practices and that we don’t fall behind the times.

Taking stock
To this end, last year, our Board asked Lord Hunt of Wirral – a distinguished financial services lawyer and former cabinet minister – to conduct a review which focused on ‘accessibility’ and ‘transparency’. We asked him to talk to as wide a range of external stakeholders as possible to help inform our approach and set the direction of travel going forward. In particular, we wanted to know whether:

■ we ought to do more to be visible and accessible to those we are designed to serve
■ we are making the most effective use of the information and experience derived from our dispute-resolution work, in order to add value for the benefit of industry, consumers and regulators

In April this year, following his three month ‘call for evidence’ and extensive engagement with stakeholders, Lord Hunt presented his report to our Board.

Setting the direction of travel
Lord Hunt made 73 recommendations in total, including that we should:

■ do more to raise our profile
■ increase investment in pro-active communications – including TV advertising, consumer campaigns and strategic partnerships with government and others
■ offer a freephone service
■ extend our opening hours
■ follow-up earlier initial contacts
■ appoint ‘case advisers’ – to guide the most vulnerable consumers through the complaints handling process
■ publish business-specific complaint data
■ publish selected decisions
■ publish comprehensive information on Ombudsman policy and methodology
■ publish Board meeting minutes
■ publish formal communications with the regulators.

Lord Hunt also addressed some ‘old chestnuts’ that were inevitably raised by some stakeholders. Lord Hunt said:

■ our approach to settling disputes on the basis of “what is fair and reasonable” is essential to underpin our credibility as an informal alternative to the courts
■ charging consumers to access the Ombudsman would comprehensively damage accessibility
■ there is no convincing case for an external appeals mechanism
■ there should be no change to our approach to formal hearings (holding them only where absolutely necessary – as most disputes can be decided on the basis of paper evidence).

Taking the agenda forward and next steps
Lord Hunt’s review is extremely useful to us going forward and it will help inform our strategic approach to ‘accessibility’ and ‘transparency’ now and in years to come.

On 25 July we published two policy statements setting out our strategy and the decisions of principle that our Board has made on accessibility and transparency issues, including in relation to Lord Hunt’s conclusions.

As our papers recognise, some of the decisions and work programmes build on things we already do and some are new. And, inevitably, some will take time to implement fully – not least because of the resource implications. But on ‘accessibility’ the end result should include:

■ monitoring general awareness and investing in awareness raising
■ ensuring that our messages reach consumers through ‘trusted partners’, and through local and national media
■ extending our opening hours
■ commissioning specialist external research into the advantages and disadvantages, for different users, of an 0207 number, 0845 or 0800 as a consumer helpline
■ researching the extent to which we could do away with a signed complaint form
■ researching following-up

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Mr Justice Kevin Haugh
Chairman of the Garda Síochána Ombudsman Commission (GSOC)

Mr Justice Kevin Haugh was appointed Chairman of the GSOC in February 2006. The GSOC was established by the Garda Síochána Act 2005 and became operational on 9 May 2007.

The advent of the GSOC marks a significant advance in the accountability and transparency of civil policing in Ireland. It places the country among a very small cohort of Common Law jurisdictions where similar provisions now operate.

The commissioners have a clear view of the organisation’s role in the relationship between the general public and the Garda Síochána. They say consent and trust should underpin their model of policing. Confidence in the accountability of the police is essential to building such trust. Independent oversight, answerable to the Oireachtas and as provided by GSOC, is a key part of that accountability. When a member of the public has an issue with a garda, there is now a system which can investigate the matter independently and bring it to conclusion.

If a garda is involved in a car collision, it is in his or her best interests that an investigation is not only proper and thorough (as one would expect), but also conducted independently (as is the case with GSOC). This should be a source of comfort to gardai who do not want suspicion to surround their actions. Investigations by the GSOC are carried out in accordance with the operational protocols which were agreed, as required by law, with the Commissioner of the Garda Síochána.

As it goes forward, a body of knowledge and experience is being built up within the Garda Síochána as to what independent oversight means and how it works in practice.

It is the hope of the Ombudsman Commission that this will help to make such oversight be seen for what it is - an impartial, independent system of inquiry.

Justice Haugh is a graduate of University College Dublin and King’s Inn who for 30 years practiced as a Barrister, becoming a senior counsel in 1983. He has served as a judge of the Circuit Court, the Special Criminal Court and was nominated for appointment to the High Court in 2005.

Ros Gardner
Independent Complaints Mediator for the Criminal Records Bureau

Ros Gardner, who has recently been elected as a member of the BIOA Executive Committee (representing Associate members), has been working in complaint management and consumer representation for over 20 years.

Prior to that, Ros enjoyed an extensive management career with Marks & Spencer which she joined in 1970. In 1988 Ros was appointed Customer Service Manager, in charge of a department handling over 250,000 complaints annually. As a result of this, Ros was selected to serve on the high-profile Citizens Charter Complaints Task Force, chaired by Baroness Wilcox and sponsored by the then Prime Minister, John Major.

This work, which involved a review of complaint handling across the public sector, was Ros’s first venture away from the retail and commercial sectors. She was pleasantly surprised to find that the skills gained in M&S were transferable across sectors. This was further recognised when Ros was appointed Director of Field Operations for NACAB (National Association of Citizens Advice Bureaux, now Citizens Advice). This position, which was undertaken while on secondment from M&S, broadened her experience and led her into the work she has been doing since.

Ros set up a consultancy in 1997 to work as a professional speaker on customer care and complaint handling. Other consultancy projects included establishing the Consumer Helpline for the Financial Ombudsman Service.

She was also involved in establishing the complaints procedure for the newly-formed Criminal Records Bureau in 2001. This work led to her appointment as the Bureau’s first Independent Complaints Mediator in 2002. Ros also holds a number of public appointments in the Nursing & Midwifery Council, the General Teaching Council and the Human Genetics Commission.

In all of these roles, Ros’s main focus has been lay and consumer representation and she is still actively involved in complaint management. She was recently appointed the Independent Reviewer for the Independent Disputes Resolution Service (IDRS) and has recently held the appointment of Interim Complaints Commissioner for the Bar Council.

Ros says she is looking forward to participating in the Executive Committee and making a contribution to the Association. She has gained so much from BIOA, she says, it is time to put something back.
**Case studies**

This issue highlights concerns from ‘vulnerable’ people in a range of situations that have led to complaints.

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**Vulnerable woman bankrupted over council tax debt**

*Local Government Ombudsman, report issued 18 July 2008*

Camden Council made a woman bankrupt for non-payment of council tax, even though she had mental health difficulties and was unable to conduct her own affairs. In the report, Local Government Ombudsman Tony Redmond says part of the Council knew of the woman’s problems, but the Revenue Department did not find this out because it failed to make effective internal enquiries. Had it done so, the Council would most likely have taken different steps, with less serious consequences.

Mrs Gordon (not her real name for legal reasons) had mental health difficulties and was not capable of managing her own affairs. Camden Council’s Community Mental Health Team was aware of this. Mrs Gordon had not paid her council tax. The Council’s Revenue team applied for a bankruptcy order, which was granted. Mrs Gordon had not paid her council tax. The Ombudsman recommends that the Council change its procedures to make stringent checks for potential vulnerability before taking action leading to bankruptcy, a charging order or committal.

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**Disabled man suffered indignity and inconvenience**

*Local Government Ombudsman, report issued 4 July 2008*

A disabled man suffered unnecessary indignity and inconvenience as a result of Sheffield City Council’s failures over the adaptation of his home to meet his needs. In her report, Local Government Ombudsman Anne Seex says that the man (called ‘Mr N’ in the report) spent 10-14 weeks without access to washing facilities or a toilet, and had to borrow £10,000 from relatives to fund the adaptations.

The Ombudsman welcomed the Council’s actions in providing a remedy for the injustice Mr N suffered, by apologising, paying £2,000 compensation, reimbursing the £14,340 costs he had incurred himself, and taking action to review its procedures. Mr N was paralysed from the chest down after an accident. About 17 weeks before he was discharged from the specialist NHS Spinal Injuries Unit where he was cared for, an NHS occupational therapist contacted the Council to make the arrangements needed for him at home. The Council took no substantive action for over 10 weeks and the NHS occupational therapist followed up the referral five times before Mr N was assessed by a Council occupational therapist. This assessment was to start the process of arranging a disabled facilities grant (DFG) to adapt Mr N’s home to meet his needs.

Contrary to national advisory guidance, the Council did not give Mr N accurate information about its criteria, processes or timescales for his DFG application. The Council’s occupational therapist told Mr N, incorrectly, that it would take 12-18 months to provide him with a ramp to get his wheelchair up the three steps to his front door. Mr N therefore arranged for friends to build him a ramp. Mr N was also told that the work to his house would take 6-12 months.

Mr N spent 10-14 weeks at home without access to washing facilities or a toilet and with a ‘shower chair’ that was too small for him to use as a commode. The result was that he could only defecate by lying on an incontinence sheet on his bed and manually removing faeces. During this time his family asked the Council to give greater priority to the adaptations to his home, and Mr N made a formal complaint. He received no response and, believing that he would have to wait months for the work to be done, borrowed £10,000 from family and friends and instructed builders. The Council did not tell him that it could have continued with his application for a DFG and that approval was only a few weeks away.

Knowing that the shower chair was too small to be used as a commode, the Council’s occupational therapist delayed ordering a replacement in order to be sure that it would be the right size for the fittings in Mr N’s adapted bathroom. It was only after Mr N made a second formal complaint (to which he also did not receive a response) that the Council began to try to get a replacement, that was eventually delivered six months after Mr N had been discharged.

The service the Council provided to Mr N fell far short of that envisaged in the Government’s advisory *Good Practice Guidance on Delivering Adaptations to Disabled People* and was maladministration causing Mr N injustice.

Since receiving a draft of this report, the Council has apologised to Mr N, reimbursed his costs and made monetary compensation in recognition of the indignity, inconvenience and distress that he experienced, and his time and trouble in pursuing his complaint. The Council is also reviewing its procedures.
its joint arrangements with the NHS for providing equipment and adaptations to people who are discharged from hospital and for providing shower chairs; the information it provides; and how its current practice compares to a checklist in the national advisory guidance.

**Domiciliary Care Allowance**

*Office of the Ombudsman, Ireland, report issued 5 June 2008*

An investigation was carried out into three complaints received by the Office regarding the refusal of Domiciliary Care Allowance (DCA) by the Health Service Executive (HSE).

- The first case involved an application for DCA in respect of a girl who has Sickle Cell Disease (SCD) which had been refused on the grounds that she did not require care and attention considerably in excess of that normally required by a child of the same age. In this case, the girl’s sister, who also has SCD, had been granted DCA. The medical evidence was identical for both girls. The Ombudsman considered that the decision to award DCA in respect of one of the girls and refusing it in respect of the other, was improperly discriminatory and contrary to fair or sound administration.

- In the second case, DCA was refused in respect of a boy who has Attention-Deficit Hyperactivity Disorder (ADHD) because the HSE considered this condition to be a behavioural disorder, and not a disability. However, the examination of other cases by the Ombudsman had revealed that DCA has been awarded in respect of other children with ADHD. The Ombudsman considered that the decision to refuse DCA was improperly discriminatory and contrary to fair or sound administration.

- The third case related to a boy who has cerebral palsy. The first application for DCA had been refused in 1995 and a second, made in 2001, was also refused. The Ombudsman considered the decision in respect of the boy’s entitlement did not take into account all of the relevant medical and other evidence and that the manner in which this case was handled was contrary to fair or sound administration. She recommended that the case be reviewed by a Senior Area Medical Officer of the HSE, who had not previously been involved in the case, taking all of the evidence available from clinicians who had treated the boy, and from teachers in his school and that the HSE communicate the outcome of this review to her within two months.

In addition to the recommendations which are specific to these cases, the Ombudsman also recommended that the HSE undertake a review of DCA applications in respect of children diagnosed with ADHD, in the Community Care area, to determine the extent to which similar applications may have been refused.

In addition, because the Ombudsman had found that there is a lack of consistency in the administration of the DCA scheme throughout the HSE nationally, she recommended that the HSE provide her with a detailed report setting out the measures it proposes to take in order to bring about consistency and understanding in the interpretation, among Senior Area Medical Officers nation-wide, of the DCA scheme.

The Ombudsman’s findings and recommendations were accepted in full by the HSE. The HSE has informed the Ombudsman that in two of the cases, in which she had recommended the award of DCA, arrears in excess of €18,000 and €13,000 are to be paid in addition to ongoing monthly payments of €299.60 each. In the third case, the HSE has arranged for a Senior Area Medical Officer, who was not previously involved in the case, to undertake a review of the DCA entitlement.

* Domiciliary Care Allowance is a monthly allowance administered by the Health Service Executive which may be paid in respect of children from birth to the age of 16 who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age.

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**Taking forward the Financial Ombudsman Service agenda**

Continued from page 10

consumers who contact us early in their complaint

- piloting an in-house scheme to ‘hand-hold’ consumers with specific needs or disabilities through our case handling process
- promoting our training materials for the consumer advice sector
- providing named relationship managers for selected representatives and consumer advice agencies
- enhancing our arrangements for prioritising particular cases and being clearer about any expected delays.

And on ‘transparency’ the end result should include:

- developing an online digest of our processes and approach
- publishing selected decisions
- encouraging academic study in our processes, approach and decisions
- publishing business-specific complaint data
- increasing the transparency of our dealings with relevant regulators
- publishing a record of our Board meetings
- strengthening our existing quality and consistency systems.

As we plan the implementation of these decisions, we will work with a consultative group representing both industry and consumers.

We will outline further considerations in relation to the implementation of these decisions – including their impact on resources, costs and timing – in our next corporate plan and budget, published in January 09.

Lord Hunt’s report, *Opening up, reaching out and aiming high – an agenda for accessibility and excellence in the Financial Ombudsman Service*, and our policy statements on ‘accessibility’ and ‘transparency’ can be found on our website at www.financial-ombudsman.org.uk.

*The Ombudsman Issue 35*
In what has been hailed as the most important report in the history of the Parliamentary Ombudsman’s Office, Ann Abraham has concluded her four-year long investigation of the handling of the collapse of the life assurance company Equitable Life. The report, which was published on 17 July, calls on the Government to apologise to Equitable Life policyholders and to establish and fund a compensation scheme for those policyholders.

In her report, *Equitable Life: a decade of regulatory failure*, the Ombudsman makes ten determinations of maladministration on the part of the former Department of Trade and Industry, the Government Actuary’s Department, and the Financial Services Authority, in relation to their regulation of Equitable Life in the period before 1 December 2001. In addition to upholding several specific complaints, the Ombudsman upheld a general complaint about the period before Equitable Life closed to new business on 8 December 2000.

The report makes two recommendations. First, that a compensation scheme should be established to assess the individual cases of Equitable Life’s current and former policyholders, with a view to paying compensation to remedy any financial losses which would not have been suffered had those people invested elsewhere than with Equitable Life.

The Ombudsman suggested that such a scheme should be established within six months of any decision by Government and Parliament to do so and, once operational, should complete its work within two years. The scheme should be independent, transparent, and simple to administer.

The Ombudsman also recommended that the Government should apologise to policyholders for what her report describes as the ‘serial regulatory failure’ that she has identified.

Following the report’s publication, the Public Administration Select Committee, whose duties include examining the Ombudsman’s reports, announced that it would be holding public hearings in the autumn, not only on Equitable Life, but also on the wider questions raised by the report.

Equitable Life report published

We are saddened to learn of the death of Ian Smith – a member of the Ombudsman Team at tOSL. Ian was the first Surveyors Ombudsman and played a vital role in the foundation of the Surveyors Ombudsman Service.

The annual report of the Surveyors Ombudsman Service marks the first year of the UK wide service which Ian did so much to help establish.

Ian joined tOSL in June 2007 bringing with him the pilot Surveyor Ombudsman Scheme which had operated in Scotland from January 2004. His work focussed on developing the UK wide service.

Ian Smith graduated LL.B. from the University of Dundee in 1970, qualified as a solicitor and held a wide range of legal and administrative posts in local government before becoming a senior manager. He was Chief Executive of a District Council, a Regional Council and a Unitary Council. From 1999 until 2002 he was a member of the Board of West of Scotland Water and Convener of the Water Customer Consultation Panels in Scotland. From 2000 until 2002 he was Local Government Ombudsman in Scotland. He was also a Board member of the Scottish Children’s Reporter Administration, a member of the Appointing Committee of the General Dental Council, a Committee member of Impact Housing Association in Cumbria, and a Governor of Glasgow Caledonian University.

By Elizabeth France CBE – Chief Ombudsman, tOSL (Energy, Telecommunications and Surveyors Ombudsman)
2008 Annual Meeting

The 2008 Annual Meeting of BIOA took place in Edinburgh on 9 May at the Royal College of Physicians of Edinburgh and was attended by around 160 members, staff of member schemes and guests. On the previous evening there was an Association Dinner held at The George Hotel in Edinburgh attended by around 130, following a 'Fringe' event for managers and case workers of members schemes held during the afternoon at the office of the Scottish Public Services Ombudsman (see separate report over the page).

At the Annual Meeting, in addition to the formal business of the Association, external speakers presented on the theme of 'Ombudsmen and the changing world in which we operate'. The programme was as follows:

Annual Meeting of the Association
Chair: Tony Redmond
Chairman, Commission for Local Government in England (Local Government Ombudsman)
Chair, British and Irish Ombudsman Association

Consumer Issues
Chair: Brian Taylor
Political Editor, BBC Scotland
Speakers: Dr Sharon Gilad
Lecturer in Public Sector Organisation, King's College London
Susan McPhee
Head of Social Policy & Public Affairs, Citizens Advice Scotland

Regulation
Chair: Jane Irvine
Scottish Legal Services Ombudsman
(Designate: Chair, Scottish Legal Complaints Commission)
Speakers: Professor Sir Graeme Catto
President of the General Medical Council
John Elliott
Registrar and Director of Regulation, Law Society of Ireland

Administrative Justice
Chair: Professor Alice Brown
Scottish Public Services Ombudsman
Speakers: The Rt Hon the Lord Newton of Braintree
Chair, Administrative Justice & Tribunals Council
Professor Trevor Buck
Professor of Socio-Legal Studies, De Montfort University
Brian Thompson
Senior Lecturer in Law, University of Liverpool

The minutes of the Annual Meeting, covering the formal business of the Association, are available to members and staff of member schemes in the ‘members’ area’ of the BIOA website. Items covered during this part of the meeting included:

- address by the outgoing Chair, Tony Redmond
- presentation of the Annual Report for 2007/08
- election of the new Chair, Emily O’Reilly, and Executive Committee
- the Association’s finances and budget for the current year
- reports on the Accreditation and Governance Working Groups
- changes to the Rules of the Association to increase the number of Executive Committee members by two, and to allow for the appointment by the Executive Committee of a Vice-Chair.

The 2007/08 Annual Report is available to view or download on the BIOA website (www.bioa.org.uk) and is available in printed form on request from the Secretary (secretary@bioa.org.uk).

New Chair - biographical note
Emily O’Reilly took over the Chair of BIOA at the 2008 Annual Meeting. She is the Association’s first Chair from the Republic of Ireland.

Emily O’Reilly was appointed Ireland’s third Ombudsman on 1 June 2003 by the President of Ireland, Mrs Mary McAleese, on the nomination of both Houses of the Oireachtas (Dáil and Seanad). Prior to her appointment, Emily was a journalist and author and had been a political correspondent for various media since 1989.

At the same time, the Ombudsman was also appointed Ireland’s second Information Commissioner under the Freedom of Information Act 1997. In this role Emily O’Reilly provides an independent review of decisions relating to the right of access of members of the public to records held by public bodies. She is also a member of the Standards in Public Office Commission, the Dáil Constituency Commission and the Commission for Public Service Appointments.

Emily is a native of Tullamore, Co Offaly and is married with five children. She was educated at University College Dublin and Trinity College Dublin. She was also the recipient of a Nieman Fellowship in Journalism at Harvard University, Cambridge, USA.
The Edinburgh Fringe

This year’s Annual Meeting came with an extra bonus – the ‘Fringe’ event, organised by the Scottish Public Services Ombudsman. Forty members of different schemes attended the three workshops on offer, and short reports of each are below.

Internal Appeals, by Kerry Barker, SPSO

All the best Fringe events take place in unlikely venues and we happily found ourselves wedged in the kitchen between the left-over sandwiches and the dishwasher! We started with an overview of the current internal appeals process used by the SPSO and discussion of how and why this has changed over time. In particular we explored the move to make clear distinctions between complaints about service and complaints that are disagreements with decisions. We discussed how the process works, and sometimes does not work, from different perspectives. There was unanimity on the importance of determining when best to advise the complainant of their right of appeal. Much of the rest of the session was spent discussing the variations in approach of ombudsman schemes in the group including the use of external reviewers (for ‘service quality’ complaints), limiting internal review to a one step process, the need for an effective policy to deal with the persistent and vexatious to back up any review process, the language used to convey a decision/ advise of the right of appeal and finally what difference any of this may make to the number of such appeals and the satisfaction of complainants whose basic complaint is not upheld.

We concluded that there was no one ‘best’ answer to review processes and certain complaints would inevitably go through every possible review available. There was also agreement that review was not in itself something to be afraid of and indeed it was important that we be seen to practice what we preach.

We touched briefly on strategies for dealing with complainants who have particular needs which require especially sensitive handling and the various processes used to measure ‘customer’ satisfaction (noting that this can often have the side-effect of rekindling old complaints). All in all, food for thought – as were the left-over sandwiches.

Learning from complaints, by John McLuckie, SPSO

The workshop ‘Learning from complaints - persuading the powerful’ focussed on the practical issues around ensuring that conclusions and recommendations made by ombudsmen make a real difference for the customers of organisations under jurisdiction. It was acknowledged that there is an art in formulating outcomes that are realistic and challenging, and that have an impact on the quality of services or products. It was clear that, while there are differences between private and public sector contexts and between ombudsman schemes that are binding and those that are voluntary, the challenges are very much the same. Careful negotiations that combine persuasion with sanction are needed in any context and follow-through matters. It was agreed that the care taken in reaching conclusions is a vital factor in persuading organisations that recommendations flowing from these conclusions are sound.

Dealing with Challenging Behaviour, by Valerie Malloch & Sally Collingwood, SPSO

The workshop on dealing with challenging behaviour generated lively and interesting discussion on this familiar topic. The initial focus was on guidance the SPSO are considering developing to help staff deal with complainants with mental health problems and there was an acknowledgement that some complainants can be particularly vulnerable. The discussion ranged widely over challenging behaviour more generally and there was a good sharing of current practice and ideas. The need to ensure staff are supported and given appropriate and practical training was a dominant theme as was the need to be clear and firm with complainants not only to help ombudsman staff but to help manage complainants’ expectations.

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