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www.ombudsmanassociation.org

Illustration courtesy of Nesta
Welcome to Issue 49, and Happy Birthday to the Ombudsman Association which celebrates its 20th anniversary this month. In this edition you’ll find a splurge of news and features to keep you up to date with goings on across the Ombudsman Association and wider Ombudsman industry.

One news item, this issue, highlights Nesta’s new report *Gripes, grumbles and grievances* which looks at using complaints to innovate and create (page 10). I think members will enjoy this report due to our common interest in using the learning from complaints to drive improvement of services.

Many items highlight the progress and innovation that has taken place at the Association and member organisations.

Going back to the start, Ian Pattison, Association Secretary reflects on day one at what was BIOA (page 16), while Andrew Bradley summarises his first ten years of Ombudsman Services (page 18).

On innovation, hear how the Gibraltar Ombudsman is using modern technology to maintain old fashioned values in its contact with users (page 5). Find out how re-validation encourages members to up the ante (page 14), and learn how the Legal Ombudsman has revamped its approach to quality (page 19).

Many members now publish decisions to increase the value and reach of our work. James Miller’s article looks at current practice and outlines the Financial Ombudsman Service’s planned approach (page 22).

Nazia Latif of the Northern Ireland Human Rights Commission explains how she is working with the Ombudsman to put human rights high on its agenda (page 24). Also in Northern Ireland, Michaela McAleer (page 28) considers the practicalities of extended Ombudsman powers for own initiative investigations.

I hope you enjoy this edition.

Please send your feedback and suggestions for future Issues to me at gbyrne@spso.org.uk

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**Read it Online**

Catch up with the latest Ombudsman and complaints handling industry news on your mobile. Simply scan the QR code (image on the right) using your smartphone and access the latest and earlier editions of *The Ombudsman* magazine.
The Collective Good

A Grump or a Blessing? Tony King on the collective noun for Ombudsmen

My last piece From the Chair (Issue 48) touched, amongst other things, on the opportunities for cooperation and fellowship that the Ombudsman Association offers its members.

I find I am continuing in a connected vein since, with the Biennial Conference upon us, I recently remembered a question that has cropped up at previous meetings. What is the collective noun for ombudsmen?

I am fairly sure that at the 2007 conference, Dr Tony Wright (then a Member of Parliament and Chair of the Public Administration Select Committee) proposed, off the cuff, a ‘Grump’ of ombudsmen. But he himself has recalled that, at a different time, he suggested a ‘Blessing’. Perhaps he had been influenced by recent experience on one, or both, occasions.

Obviously the gap between Grump and Blessing is too great for either to do the job. So what else might there be?

Well, actually Tony Wright was not the first politician to take up the challenge. At the 2004 Annual meeting of the Association in London, a proposal came from Ireland when Charlie McCreevy TD (Teachta Dála/Member of Irish Parliament) proposed, with a nod to our investigative role, an ‘Unravelling’ of ombudsmen.

And, when one looks, it seems politicians may be slightly obsessed with the subject.

In 2004 a UK Pensions Bill went through its Committee stage. The discussions included an amendment relating to the snappily titled Pension Protection Fund Ombudsman (a post that I hold alongside Pensions Ombudsman). The Pensions Minister at the time, the late Malcolm Wicks MP, said:

We have had an interesting discussion about the importance of the office of ombudsman and the concerns of some Hon. Members that there might soon be a plethora of such ombudspeople in Britain. The Hon. Gentleman reminded us, thanks to his able research assistant, of the Scandinavian origins of the ombudsman’s office. I am not sure what the collective noun of ombudsmen is; a smörgåsbord, perhaps, but that may be more Danish than Swedish. I have forgotten.

The Hon. Gentleman with an able research assistant (a relatively new MP called George Osborne) had in fact already had a go himself. He said, when expressing a concern about creating a new statutory ombudsman:

I am not sure what the collective noun for ombudsmen is: a complaint of ombudsmen, or a maladministration of ombudsmen? It would be something like that.

So, Grump, Blessing, Unravelling, Smörgåsbord, Complaint or Maladministration – the choice is yours. But whatever we are collectively, it is, at conference time at least, greater than the sum of its parts.
Introducing: Bernadette McNally, Director-General at the OIC

The last edition (Issue 48) of The Ombudsman contained an article by the former Director General of the Office of the Ombudsman (Ireland), Pat Whelan, now retired. Pat has been succeeded by Bernadette McNally. Prior to her appointment Bernadette worked as a Senior Investigator with the Ombudsman for three years. In her earlier career she worked as a front line health professional and was later a Director of Therapy and Social Work services in Ireland’s largest university teaching hospital, St James’s. Bernadette also worked as an advisor in the Department of Health and Children. She has a BSc and MSc from Trinity College Dublin and completed a graduate Leadership Program with the University of Limerick and the Office for Health Management.

In 2010, Bernadette led a multi-agency initiative to raise public awareness on the options available to make a complaint about health or social care services in Ireland. The project developed a number of resource tools, including a new website www.healthcomplaints.ie. This website provides comprehensive information on making complaints locally and the role of Ombudsmen, Regulators and Advocacy groups. The initiative sought to simplify what can be a complicated landscape.

The staff of the Office wish Bernadette well in her new role.

Office of the Ombudsman: www.ombudsman.gov.ie

European Ombudsman election

The European Parliament (EP) will elect a new European Ombudsman at its July plenary part-session, to replace Paraskevas Nikiforos Diamandourkos when he retires from the post on October 1, EP president Martin Schulz told MEPs as he opened the April session of the House.

Schulz explained in his opening address to the Parliament that a call to nominate candidates for the Ombudsman’s post was published in the EU Official Journal on April 4. The deadline for nominations is May 8, and candidate hearings would be held in mid-June. Candidates must be backed by at least 40 MEPs from at least two member states for their nominations to be considered.

Police Investigations & Review Commissioner

On 1 April 2013, the remit of the Police Complaints Commissioner for Scotland (PCCS) expanded to include investigations into the most serious incidents involving the police. The PCCS has been renamed the Police Investigations & Review Commissioner (PIRC).

Find out more at: www.pirc.scotland.gov.uk or follow on Twitter @PIRCNews to keep up with PIRC’s news updates.

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Office of the Ombudsman: www.ombudsman.gov.ie
Skype the Ombudsman

Innovation at the Gibraltar Public Services Ombudsman Office

The Gibraltar Public Services Ombudsman Office announced in March 2013, plans to further expand its service facilities to users by introducing Skype™ support. It hopes that in doing so it will provide another useful opportunity for citizens to easily access its service.

In a press release, Mario Hook, Ombudsman stated: ‘The Ombudsman’s Principles of Good Administration dictate that entities should provide services that are easily accessible to their customers. Being able to access us from the comfort of your own computer station opens a virtual door to our office.’

We spoke to Mario Hook about this recent innovation.

Why have you taken this step?

We receive the vast majority of complaints in person. People walk into our offices and in the main are seen to immediately, there is hardly no waiting time. I guess that this makes the process of lodging a complaint with the Ombudsman quite easy and comfortable. However, I am conscious that there are those who cannot come to our offices because of work and other commitments, which is why we upgraded our website to allow for complaints to be made via our on-line complaint form. Introducing Skype is yet another instrument in my continuous drive to make our services available to whoever requires our assistance.

What do you feel the benefits of using Skype will be?

Skype is just another portal to the Ombudsman. My desire is to make the Ombudsman in Gibraltar available to all its citizens. Whoever needs our services must find it easy to contact our office. This is my principal aim in making as many routes available as I possibly can to the public.

What uptake do you anticipate?

To be honest, I have absolutely no idea. Nevertheless, I am of the opinion that having this additional avenue available for people to contact us is a worthwhile exercise. At the very least, it gave us good media exposure! I feel that numbers are not important; the important factor here is that we are trying to make ourselves as accessible as possible and we shall harness any method available to us in order to make our availability to the public as easy as we possibly can.

How are you staffing the Skype function?

We are a small office and whilst we all have our defined areas of work, at the same time we all do whatever is required. As such we have two PCs on which we have Skype. One is in my office and the other one is on our PRO’s terminal.

I invite your readers to contact me on Skype at gibraltar.ombudsman Literally, “see you”, bye for now.
The Association’s Annual Report 2012/13 was published in May. In it you can find out about Executive Committee activity over the past year, external relations with the UK Government and other bodies, including providing evidence to the high profile Leveson Inquiry. You can also look back on the activities of members and interest groups and associated meetings.


The FOS publishes its budget

Each year, in January and February, the Financial Ombudsman Service (FOS) consults its stakeholders on its plans and budget for the coming financial year. The FOS invited comments from stakeholders on these plans and had discussions with key trade associations, financial services practitioners and consumer groups.

In January 2013, it published a consultation paper to explain its proposed plans for the 2013/2014 financial year – against the background of what had happened in the first nine months of the financial year 2012/2013.

Read the plan and budget online at: http://alturl.com/dho2r

The FOS now publishing all decisions

The Financial Ombudsman Service has announced that from 1 April 2013, it will be publishing all Ombudsman decisions. Find out more about this in an article by James Miller, creative content writer, the FOS, page 21.
Learning lessons from investigations

Over the past few months, Nigel Newcomen, the Prisons and Probation Ombudsman (PPO) has published a steady stream of new short Learning Lessons Bulletins, as well as larger thematic studies. These publications reflect the PPO’s new vision to ‘make a significant contribution to safer, fairer custody and offender supervision’ by encouraging services in remit to learn lessons both from individual investigations and from more themed analysis of findings from multiple investigations.

The PPO investigates individual deaths in prison, immigration detention or probation approved premises, as well as complaints from those in these settings. Investigations generate learning for the specific prison, immigration removal centre or probation trust, but many investigations can be grouped by themes or issues so that wider lessons can be drawn and good practice shared. In this way, services can be helped to reduce avoidable deaths and to avoid future complaints.

There have so far been two bulletins focused on complaint investigations; the first looked at complaints from those under probation supervision and the second looked at complaints relating to an individual’s ability to practise their religion in custody. A thematic study looked at complaints about the prison discipline system (known as adjudications). There have been three bulletins looking at themes from fatal incident investigations; deaths in approved premises, the use of mechanical restraints on seriously ill and dying prisoners, and deaths of prisoners on the basic regime (the most austere conditions reserved for poorly behaved prisoners). A thematic study has also looked at complaints about the prison discipline system (known as adjudications). There have been three bulletins looking at themes from fatal incident investigations; deaths in approved premises, the use of mechanical restraints on seriously ill and dying prisoners, and deaths of prisoners on the basic regime (the most austere conditions reserved for poorly behaved prisoners). A thematic study has also looked at complaints about the prison discipline system (known as adjudications). There have been three bulletins looking at themes from fatal incident investigations; deaths in approved premises, the use of mechanical restraints on seriously ill and dying prisoners, and deaths of prisoners on the basic regime (the most austere conditions reserved for poorly behaved prisoners). A thematic study has also looked at complaints about the prison discipline system (known as adjudications). There have been three bulletins looking at themes from fatal incident investigations; deaths in approved premises, the use of mechanical restraints on seriously ill and dying prisoners, and deaths of prisoners on the basic regime (the most austere conditions reserved for poorly behaved prisoners).

The Scottish Public Services Ombudsman’s Complaints Standards Authority (CSA) has published model complaints handling procedures (CHP) for the Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland. This is the fifth sectoral model CHP it has developed and reflects those already published for the Local Government, Housing and Further and Higher Education sectors in Scotland.

The Scottish Ombudsman, Jim Martin, has notified all applicable authorities that the model CHP applies to them with effect from 28 March 2013.

For further information, see: www.valuingcomplaints.org.uk/complaints-procedures/scottish-government-scottish-parliament-and-associated-bodies/
Ombudsman Services contributes to key European Commission summit on enforcement and consumer rights

Ministers from across Europe met on 18 March to consider how to build consumer friendly internal markets. Ombudsman Jon Lenton ran a workshop called "Enforcement in Tandem" which looked at ways to improve cooperation between organisations that protect consumers and regulators, using the energy sector as an example.

Blue Sky thinking

Sky TV has asked Ombudsman Services to bring unresolved complaints about its satellite TV service within its jurisdiction. Ombudsman Services already handles complaints about Sky’s phone and broadband services so it makes sense for consumers to have a single place to complain to if Sky fails to resolve a problem.

Bundled services (where several products are provided within a package deal) are becoming increasingly popular with many service providers. Often some elements of the package are regulated while others are not. This clear cause for consumer confusion is something that regulators are interested in addressing.

ABFA Joins Ombudsman Services

The Asset Based Finance Association (ABFA), the trade body for the invoice finance and asset-based lending industry in the UK and Ireland, has appointed Ombudsman Services to provide its external, independent system of dispute resolution. It has also published an enhanced Code of business practice for its members.

Kate Sharp, CEO of the ABFA said: “The code will ensure that small businesses using asset based finance will have clear options available to them if they feel they have been treated unreasonably by one of our members.”

Ombudsman Services’ Chief Ombudsman, Lewis Shand Smith said: “This is an important development for the ABFA’s customers. We are pleased to welcome the ABFA to Ombudsman Services and look forward to working with them.”

Newspaper Licensing Agency signs up

The Newspaper Licensing Agency (NLA) has joined Ombudsman Services’ Copyright Licensing redress scheme.

This means that customers who buy an NLA licence now have access to independent redress through Ombudsman Services. Customers can complain if they believe the NLA has failed to follow its own code of practice.

The NLA is one of 10 copyright collecting societies to choose Ombudsman Services to provide dispute resolution for their licensees and members.

Susan Fox, Director of Policy and Communications says:

“This is good news for the creative industries. Those who use the services of the NLA can be confident that we will help if there is a problem that the organisation cannot resolve. Our service is free and simple to use.”
SPSO welfare fund advice

On 1 April 2013, the Scottish Government introduced the Scottish Welfare Fund to replace community care grants and crisis loans. The Fund will be administered by local authorities and, as the final stage for complaints about local authorities, the SPSO will be able to look at complaints about this new function.

The SPSO has produced leaflets explaining that there are two local authority processes that can be used to raise concerns about the Fund. The review process allows the local authority to reconsider the decision. The complaints process deals with customer service complaints and some issues that cannot be raised through the review process.

The Scottish Government has also issued detailed guidance and documentation about the Fund on its website. The SPSO’s new leaflet for the public and leaflet for advisers can be accessed at: www.spso.org.uk/media-centre/news-releases/scottish-welfare-fund-information-for-public-and-advisers

External Review of LGO

On 29 April the Local Government Ombudsman (LGO) published the report of an external evaluation that they had commissioned looking at the operation of the LGO scheme. The terms of reference were to evaluate LGO against the Ombudsman Association’s criteria for membership. The evaluation was carried out by Richard Thomas CBE, Chair of the Administrative Justice and Tribunals Council; Jim Martin, the Scottish Public Services Ombudsman; and Dr Richard Kirkham from the University of Sheffield.

The report confirms that LGO meets all of the Ombudsman Association’s membership criteria and provides clear evidence that they are operating a fair and effective service to the public. It contains a number of recommendations that are consistent with LGO’s current transformation plan and some that will require Government and Parliament to deliver statutory changes. A copy of the report can be downloaded from www.lgo.org.uk and LGO would like to express their thanks to the evaluation team for their thorough and thought-provoking work.

PHSO on the government’s response to Mid-Staffs

Following the Government’s response to the Mid-Staffordshire Report, Dame Julie Mellor, the Health Service Ombudsman said:

“Putting the patient where they should be – right at the heart of the NHS – requires significant change in the culture, systems and processes of the NHS and the government’s response is an important first step.

In particular, we welcome the focus on complaints and the critical role complaint information plays in indicating early symptoms of a problem within an organisation. Complaints are key to learning and improving – and the government’s response is right to point this out. Ensuring that hospital trust boards receive and take action from meaningful complaint information to identify patterns, trends and themes will be central to making this change happen.

As Parliament’s Ombudsman – independent of both government and the NHS – we have a unique perspective and look forward to playing a part in helping the NHS improve the way it handles complaints.”

For more Ombudsman reflections post-Francis Inquiry, see page 12.
Use complaints to innovate

Gripes, grumbles and grievances directed at public services should be used positively to innovate, says Nesta, the UK’s innovation foundation.

Nesta’s report, published on 16 April 2013, Gripes, grumbles and grievances: The role of complaints in transforming public services, explains that the gap is widening between the public services people want and the ones that they receive. It states that service providers should evolve to meet the changing needs and expectations of its service users and that complaint-led improvement is fundamental.

Dr. Jo Casebourne, director of public and social innovation at Nesta, explains, “Complaints are usually seen as something to be wary of, but we need to think about complaints positively, as catalysts for change and innovation. This is about looking at why people are disgruntled, what can be fixed, introduced or adapted to better align services with people’s needs and expectations.”

The report explains that complaints are an early warning sign that something has gone wrong and that public services need to a solid approach to listening, engaging and acting on public comments. But, Nesta stresses, a complaint-led innovation model needs to be built on a culture that is open to innovation. For some public services, this will mean a cultural shift is needed before complaints are acted on and create innovative responses.

Gripes, grumbles and grievances is available to download free of charge from: [http://alturl.com/tvnjq](http://alturl.com/tvnjq)

Richard Simmons, co-director of mutuality research programme at University of Stirling, and Carol Brennan, director of the consumer insight centre at Queen Margaret University, were commissioned to write this report on behalf of Nesta, overseen by Dr Jo Casebourne, director of public and social innovation.
Executive Committee on Leveson Inquiry

David Thomas  Lead Ombudsman (Strategy), Financial Ombudsman Service, on behalf of the Executive Committee.

Post-Leveson arrangements for UK press regulation/redress remain unclear at the time of writing. Apparently, they will include an ‘arbitration service’ for complaints, but this may not look like an ombudsman scheme.

For the Association’s final written evidence to the Inquiry – approved by the Executive Committee, but stated not necessarily to represent the views of every single Association member, visit:

http://alturl.com/a7hyx

Section A of the evidence dealt with the Inquiry’s draft criteria for a solution, which the Association considered to be appropriate, proportionate and comprehensive. The criteria included – ‘The system must provide credible remedies, both in respect of aggrieved individuals and in respect of issues affecting wider groups in society.’

Section B described the ombudsman model – and countered some misapprehensions about the ombudsman role in the evidence of some other witnesses. It referred to the Association’s criteria and principles of good governance, and the Cabinet Office guidance to government departments.

It described the principal features of an ombudsman scheme, and explained how the basic principles worked slightly differently between ombudsmen dealing with public bodies and ombudsmen dealing with commercial bodies.

It dealt with establishment (by statute, underpinned by statute or voluntary), independence, governance, process, funding methods, accessibility, accountability, relationship with any regulator and industry codes.

Section C considered (in the context of potential complaint issues) issues particular to any press ombudsman scheme – including the relationship with the courts and any regulator, the basis of decision, remedies, any award limit, the businesses/activities covered and complainant eligibility.

It considered how far the ombudsman model was apt for handling certain issues – in particular, pre-publication disputes and complaints about alleged ongoing harassment.

Section D expressed the Association’s views on the evidence submitted by the Press Complaints Commission – and went on to set out what key principles should be followed if the Inquiry decided to propose a press ombudsman.
I’m sure that no-one missed Robert Francis QC’s report on the failures at Stafford Hospital. It’s hard to put into words just how dreadful the situation was, with mortality statistics suggesting that over 400 people died unnecessarily, as a result of the hospital’s poor care.

Francis’s report talked about systemic failures, tolerated at every level, because staff – nurses, and medical staff as well as managers – were chasing targets and numbers, rather than focusing on their real goal of looking after patients. According to his report, staff kept their heads down, ignoring poor standards of care, because they were worried about being bullied if they spoke out. The hospital constantly celebrated any good news – and ignored any news which suggested things weren’t great, including dismissing complaints about their service. What staff, managers and regulators seemed to lose sight of was what Stafford Hospital was really there to do. Hospitals exist to care for patients. Francis’ report made a number of recommendations, but one stood out for me. Large parts of the NHS culture needs to change, and patients need to go to the top of the list of priorities.

Looking at the sector my scheme covers, the same story could be told about the banks over the last decade. As is becoming clear from the enquiry by the Commission on Banking Standards, senior managers in banks seem to have been blind to the fact that financial products were being widely sold to customers who didn’t need them, couldn’t use them or for whom they weren’t suitable. Evidence suggests that at all levels, staff were chasing targets rather than helping customers – helped by just how profitable many of their products were.

At the front line, many staff sold high, worried that they’d be seen as failures if they didn’t, or about the consequences of speaking out. At the same time, banks self-promoted hugely, telling everyone how well they were doing, ignoring rising levels of complaints. But the emerging details of what happened in some of our major banks over the LIBOR scandal shows just how badly the culture went wrong.

At the financial ombudsman service, we’ve long argued that the needs of customers should go back to the top of banks’ list of priorities. But the point I’m making isn’t about what went wrong elsewhere – but rather that we should self-reflect, and see what this means for us. Here at the ombudsman service, we have targets – doesn’t every organisation? We have staff appraisal schemes, which encourage certain forms of behaviour, with a “collective scorecard” which everyone’s asked to work towards. We’ve got a lovely intranet which celebrates good news. And what went wrong in Stafford Hospital and the banks was not all about “bad people” – people who sold poor products largely did so because they were told to, and paid to do so. It’s easy to look at other organisations and see how they get it wrong – but less easy to work out why it happened there and not somewhere else. Why are we different? And why couldn’t a scandal happen at any of our organisations?

I do hope, and believe, that we’re...
different. I hope that in my organisation we couldn’t have teams here which ignore the merits of cases, and crack through them regardless, just to chase ‘closures’. I hope that we couldn’t just settle cases with the banks because it was quicker than arguing. I hope that we couldn’t ignore the warning signs of consumer complaints rising. And I hope we couldn’t treat our customers with appalling disrespect.

Why? Because at the heart of both the Stafford Hospital story and the banking saga is the issue of culture. And I believe we’re different because our cultures are different. I am confident that at the financial ombudsman, and at ombudsman services more generally, we’ve got cultures which are strongly focused on our values... ones which know we’re here to ‘put wrongs, right’, above everything else.

My favourite definition of culture is ‘what people do when no-one is looking’. With over 3,000 people working at the financial ombudsman, not only is it impossible for me to “look” over the shoulders of our staff all the time, it’s not hugely motivating either! So what do our staff do when no-one is looking? And are our cultures strong enough to resist the temptation to cut corners, or ignore warning signs, or not “do the right thing”?

I never want us to lose focus of why we’re here. But it takes a lot of work – and concerted effort at all levels – to make sure we never do.

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The Complaints Commission of the Virgin Islands

We found out, in five minutes, about the role of the Complaints Commissioner of the Virgin Islands

What do you handle complaints about? (and what don’t you do?)

The Commission handles complaints about any action taken by a public body or department of Government in the course of its administrative functions.

The Complaints Commissioner Act 2003 bars the Commissioner from investigating complaints where the law provides a means of appeal and the complainant has not used the avenue provided. The Commissioner may not handle matters where complainants can get a civil remedy in court, but he may investigate if he feels that it would be unreasonable to take court action. Complaints about public authority or government employment matters, crime and national security investigations, courts, judges or magistrates and government or public authority corruption are outside of our remit.

Where are you based?

in the Virgin Islands (UK overseas territory).

Who is in charge?

Complaints Commissioner Elton Georges CMG OBE.

What category of Ombudsman Association member are you?

Corporate Associate

How many complaints do you handle a year?

In 2011, we handled 135 referrals and enquiries, did 10 full investigations and resolved four without investigation.

What is your most common complaint about?

Lack of consideration, unreasonable delay or unresponsiveness.

How are you funded?

From public funds appropriated by the House of Assembly.

How many employees do you have?

Three, including the Commissioner.

What’s your web address?

www.ombudsman.vg.

What’s the biggest change coming your way in the next year?

Continuing steep budget cuts in this and other government agencies, and the recruitment of new a Commissioner (the second one in history of the office).
The Ombudsman Association is committed to ensuring that the ombudsman concept is maintained as a mark of quality and is not diluted by the indiscriminate use of the name by schemes that do not embody the key characteristics of an ombudsman.

Membership of the Association should indicate that a scheme meets the Association’s high standards and can be trusted by members of the public to be independent, objective and fair.

The Association recognised that its own Rules have evolved over time and that member schemes have also changed. External reviews of administrative justice and redress, such as that of the Law Commission in England and Wales, and changes to legislation both at national and EU level, have also had an impact on the environment in which schemes operate. Membership categories and requirements have changed too: in 2011 the Criteria for Recognition of Ombudsman Offices were comprehensively revised and a new category of Complaint Handler Member was introduced, with its own set of Requirements for Membership.

A process of re-validation was deemed essential, to ensure that schemes continue to meet the requirements for membership. It was decided to re-validate members every five years, and to carry out a rolling programme of re-validation, beginning with Ombudsman Members and moving on to Complaint Handlers.

The Validation Committee began the re-validation process in September 2011. We piloted the approach we wanted to trial with a representative sample of five Ombudsman Members. Subsequently, the Committee has been considering schemes alphabetically, in batches of eight. Using the feedback we’ve had from the schemes in the pilot, we made some changes before rolling it out to the full membership.

We did consider initially whether we could just ask schemes to describe what had changed since they were first validated, but we quickly realised this wouldn’t work because the Criteria had changed since many schemes first joined. We also wanted to be sure that what we asked for was consistent across schemes – no easy task given the diversity of members, both in size and in sectors in which they work. So we designed a self-assessment checklist and asked members to carry out an initial self-assessment against each of the Association’s

Far from being a tick box exercise, the re-validation process is a valuable opportunity for both Members and the Association as a whole to up our game.
criteria, and to include supporting evidence. We encouraged schemes to submit their self-assessment forms electronically to make it easier for them to supply links to online resources and evidence (such as legislation, rules, terms of reference). We asked schemes to respond within four weeks. The Validation Committee met to consider the information provided and make recommendations to the Executive Committee for decisions on re-validation.

What's the feedback we've had so far? Overall, it has been considered a worthwhile and indeed necessary process, giving the Association and its members greater credibility. Some members said they found it to be a helpful exercise for themselves, providing an opportunity to revisit processes and structures, as well as an important one for the Association.

The self-assessment checklist has caused some difficulties. By listing the membership criteria and requesting evidence on each of them, the form creates a degree of duplication, as there are clear overlaps between criteria. More guidance should help here – for example, we are encouraging schemes to use more cross-referencing in their responses.

We have also identified the need for guidance on supporting evidence. It isn’t enough for a scheme to state that it meets a criterion; it needs to demonstrate that it does so and provide links to evidence. We decided that we could assist members by providing sample answers to illustrate the degree of detail required.

Most of the larger schemes seemed to find the form relatively easy to complete, but some smaller schemes said they found the process onerous. However, other small schemes have demonstrated that it is possible to complete the exercise without it becoming unduly burdensome.

The ultimate consequences of being rejected for revalidation are removal of the scheme from membership, or moving it from Ombudsman to Complaint Handler membership if appropriate. The Validation Committee has had to give careful consideration to what level of non-compliance should lead to it recommending such an outcome. For example, the Criteria specify a minimum term of office for the ombudsman; if the terms of reference for a member stipulate three years rather than five, is this enough to remove them from membership? We are also conscious of the risk of being accused of ‘nodding through’ members, making the re-validation process meaningless. It cannot be a tick box exercise if it is to address the valid criticisms raised of the Association in the past by critical friends in the access to justice world, as well as meeting the expectations of its members.

What we’ve found is that the re-validation process has been a useful exercise in ‘nudging’ – encouraging members to adopt best practice and to make improvements where Criteria were not fully met. The risk of not gaining re-validation can be useful leverage for members in resisting threats to independence. Far from being a tick box exercise, therefore, the re-validation process is a valuable opportunity for both Members and the Association as a whole to up our game.
Objects of the Association

The objects of the Association are:

- to encourage, develop and safeguard the role and title of Ombudsman in both the public and private sectors
- to define, publish and keep under review criteria for the recognition of Ombudsman offices by the Association
- to accord recognition publicly to those persons or offices who satisfy the defined criteria for recognition in:
  - the United Kingdom
  - Ireland
  - the British Crown Dependencies
  - the British Overseas Territories
- to facilitate mutual learning between schemes and to provide services to members designed to develop best practice
- to work to raise the profile of Ombudsmen and understanding of their work with key influencers and the wider public in ways which add value to the promotional work of individual Ombudsman schemes
The office of Parliamentary Commissioner for Administration (Parliamentary Ombudsman) was created in 1967. During the next ten years other public sector ombudsmen were appointed, so that by the end of the 1970s there were parliamentary, health and local government ombudsmen services in each country of the British Isles. In 1981 the Insurance Ombudsman Bureau (later subsumed into the present Financial Ombudsman Service), the first private sector ombudsman scheme, was established and since then further private sector schemes have been set up.

An informal meeting of both public sector and private sector was held in the office of the Local Government Ombudsman (then Sir David Yardley) to discuss common ground between ombudsmen. This resulted in a more formal conference in 1991 at which it was agreed to set up an association for ombudsmen, their staff, and other organisations and individuals, such as voluntary bodies and academics interested in the work of ombudsmen. The Association came into being in 1993 as the United Kingdom Ombudsman Association (UKOA) and became the British and Irish Ombudsman Association (BIOA) when membership was extended to include ombudsmen from the Republic of Ireland in 1994. The Association changed its public name in 2012 to the Ombudsman Association.

The first Executive Committee included:
Chair: Laurence Shurman (Banking Ombudsman)
Michael Barnes (Legal Services Ombudsman)
Dr Julian Farrand (Insurance Ombudsman)
Robert Peggie (Local Government Ombudsman for Scotland)
Sir William Reid (Parliamentary & Health Service Ombudsman)
Pat Thomas (Local Government Ombudsman for England)
Secretary: Gordon Adams (Secretary of the Commission for Local Administration)

The agenda items were:
- Banking arrangements – to agree to open a bank account for the Association
- Membership – register of founder members, first annual subscription, application for subsequent membership
- Conference – details of the second Conference (the first was in 1991, before the formation of the Association) to be held at Warwick University on 18/19 November 1993
- Validation Committee – consideration of setting up a validation body for membership of the Association
- Publication of list of members
- Objectives of the Association and programme of work
- National Consumer Council (NCC) Report of the Insurance Ombudsman and Building Societies Ombudsman
- Informal contact with MPs.

www.ombudsmanassociation.org

Ian Pattison Ombudsman Association Secretary

How it all started
By the end of March 2003 we had taken 400 calls and had six open cases. Liz let us finish early for Easter and in the pub on that sunny day we wondered if our jobs were safe. By the end of the year we had handled 3,500 contacts and resolved nearly 250 complaints. It looked like this ombudsman thing was beginning to work but it was already clear that this was an extraordinary place to be.

From the board to every person in the team we had a powerful sense of ownership. This was our ombudsman services and we were going to make it shine!

In 2006, we were asked to provide an ombudsman for the energy industry and in 2007 we began to handle complaints about the property sector. In 2009, copyright licensing came along and recently we were appointed to handle complaints about the Green Deal. We hadn’t exactly planned for any of this but we always knew that our people could adapt quickly and that our systems could be easily adjusted to take on additional work.

Well now it’s 2013. We’re handling about 200,000 contacts each year and will resolve about 20,000 complaints for 8,500 companies across four different industry sectors. Almost 200 people work in our offices and we occupy three floors of that same brew house. Otelo has gone to be replaced by ‘Ombudsman Services’, we have improved our speed and quality and a new-fangled case management system is on its way. The company is thriving and well set for another successful decade.

By April, five of the original 13 staff will remain. As for me, I’m leaving. As I walk across that now busy car park for the final time, I’m reminded of ‘Mad World’ and I can’t help but look back with pride that we did something really special here.
LeO’s Quality Team
from L-R: Philippa, Lisa, Jodie and Sam

Quality approach
LeO has reviewed and revamped its approach to quality. Find out why and how.

The Legal Ombudsman (LeO)’s self-managing Quality Team has recently reviewed its approach to measuring quality and developed new ways of working to benefit customers and employees.

They’ve moved away from a quality system dominated by quality control and assurance, to a quality improvement framework that will develop, and continuously work to improve, its customers’ experience. After all, that’s what quality should be – something that helps us understand, meet and, over time, exceed customers’ expectations. But what did the change entail? We spoke to the team to find out more.

‘We knew that we needed to overhaul our approach,’ Philippa explained. ‘We recognised that our previous system meant that people didn’t get timely feedback. We reviewed closed files, so even if issues were discovered, there wasn’t a chance to change things for the benefit of the customer.’

Lisa agrees. ‘We also knew that the way reviews were conducted didn’t really allow us scope to ensure a continuous cycle of improvement and weren’t particularly popular. Our investigators felt that regardless of whether the customers’ experience had been positive, that they were being measured on aspects that didn’t reflect what good quality is about.’

The team met with staff from across LeO to discuss and develop the new approach. ‘It was important that we got buy-in for the framework, which was developed by examining best practice from outside LeO, and through incorporating ideas from internal feedback,’ said Jodie. ‘We didn’t want to just impose a whole new way of working – we wanted to make sure that we took on board views, comments and ideas from around the organisation.’

‘We now plan to carry out one independent review a month, which will tie in with what we look at in our customer satisfaction survey. Team leaders will carry out four live case checks per investigator each month,’ Sam explained. ‘They’ll look at the case just after initial contact – to make sure that information requested has been provided, for example – so it’s really just to quality check that the case is off to a good start. They’ll also check the four cases between days 45 and 56 to look at the possibility of informal resolution before going to Recommendation Report stage. They’ll examine, with the investigator, whether the right route has been taken or if there’s a need for additional evidence, for example.’

‘We also recognise that more consistent ombudsman feedback is necessary for investigators to improve quality at LeO,’ Philippa concluded. ‘They’ll be involved in feeding back on all cases and answering specific questions about what’s good and not so good, which will also help quality at LeO become a real learning experience and improvement mechanism. It’s all about creating a more holistic approach in future. We believe that the new approach and tools we use will help us to share good practice and act on what we learn to continually improve our service.’

If you’d like to find out more about LeO’s new approach to quality, email quality@legalombudsman.org.uk
The office of the Independent Football Ombudsman (IFO) was established in the summer of 2008 by the three English football authorities with the agreement of Government. The IFO was the successor body to the Independent Football Commission (IFC) which since 2001 had been an integral part of football’s self-regulatory system. The IFO is one of the smallest members of the Ombudsman Association, comprising just the Ombudsman, Professor Derek Fraser, and Deputy Ombudsman, Mr Alan Watson CBE, both of whom were members of the IFC throughout its existence. The IFO website (www.theifo.co.uk) provides details of the terms of reference, complaints procedure, publications and, most important of all, the full text of all published adjudications.

While most football supporters have never heard of the IFO, it is surprising how many fans see the IFO as the vehicle for getting pressing opinions off their chests. Controversial goals, penalties, fouls and sending-offs produce a welter of protest comments, sometimes within an hour of the match ending. Between a quarter and a half of messages to the IFO concern what happens on the pitch, which is not within the IFO remit and such correspondents are referred to the Football Association (FA).

A further quarter of messages originate in the national game at grassroots level. Overprotective parents complain about the unfair treatment of their children, coaches complain about the maladministration of their leagues and players sent off by referees complain about the constraints of the appeal system. A number of adjudications have been published where it was alleged that the FA had not taken the case seriously or had not followed due process.

About a half of what will this year be more than 1000 messages fall directly within the IFO remit and concern the experience of supporters, essentially as consumers. The treatment of away fans, the price of tickets, changes to kick-off times, the distribution of tickets for high profile matches and the frequent changes of club shirts are regular topics referred to the IFO. Like many ombudsman schemes, the IFO may only investigate complaints which have followed
the correct procedure, already having been considered by the club and then the governing body.

One of the criticisms of the IFO (and of the IFC before it) is that it is funded by the very bodies under scrutiny and it has no powers. In fact a number of recent reports have ‘got a result’ as football managers say. These include:

- Bristol City agreeing to move its disabled supporters as recommended
- Manchester United compensating a family unable to see because of fans standing
- Birmingham City making a goodwill payment to an away fan wrongly ejected
- The Football Association giving complimentary tickets to supporters who had a bad experience at Wembley
- The Football League changing its procedures for ticket distribution for play-off matches.

These and other outcomes suggest that though the IFO has no powers it does have some influence.

Find out more at www.theifo.co.uk
From 1 April, The Financial Ombudsman Service (FOS) will now be publishing all of its ombudsman decisions. A lot of work has been going on to set this up, but it’s something that has been going on at other ombudsman schemes for some time. The Legal Ombudsman (LeO), Scottish Public Services Ombudsman (SPSO) and Public Services Ombudsman for Wales (PSOW) are three such schemes. This issue I have looked at how they each handle publishing their decisions, and why it’s important, with thanks to Mike Forrest (LGO), Susan Hudson (PSOW) and Gráinne Byrne (SPSO) for their contributions.

The summaries are intended to give visitors to their website a flavour of the complaints they investigate, how they investigate them and the sorts of remedies that ombudsmen award. They aim to balance the differing objectives of protecting and promoting consumer interests while encouraging an independent and effective legal profession.

Where their Board decides it is necessary they may publish a detailed report about a lawyer or law firm, where it is in the public interest to do so. They do this where their Board decides that there has been exceptional or severe service failure, or evidence of systemic failures. Reports of this nature will be rare, and at the time of writing they have not published any of these.

www.legalombudsman.org.uk

The Board of the Legal Ombudsman (LeO), the Office for Legal Complaints, decided that LeO would publish short, anonymous summaries of all the cases resolved with an ombudsman’s decision.

The summaries are intended to give visitors to their website a flavour of the complaints they investigate, how they investigate them and the sorts of remedies that ombudsmen award. They aim to balance the differing objectives of protecting and promoting consumer interests while encouraging an independent and effective legal profession.

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www.legalombudsman.org.uk

As well as considering complaints and providing redress for individuals, the Public Services Ombudsman for Wales (PSOW) is committed to using the learning from complaints to improve public services in Wales. Their legislation lets them require public service providers to publish reports

Decisions, decisions

Communicating outcomes
in full where PSOW determines there is a public interest, which are also added to PSOW's website and attract extensive media coverage. Whilst the complainant is anonymised, the public body is named. This encourages other people who may have been affected to seek redress, and allows other public bodies an opportunity to put right any similar failings in their own organisations.

However, the vast majority of their reports are not publicised in this way, and they were concerned that learning from their other investigations was not being shared. So they began to issue the Ombudsman’s Casebook in 2010. The Casebook, issued quarterly on their website, includes summaries of all of their investigations, regardless of whether a complaint is upheld or not. They have had very positive responses from stakeholders, so in June 2012 they also introduced summaries of their cases resolved informally without going to investigation stage. Most recently, the PSOW has been Tweeting their findings @OmbudsmanWales

www.ombudsman-wales.org.uk

Scottish Public Services Ombudsman
The SPSO is required by law to lay its investigation reports before the Scottish Parliament and Scottish Ministers at the end of the investigation process. In April 2011, legislative changes allowed them to publish many more outcomes.

Their first outcomes from decision letters were published as ‘decision reports’ in June 2011. The motivations behind these were that they wanted to provide opportunities for service improvements, share good practice and help the public understand their role.

SPSO generates a report of cases closed in a specific timeframe, only laying reports about decisions made at least six weeks previously, enabling a body under jurisdiction or a complainant to exercise their right to request a review of their decision.

Each month they compile all eligible reports into a compendium for laying before the Parliament, and publish these reports online alongside their investigation reports. To maximise the effectiveness and accessibility of their casework learning, the ‘Our Findings’ section of SPSO’s website contains a searchable database of decisions. Viewers can search by date, subject, organisation and so on. In 2012/13, they published around 67 per month.

The Financial Ombudsman Service
The Financial Ombudsman Service (FOS) will be publishing all of their ombudsmen’s decisions that have been made after 1 April 2013. The executive team at the FOS always believed that their commitment to transparency and openness should result in more of their work being published and Parliament agreed, incorporating the publication of ombudsmen’s decisions in to the Financial Services Bill 2012.

Needless to say, the challenges posed by this are considerable. The Financial Ombudsman had a dedicated team looking at the best ways to process what will be a considerable number of individual cases, in a way that is both accessible and useful.

They will have a database that is accessible through their website. This will be ‘searchable’, with stakeholders able to find references, key words and other criteria. The FOS did not feel it was right to publish a decision online until either party affected had seen it, so the decisions will be not be available until after six weeks. Ultimately, the ombudsman anticipates it will be publishing around 600 decisions a week, with suitable amendments made so that consumers will not be identifiable. However, the names of the regulated businesses involved will be on the decisions.
THE NORTHERN IRELAND OMBUDSMAN AND HUMAN RIGHTS
THE STORY SO FAR

The Northern Ireland Ombudsman and his staff will be familiar to readers of The Ombudsman. Less so, readers may not be familiar with the Northern Ireland Human Rights Commission (NIHRC). In her article, Nazia Latif, Project Manager, explains how the NIHRC is working with the Ombudsman’s office to put human rights at the top of its agenda.

NIHRC is a national human rights institution with the statutory duty to advise government on the measures that should be taken to protect human rights in Northern Ireland. As part of an innovative strategic alliance, the Northern Ireland Ombudsman has pooled expertise and resources with the NIHRC to work on a 12 month project focusing on embedding human rights standards in the investigations and work of the Ombudsman’s office. The project benefits from the leadership and expertise of Dr Tom Frawley, the Ombudsman and Professor Michael O’Flaherty, Chief Commissioner of the NIHRC.

The overall aim of the project is to assist service providers and enhance their service to the public. In investigating complaints, the NIO will introduce a human rights-based approach to the work of his Office.

The ombudsman, Dr Tom Frawley highlights the significance of this joint project, ‘public bodies need to consider the impact of their decisions on the people they serve. In taking this approach we want to help bodies do their job better’.

Coming up
The Northern Ireland Ombudsman and his Deputy, Marie Anderson along with Professor Michael O’Flaherty will be speaking in greater detail on the aims and objectives of the project at the Loughborough Conference workshops, this May. We are keen to both update and get feedback from OA members.

For more information on the Project, contact: Nazia Latif – nazia.latif@ni-ombudsman.org.uk
About me

I am employed by the NIHRC and following a service-level agreement came to the Ombudsman offices in November 2012 as Project Manager. I will devise and deliver training to staff on how to apply human rights standards and principles in their assessment and investigation of complaints. I will also draft a manual which will provide a reference for staff. Unlike maladministration human rights have been defined in law, but through the jurisprudence of the courts and treaty monitoring bodies, their scope and application is evolving. It is important that the manual alerts investigations staff to this and provides sources of up to the minute information. These deliverables will be finalised by November 2013 and I hope to update readers on the outcomes and lessons learned.

At NIHRC I had to keep up with all the latest legal and academic discourse around human rights as they are very much living instruments. But the concept of maladministration and all that it does and can encompass was very new to me. I would not just say that the concept of maladministration lends itself to human rights considerations but that human rights considerations are a fundamental part of good administration. Indeed, the NIO has been using the Principles of Good Administration developed by PHSO since 2010. Showing ‘regard for the rights of those concerned’ is one of the first Principles. In many respects my job is to show what that means for service provision and the public. What is particularly innovative about this project is the thorough and systematic approach to applied human rights it will embed in the work of the Ombudsman.

For more information contact Nazia at nazia-latif@ni-ombudsman.org.uk
More investigations for more people

At the end of last year, we published our new high level strategy, setting out what we plan to achieve in the next five years. One of the aims we have given ourselves is to help more people by investigating more complaints. Three months in, and that’s what we’re doing. On 2 April, we made a big change to the way we deal with complaints, which means we will be conducting investigations into thousands more of the complaints that come to us each year – benefitting complainants, organisations and the wider public.

Previously, we did a lot of preliminary work on complaints before deciding whether or not to proceed to a full investigation. If we didn’t investigate a complaint, we could still provide answers and explanations and get good outcomes for people, but our decisions at this stage didn’t have the same impact as our statutory investigations. In addition, we didn’t automatically involve the organisation concerned unless the complaint was one of those we decided to formally investigate. This meant that organisations weren’t necessarily getting a complete picture of all the complaints we had received about them and were potentially missing out on opportunities to improve services.

Now, with our new approach, if a complaint meets some basic criteria, we will usually begin an investigation straightaway. More people will get an independent, formal and final ruling on their complaint, and the NHS, UK government departments and other public organisations will get to see and learn from more of the complaints that come to us about them each year. We also plan to share more information with the wider world, including summaries of more investigations and reports on systemic issues that we think need attention.

The project to bring in this big change was delivered in a short timeframe from start to finish as we wanted the new process to be in place for the start of the new business year. As well as making sure we were ready internally, a crucial element of the project was communicating the change, the benefits and the practical considerations, to the outside world, including to the organisations in our jurisdiction.

The launch in April was an important milestone in the delivery of our plans to have more impact as an organisation, as set out in our new strategy. Other changes will follow – watch this space.

Parliamentary and Health Service Ombudsman (PHSO) website: www.ombudsman.org.uk
The Financial Ombudsman Service is always looking for ways to help employees learn and develop, and part of this is contributing their time to the local community.

The Giving Something Back Committee was introduced to provide help to employees wanting to raise money or volunteer with the local community. The organisation has teamed up with Richard House Hospice, a local charity providing palliative care and respite to families and children with life-limiting illnesses. After a record number of bake sales, ‘pie-athons’ and quizzes, a total of over £20,000 (£20,677.01 to be exact) has been raised for Richard House over a period of around a year. This financial year, its chosen charity is Macmillan Cancer Support.

Staff at the FOS can also become involved with a range of charities and support groups surrounding the local area. The organisation is working together with the East London Business Alliance to create partnerships with local organisations that need help. The opportunities range from reading to children at local schools to helping out with gardening to revamp a local church’s green space into a nature reserve.

The ongoing efforts being made by staff, given the value and nature of the work done by the organisation, really show how important corporate social responsibility is to the Financial Ombudsman Service.
The Northern Ireland Ombudsman, Professor Tom Frawley, is seeking the power to undertake investigations on his own initiative. In scoping such investigations, in practical and financial terms, models vary considerably across European Ombudsmen organisations.

‘Systemic’ versus ‘Own Initiative’ Investigations
A literature review, and a comparison with some of our European counterparts, identified that the terms ‘systemic’ investigation and ‘own initiative’ investigation are often used interchangeably. There are however subtle and significant differences in the two types of investigations. The fundamental difference lies in the triggers for the investigations and thereafter who the investigation extends to and involves.

A systemic investigation is usually initiated as a result of a complaint or a series of complaints to an Ombudsman. The complaint(s) helps identify the general issue or theme to be investigated. The scope of the investigation is dictated by what information is obtained as the investigation unfolds. The ‘safeguard’ attached to this type of investigation lies in the fact that the trigger is primarily the citizen. This helps counter arguments of bias or prejudice or a waste of resources undertaking ‘fishing expeditions’ which could be levied at the wider and more general power to undertake own initiative investigations.

Ombudsmans’s statutes do not define ‘own initiative’. This may be to prevent the situation of trying to define something that is in fact meant to be limitless or boundless, much like the term maladministration itself. However, there are a few common examples of when an Ombudsman might wish to invoke an own initiative power, including:
- an Ombudsman’s inspection of a facility
- media reports
- reports on government functions
- broader issues that arise out of a set of complaints
- political commentary
The most controversial and challenging trigger for an own initiative investigation may be that of political commentary. The need to preserve the independence of the Ombudsman must be balanced against the reality that any matter really worth investigating is unlikely to have been spared political scrutiny in some shape or form.

How many Own Initiative Investigations?
Some Ombudsmen view the power to undertake own initiative investigations as one that should be used sparingly. Others have a plan in place to undertake a predetermined number of such investigations annually. Where such a plan exists the number of proposed investigations can vary from 6 to 49. This degree of variation can be accounted for by the difference in the scale of own initiative investigations as indicated by the length of time taken, on average, to complete them. This ranges from 1 day to approximately a year with the average timescale for completion being 6 months. There is also a need to leave some ‘wriggle room’ in the Ombudsman’s work programme so that he can truly react on his own initiative when and where a situation requires it.

Special handling for Own Initiative Investigations?
Own initiative investigations are usually assigned to one investigator or a team...
of investigators who have experience or knowledge of the subject of the investigation. They are not, as might be expected, investigations which are undertaken by a special team of investigators who work solely on this type of work.

When an own initiative investigation is launched this will be investigated in line with the procedures for handling individual complaints. Thus the power to conduct own initiative investigations does not come with a corresponding set of powers that translate into special procedures for such investigations.

As part of an own initiative investigation an Ombudsman may publicly call for evidence providing an option for public participation in the investigation. What happens to individual complaints that relate to the substance of the own initiative investigation depends on the individual arrangements within the Ombudsman’s Office. Some ‘dismiss’ individual complaints; they are not investigated or responded to separately from the own initiative investigation. An individual complaint may, however, be cited as an example in the Ombudsman’s decision on the own initiative investigation. Other Ombudsmen continue to handle individual complaints separately to an own initiative investigation. The reason for this is to ensure individual redress appropriate to the actual circumstances of the case.

**Duplication of effort**

There is some recognition of the need to check the work programmes of organisations with the power to investigate or review the topic of interest. That said the unique role and purpose of Ombudsmen and the standards that they apply to their investigations is thought to circumvent the need for formal arrangements preventing another organisation from examining an issue in parallel to the Ombudsman.

**Publicising the work**

The results from own initiative investigations are publicised primarily through the Assembly or Parliament, by way of an annual, quarterly or special report; the media; and the Ombudsman’s own website.

**Not forgetting...**

In trying to get a true sense of the workload associated with own initiative investigations it is important to factor in the time taken to scope and pursue potential own initiative investigations that do not make it the Ombudsman’s work programme. Furthermore, the work generated in following up the implementation and compliance with recommendations emanating from an own initiative investigation should not be underestimated.

For more information contact: Michaela McAleer at: michaela.mcaleer@ni-ombudsman.org.uk
Tell us about your past working life?

I started working for the Ombudsman in 1999, when it first opened its doors to the public in Gibraltar. Prior to this, I had been self-employed in the food retail and wholesale trade for almost twenty years.

Within the food trade, I have owned several confectionery shops, minimarkets and take-away shops. What I find most enjoyable is developing a business idea from the drawing-board to a successful venture. Of course, ensuring that my businesses consistently delivered the best of service to customers has been my defining modus operandi. I am of the opinion that someone may have the best business idea and have the best location for it with the best infrastructure, but if that business does not deliver a very good service to its customers, then it is unlikely that such a business will develop into a successful venture. I did not go to university after leaving school however I have always enjoyed studying whenever my busy schedule has allowed. This has always happened in parallel to the running of my business concerns. As such I have completed correspondence and evening school courses in book-keeping, accounts and basic computer programming.

I went to university at the grand age of forty-five. After obtaining my degree of Bachelor of Laws, I undertook the Bar exams and was called to the Bar in England and Wales. Subsequently I was called to the Bar in Gibraltar. I then joined the Ombudsman as an Investigating Officer when it first opened its doors to the public. After a short spell with the Ombudsman I joined chambers where I practised civil litigation and property law. To my surprise I was offered the position of Ombudsman upon the retirement of Gibraltar’s first Ombudsman; I have now been in post for ten years.

Is there anything you miss about those days?

My working life has been very dynamic, working for very long hours and often seven days a week. I have not told you that I joined the Civil Service when I was nineteen years old. However, having already experienced the buzz of employment in the private sector, I very soon became disillusioned with the very slow pace of the public sector at the time. I must confess that I fell asleep in the office on two occasions out of sheer boredom. I decided that such a life was not for me and soon returned to the private sector.

I am of the firm opinion that customers are entitled to good and efficient treatment in whatever service they are accessing. I have no doubt that my office is a dynamic service provider where we constantly look at ways and means of improving our service delivery. We continuously strive to set an example in the delivery of excellent service within the public sector. As such, I do not think that I miss anything from my former working life.

How do you think your past careers have helped you in your role as Gibraltar Public Services Ombudsman?

My life, prior to becoming a Barrister, has been in the retail service sector. From a very early age, I have been behind a counter and, for most of those years, on a self-employed basis. The one thing that you learn
from such an experience is that customers have a choice and so, unless you deliver a very good service, you are bound to lose your clientele.

Whereas in the property world the key is ‘location, location, location’, in my case it has been ‘service, service, service’. I do not tire of repeating this whenever I have the opportunity.

It is important to highlight that citizens (usually) do not have a choice of service provider whenever there is a need for any sort of public service. Therefore it is imperative for the Ombudsman to constantly advocate for an improvement in the delivery of services so as to ensure a [public] service to the public which is commensurate with modern expectations.

What do you enjoy most about your current role?

I always describe the Ombudsman as the best job in the world (even on bad days). I am of the opinion that an ombudsman holds a very special and unique position within a community. The opportunities that such a position offers to the incumbent to pursue compelling advice using the vehicle of recommendations are such that the Ombudsman is able to shape the manner in which public service providers deliver their services to the end-users.

The influence that an Ombudsman is able to assert over matters within his purview is not political in nature nor is it as a result of a desire for authority for its own sake, but rather it is through this innate mandate to ensure that the public at large get the best possible service from those who are tasked with the delivery of public services, irrespective of the bureaucratic machinery.

Gibraltar, being such a small place, offers me the opportunity to see people almost on demand. We operate a walk-in service. If I am available I will always personally see them and offer them advice and assistance which is free of charge. This facet of my work also allows me to keep in touch with the people of my community which is what I really enjoy most.
The Complaints Choir does what it says ‘on the tin’, it is a choir that sings complaints. You don’t need singing ability to take part, as the only criteria for participation is something to complain about.

Founded by Finnish artists Tellervo Kalleinen and Oliver Kochta-Kalleinen, the choir came about as a result of a discussion around translating the steam or energy exasperated by complaining into a more powerful energy – song!

In the Finnish vocabulary the expression Valituskuoro means ‘complaints choir’. It is used to describe situations where a lot of people complain simultaneously. A chorus of complaints, if you will. Bringing together the transformative powers of complaining and song, Tellervo and Oliver, created just that.

Due to the universal nature of complaining, the two founders envisioned a global chorus. They began initiating events throughout the world, starting in Birmingham, England. They found participants by advertising locally, including a local musician to transform the complaints into an easy to learn song. One of the Choir’s greatest hits, “I want my money back”, and other performances, can be heard online. Other subjects of complaints include complaints about neighbours or too much advertising.

In 2006, the movement established an easy, nine-step guide to forming a choir. This can be used by anyone seeking to establish their own complaints chorus.

The Complaints Choir has helped citizens sing their grievances across the world, from Alaska to Tasmania. It is estimated that there are about 110 complaints choirs around the world (April 2013). Find out more at: www.complaintschoir.org/

To let us know about an issue you’d like to see covered, please get in touch with the editor or anyone from our Editorial Board.

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