

28 May 2015

The Northern Ireland Public Services Ombudsperson (NIPSO) Bill

The Ombudsman Association welcomes the Ad Hoc Committee's scrutiny of the NIPSO Bill to combine the offices of the Assembly Ombudsman and Commissioner for Complaints into a single new office and the opportunity to submit evidence.

Summary

1. The Ombudsman Association welcomes the intention in the Bill to combine the offices of the Assembly Ombudsman and Commissioner for Complaints into a single new office, NIPSO. In addition, the Association welcomes the proposed additional powers for the new office, in particular the power to investigate a matter on their own initiative, the introduction of direct access to NIPSO, and the strengthening of the relationship with the Assembly. The Association agrees that the proposed legislative reforms are a welcome and necessary innovation to better serve the people of Northern Ireland.
2. The Association does however have a concern about the proposed title for the new office. The word 'Ombudsman' is Scandinavian and means 'representative of the people'. The term is gender-neutral in origin and in common usage throughout these islands, including by other schemes with jurisdiction in Northern Ireland. The Association is concerned that use of the proposed alternative 'ombudsperson' will cause confusion for the public and stakeholders alike. The Association would therefore urge the Assembly to amend the title of the proposed body to 'the Northern Ireland Public Services Ombudsman'.

Background

3. The Ombudsman Association (formerly the British and Irish Ombudsman Association) was established in 1993 and includes as members all major public and private sector Ombudsman schemes and complaint handling bodies in the United Kingdom and the Republic of Ireland.
4. The Vision of the Association is that throughout the public and private sectors:
 - It is straightforward and simple for people to complain.
 - People making a complaint are listened to and treated fairly.
 - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
 - People have access to an ombudsman in all areas of consumer and public services.
 - The learning from a complaint is used to improve services.
5. The Association's objectives are to:
 - a) Support and promote an effective system of complaint handling and redress in the United Kingdom, Ireland, Britain's Crown Dependencies and Britain's Overseas Territories.

- b) Encourage, develop and protect the role of ombudsmen in both the public and private sectors as the 'best practice' model for resolving complaints, according recognition through membership.
 - c) Provide an authoritative voice and promote best practice and policy for those involved in complaint handling and redress to ensure an effective service for the public.
 - d) Support open and transparent accountability and endorse principles of good complaint handling.
6. Ombudsmen help to underpin public confidence in the institutions that they cover – by providing accessible and effective redress, and by feeding back the lessons from their work in order to help improve service delivery and complaints-management for the future.

Part 1, Clause 1: The Northern Ireland Public Services Ombudsperson

7. The Association is concerned about the proposal to call the new organisation an 'ombudsperson' rather than an 'ombudsman'.
8. We are aware that some have queried the gender neutrality of the term 'ombudsman'. The word 'ombudsman' is Scandinavian and means 'representative of the people'. Colleagues from Sweden, where the modern institution of the ombudsman originated in 1809, have assured international colleagues that the term is gender-neutral in origin. The title is in common usage throughout these islands and internationally, having been adopted by the International Ombudsman Institute and still in use today. The term is also used by other ombudsman offices who have jurisdiction in Northern Ireland, notably the Parliamentary & Health Service Ombudsman (which has jurisdiction over matters reserved to Westminster) and the UK Financial Ombudsman Service.
9. In addition, the 'brand' that the term ombudsman invokes is an important one. The Association's criteria for ombudsman membership incorporates independence, fairness, effectiveness, openness and transparency, and accountability¹. Our members have cultivated the public's awareness of these values to encourage the use of their services.
10. Surveys carried out by our members and by consumer groups show that 'ombudsman' is becoming an increasingly recognised and trusted term. Research carried out by *Which?* showed that 92% of those surveyed over the age of 55 were aware of ombudsman services².
11. The UK Financial Ombudsman Service recently undertook a wide awareness raising campaign in Northern Ireland regarding their services. The campaign was focused on the title 'om-buds-man'. A survey they carried out to measure awareness of their service showed that 66% of those polled in Northern Ireland were aware of the ombudsman³.
12. The Association shares concerns expressed by others that using the title 'ombudsperson' will cause confusion amongst the public and stakeholders at a time when the title 'ombudsman' is becoming more recognised and trusted. The Association would therefore urge the Assembly to amend the title of the proposed body to 'the Northern Ireland Public Services Ombudsman'.

Part 2, Clauses 8, 9 and 11: Power to investigate on own initiative

13. The Association welcomes the proposed power for NIPSO to investigate an issue on their own initiative. This is an important tool for the Ombudsman to have, as shown by

¹ <http://www.ombudsmanassociation.org/docs/OA-Rules-Schedule-1.pdf>

² <http://www.which.co.uk/news/2014/05/low-awareness-of-ombudsmen-among-young-people-369153/>

³ <http://www.financial-ombudsman.org.uk/publications/ar15/ar15.pdf>

those ombudsmen elsewhere in Europe, notably in the Republic of Ireland, who already have this power, and by the consideration underway in the Welsh Assembly and Westminster to giving this power to their own public services ombudsmen.

14. The Association does however note that as currently drafted the power might be unnecessarily narrow and as a result weaken the impact that NIPSO could have, by constraining the use of the power only to ascertaining whether there is 'systemic maladministration' or 'systemic injustice'.
15. We note that the language used in the legislation for the Garda Síochána Ombudsman Commission in the Republic of Ireland states that their own initiative power is "*for the purpose of preventing complaints arising...or of reducing the incidence of such complaints...*"⁴. The legislation for the Office of the Ombudsman in Ireland simply states that an own motion investigation can take place if "*it appears to the Ombudsman...having regard to all the circumstances, that an investigation under this section into the action would be warranted.*"⁵
16. We would suggest that the Committee take into account the language used elsewhere when considering how the scope of NIPSO's own initiative powers are drafted.

We would be happy to provide any further information if the Committee would find that helpful.

Yours sincerely

Lewis Shand Smith
Chair, Ombudsman Association

⁴ <https://www.gardaombudsman.ie/docs/publications/GSOC-Garda-Act-2005.pdf>

⁵ <http://www.irishstatutebook.ie/1980/en/act/pub/0026/print.html>