

# OMBUDSMAN ASSOCIATION

Promoting independent complaint resolution

## ANNUAL REPORT

**2011 to 2012**

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## 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 Republic of 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

## Foreword by the Chair of the Association

**T**his report marks the end of my second and final year as Chair of the Ombudsman Association. The contents of the report reflect a productive year which has seen the transition to a more engaged representative body gather momentum. The extensive engagement with UK Government Departments in response to consultations and initiatives has added value to the work of member schemes at a time of change compounded by the difficult financial position. The meetings of members in Ireland also foreshadow a growing collective response to the huge challenges faced both by member schemes and the public service more generally.

The review of the Association led by my predecessor as Chair, Emily O'Reilly, the Irish Ombudsman, asked us to be more proactive in promoting and safeguarding the ombudsman institution, to be more public facing and to add value to the work of our members. I believe that the work in the past year has represented solid progress, and the re-branding being launched at the conference, and a new website later in the year, represent further steps in the right direction.

Members also said how much they valued the existing work, and this has been sustained and developed through the year. The Ombudsman newsletter has been re-designed and has taken a fresh perspective

under its new editor, Faye West and the editorial board. The Seminar was again well attended and well received. The interest groups have expanded, and continue to offer excellent opportunities for sharing knowledge and experience and ensuring that learning and innovation in member schemes is accessible to all. The conference in Loughborough had very positive feedback, and as ever, we'll be looking to ensure that the next one builds on the positives and addresses the minor logistical concerns which were expressed. The accredited training courses carried out by Queen Margaret University have also been successful and well-received by those attending, but have attracted fewer participants than is desirable and it is hoped that more schemes will support this training in the future. That said, several member schemes have themselves instituted training programmes based on the accredited work, a development which was envisaged as an important spin-off from the outset, and there are now proposals for the International Ombudsman Institute to offer training to members across Europe which will also be provided by Queen Margaret University.

The Validation Committee has been busy considering applications for membership and we're pleased that the Office of the Independent Adjudicator for Higher Education and The Glazing Ombudsman have become new Ombudsman members during the year. However, it's also disappointing to note the impending loss of the Administrative Justice and Tribunals Council and the Social Fund Commissioner as a consequence of the public sector reforms. These losses will impact on the access of service users to redress, and at the time of writing, adequate proposals to take their work forward are not in place. This is a matter of concern and regret. The Validation Committee have also commenced the task of revalidating existing members as agreed at the last Annual Meeting.

The ombudsman community has demonstrated tremendous resilience in the face of a very difficult operational environment. Many schemes have had to manage with greatly diminished



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## Foreword

*Continued from page 2*

resources. Others have faced threats to their existence or their independence. The ombudsman community has as ever, rallied round in support of its members. The Association has played its part in doing this. Despite the difficult environment, member schemes continue to deliver high quality redress in innovative and effective ways. It's heartening also to see redress being extended to service users and consumers who did not previously have access.

To this end, it is important that the Ombudsman Association has itself an agreed vision for future development. We need to be supporting the extension of access to those currently excluded, while resisting the proliferation of schemes which would cause confusion for users and lead to lower standards. The increasing interest of the European Union in creating access to redress is an opportunity, and I believe that it's time for the Association to start pursuing a proactive agenda based on an agreed policy position. The Executive is developing a draft policies statement and will make this available in due course to propose a wider debate on these points. This builds on the existing work including the governance principles, membership criteria and principles of good complaint handling.

In conclusion, in considering the year I must express my gratitude to the members of the Association for supporting our work in so many ways, including hosting and participating in interest groups, working on the seminar and the newsletter. I want to particularly thank the Northern Ireland Ombudsman, Tom Frawley for hosting the Annual Meeting. My thanks also to the members of the Validation Committee whose workload has been expanded considerably. My fellow Executive members have contributed their time, thoughts and energy through the year and I am very grateful to them for their work. Finally, I would like to thank our Secretary, Ian Pattison, whose hard work, superb organisational skills and good humour have made the year's achievements possible.

## Annual Meeting 2011

**T**he 18th Annual Meeting of the Association took place immediately before the Biennial Conference, during the morning of 12 May, at Burleigh House Conference Centre, Loughborough University. Some 54 people attended it, including 15 Voting Members.

### Chair's address

This year has been a busy and challenging one for BIOA and for ombudsmen. The core work of the Association has remained at the heart of our endeavours. The continued engagement with the interest groups, the success of the seminars and the production of the Ombudsman show how BIOA can add value to the work of its membership. We've moved beyond the apocryphal "clinging together for warmth" of the early years to a mature membership body which punches well above its weight. Most of the work of the Association is possible because of the generous support of our members, principally through the contributions of staff from member schemes, whether chairing working groups, editing the Ombudsman or providing locations for meetings and other practical support.

At the annual meeting in Cardiff last year, we considered a report on the future direction of BIOA which was commissioned by the Executive led by the then Chair, Emily O'Reilly. The report gave a strong endorsement from the membership for the broad pattern of the work – particularly the focused networking which encourages the transfer of learning between schemes. We all jealously guard our independence which means we are cautious about engaging in networks which include the bodies in our jurisdiction. Working with fellow ombudsmen, we can be frank about the issues we are facing and most importantly, we have much in common in the way we do our work which allows us to share learning, whether about investigation methods, new IT systems or judicial review. The larger schemes can and do make available to smaller colleagues the benefits of the scale on which they operate, having specialist resources that smaller schemes cannot aspire to, but the smaller schemes can often be innovative and resourceful and bring their fair share to the table.

There was equally strong support for the Ombudsman magazine, which has flourished in recent times and helps to disseminate knowledge and improve awareness of the work of member schemes. The work of BIOA in developing accredited training is also welcomed by the membership, and following the successful pilot, we have now moved to accredit Queen Margaret University. They have already run a successful course in Ireland, and more are planned for London in the summer. We are also in discussions with Bond Solon, who are yet to run a course.

The report did however identify a number of areas for improvement. There was clearly an appetite for a stronger collective voice for ombudsmen, and we

have worked to deliver on this aspiration during the year. We have stepped up our engagement with the UK Government, both in response to its proposals, and also in raising awareness of the work of ombudsmen and seeking to protect the integrity, objectivity and independence of existing schemes and to ensure that any extension of ombudsman schemes is underpinned by the same criteria. We were especially pleased to see that the Cabinet Office has issued advice across Government on ombudsman schemes, after a lengthy gestation, and that the Chief Parliamentary draughtsman has also issued advice on how to deal with ombudsman schemes in preparing for new legislation. We have emphasised also the need to avoid proliferation and to look to extending the jurisdiction of existing schemes before considering establishing new ombudsman services.

There have been a number of developments which have caused us some concern. The proposal to introduce the so-called Democratic Filter for housing complaints in England would reduce access to complainants and we will continue to argue against it. We have received support for our views from the Chartered Institute of Housing, Shelter, the National Housing Federation, and the Administrative Justice and Tribunals Council.

We have also been disturbed by the impact of the “efficiencies” agenda on independence, with pressure being brought for members to use Government websites and share offices, when this could lead to real issues about perceived independence. Again, we will continue to make the case for the independence of the ombudsman institution.

More positively, we worked successfully to have the proposed “Supermarket Ombudsman” renamed, as the scheme envisaged was not an ombudsman service, not least because it would not be accessible to members of the public.

We have been working very much on the “added value principle” in deciding on and managing our interventions. We will always speak out on matters affecting the ombudsman institution, but will only engage in debate on matters affecting individual member schemes where they tell us that this would be helpful, and in doing so, we will take account of their positions and seek to add value to them. It is clear that on occasions, BIOA can make points on behalf of members which they themselves might find more difficult to voice. We have also taken the view that any intervention with Government regarding public sector schemes, or the future of the institution, will be done in conjunction with the relevant national Ombudsman.

We have now commenced discussions with the UK Government on the subject of future consumer redress policy. Where possible, we are seeking to engage with Governments early, so that we can influence the development of proposals, and not just respond to formal consultations. We are aware that the EU is considering proposals regarding ADR in the field of consumer redress which may yet prove to have major implications for ombudsman schemes in the UK and Ireland, and will be considering how best to respond,

in conjunction with member schemes.

In working with the UK Government, members of the Executive have contributed in line with their areas of expertise. This principle is also being adopted in respect of communication with the new Government in the Republic of Ireland, where the Irish Executive members are taking a lead in discussions, initially in seeking to ensure that proposals for a legal services ombudsman are developed in a way consistent with the BIOA criteria for recognising ombudsman schemes. Contact with the new governments in Scotland, Northern Ireland and Wales will only take place should there be support from local members, but the principles which have been developed will form a useful basis for deciding whether contact would be useful or desirable.

Following the review, the Executive has commissioned further work on communications. We will be introducing a new website which better reflects the work of the association, and crucially, its members. As part of this we will be developing a new brand, and plan to use the title “the Ombudsman Association” as the trading name in the future, as this does what it says on the tin. BIOA as an acronym is well known and respected in particular circles, but has little wider profile and the longer name is both quite a mouthful and has problems of acceptance in some quarters.

We have seen many changes in the Ombudsman landscape in the recent past, and some very major ones are expected in the immediate future. BIOA welcomed the Legal Ombudsman as its newest member and we wish Adam Sampson and his colleagues every success in their work. Already the scheme has played an active part in BIOA, not least by hosting three interest group meetings. Both Emily O'Reilly in Ireland and Jim Martin in Scotland have been reappointed for further terms, and this reflects the respect in which they are held. I'm sure you would want to join me in congratulating them on their reappointment.

Regrettably, there are also colleague organisations who will not be with us in the future, and I want to comment particularly on the impending loss of the AJTC. Both the Council itself, and its Scottish and Welsh committees, have provided a highly valued locus for the development of a comprehensive overview of the administrative justice landscape. I am greatly concerned at the loss of this strategic overview, and hope that some alternative mechanisms can be put in place to avoid its demise creating a vacuum.

During the year Tony Redmond retired from his role of Local Government Ombudsman and many congratulations are due to him on his well-deserved knighthood. Tony made a very substantial contribution to the Association, as its former Chair, and to the world of ‘Ombudsmanry’ in the UK and beyond.

We have also recently heard that Ann Abraham will be stepping down as PHSO. Ann has had a huge impact as UK Parliamentary Ombudsman and Health Service Ombudsman for England. She has played a major part in the development of the Ombudsman institution both in the UK and internationally, and through her own contribution as Chair and the generous support of

her office, to BIOA. I'm glad we've been able to include her as a speaker, and grateful also to her for her work in leading the sub-group of the Validation Committee which has been reconsidering the Rules and Membership Criteria, of which more in a moment.

In closing, I would like to thank my fellow Executive members for their hard work and support, and our secretary, Ian Pattison, whose work underpins all we do.

I would now like to ask Ann Abraham to take us through the proposed changes to the Rules and Criteria. The work on revising them was put on hold during the Future Directions Review, and was restarted during the year. The sub-group of the Validation Committee led by Ann produced proposals which formed the basis of a consultation with the members and the proposals arising from that work are before us today.

## Elections and resolutions

The annual accounts for 2010/11 and budget for 2011/12 were passed, and the following members of the Executive Committee were elected unopposed for 2011/12:

### **BIOA Chair:**

**Peter Tyndall** Public Services Ombudsman for Wales

### **Representing Members in the UK:**

**Christopher Hamer** The Property Ombudsman  
**Jane Hingston** Lead Ombudsman, Financial Ombudsman Service  
**Tony King** UK Pensions Ombudsman  
**Jane Martin** Local Government Ombudsman  
**Bill Richardson** Deputy Chief Executive, Parliamentary & Health Service Ombudsman

### **Representing Members in the Republic of Ireland:**

**Carmel Foley** Commissioner, Garda Síochána Ombudsman Commission  
**Paul Kenny** Pensions Ombudsman for Ireland

### **Representing Associate Members:**

**Ros Gardner** Individual Associate Member  
**Suzanne McCarthy** Immigration Services Commissioner

At the meeting of the Executive Committee held on 5 July, Lewis Shand Smith, Chief Ombudsman, Ombudsman Services was co-opted onto the Committee under Rule 8(c) to fill the remaining vacancy not filled by election at the Annual Meeting.

**Ian Pattison**, Association Secretary, is also a member of the Executive Committee.

## Changes to the Rules

At the Annual Meeting, after a prior full consultation with members, it was agreed that the proposed amended Rules be adopted forthwith.

The principal changes to the Rules are summarised below:

### **Membership categories**

Three categories of membership:

- Ombudsman Members
- Complaint Handler members
- Associate Members (Corporate and Individual)

### **Criteria for recognition of Ombudsman Offices**

Revised Schedule 1 to the Rules setting out Criteria for Ombudsman Offices with a new introductory section entitled 'Guiding Principles', and an additional key criterion of 'Openness and transparency'. Reference to the Association's Principles of Good Governance and Good Complaint Handling, and some strengthening of the Association's position on the use of the title 'Ombudsman'.

### **Requirements for Complaint Handler membership**

A new Schedule 2 to the Rules setting out Requirements for Complaint Handler membership, referencing the Association's Principles of Good Governance and Good Complaint Handling.

### **Other changes to the Rules**

Other changes to the Rules are consequential upon having three membership categories. Amendments to the Rules also make it clear that admission to membership in any category is at the discretion of the Executive Committee. They also allow the Executive to exclude from membership any purely commercial complaint/claim handling bodies and clarify the Association's position in regard to fragmentation of redress schemes within a single industry.

The Chair noted that during the forthcoming year, it was intended that the Executive Committee would look at the process for re-validation of existing members.

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**The new Rules are on the Ombudsman Association website, and copies can also be obtained from the Association Secretary – [secretary@bioa.org.uk](mailto:secretary@bioa.org.uk)**

# Biennial Conference 2011

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**A**lmost 160 delegates attended this year's biennial Conference on 12 and 13 May, held for the very first time at the University of Loughborough's purpose-built conference centre, Burleigh Court. It was an exceptionally good turn-out, given the current economic climate, and is very encouraging for the Association to know that it can still count on excellent support from members for this popular event.

All previous conferences had been held at Warwick University's conference centre, Scarman House, so it was with some trepidation that the decision to change the venue was made by the Executive Committee. As good a venue as Warwick is, we felt it fell short in some areas in recent years as the delegate numbers crept up (to 200 in 2007). Their largest meeting room seats only 130 which necessitated using the Dining Room for plenary sessions, thus limiting to some extent how we ran the Conference. Burleigh Court is a larger and newer conference centre, with more bedrooms, larger meeting rooms (the largest seating well over 200 delegates) and additional facilities such as a spa swimming pool and fitness centre. Although there were some minor areas of concern to address for the future, the feedback from delegates has been overwhelmingly positive, both for the venue and Conference itself. It has already been decided that the 2013 Conference will also be held in Loughborough.

The Conference format and content was, as usual, a mixture of plenary sessions and workshops. This year, for the first time, it was decided to hold only six workshops, but run them twice – once on each of the two days. This proved to be popular, and will no doubt be followed for future conferences. The Conference had a distinctly international flavour this year with a delegation from the South African Public Protector's Office, including the Public Protector, Thuli Madonsela, herself attending and making a short presentation.

Unfortunately, our intended main international speaker, the New Zealand Chief Ombudsman, Bev Wakem, who is also the current President of the International Ombudsman Institute (IOI), was unable to attend the Conference as she became indisposed en route from New Zealand. Happily, she is now fully recovered and back at work. Tom Frawley stepped in at short notice with an interesting talk about Ombudsman associations, including the IOI.

The Conference itself was preceded on the morning of 12 May by the Association's Annual Meeting (see separate report) and during that evening a dinner was held for all delegates.

## The Conference programme was:

### Plenary sessions:

- Challenges to decisions (Ann Abraham, UK Parliamentary & Health Service Ombudsman, and Emily O'Reilly, Ombudsman for Ireland)
- Ombudsman: leaders or followers? (Christopher Hamer,

The Property Ombudsman, and Natalie Ceeney, Chief Ombudsman and Chief Executive, Financial Ombudsman Service)

- Ombudsman associations (Tom Frawley, Northern Ireland Ombudsman)
- Going forward with administrative justice (Richard Thomas, Chairman, Administrative Justice and Tribunals Council)
- How to be an Ombudsman in a new climate (Lewis Shand Smith, Chief Ombudsman, Ombudsman Services, William Prasifka, Financial Services Ombudsman for Ireland, and Jim Martin, Scottish Public Services Ombudsman)

### Workshop topics

- BIOA-approved accredited training
- Managing complainant expectations
- Maintaining confidentiality in investigations in a climate of openness (including FOI)
- Maintaining objectivity in casework and avoiding case hardening
- Tools for wider learning (eg how to improve practice in bodies under jurisdiction)
- Digital communications and new media

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(Copies of the presentations are in the 'members' area' of the Ombudsman Association website, available to Association members and staff of member schemes)

## Seminar 2011

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**T**he Association ran a seminar on 30 November at the offices in London's Docklands of the Financial Ombudsman Services entitled: 'reaching out to the vulnerable in society'. It was well attended by 53 delegates from many different Association member schemes. The Seminar was chaired by Anne Seex, Local Government Ombudsman for England, and speakers from a wide range of organisations spoke on the topic, as follows:

<b>Caroline Wells</b>	Head of External Liaison and Outreach, Financial Ombudsman Service
<b>Nick Fleming</b>	British Standards Institute
<b>Adam Sampson</b>	Legal Ombudsman (former Chief Executive of the Rehabilitation of Addicted Prisoners Trust and former Chief Executive of Shelter)
<b>Fr. Peter McVerry</b>	Founder of the Peter McVerry Trust (A charity dealing with homelessness, drug misuse and social disadvantage in Ireland)
<b>Sarah Stone</b>	Deputy Older People's Commissioner for Wales
<b>Helen Todd</b>	Refugee Council

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(Copies of the presentations are in the 'members' area' of the Ombudsman Association website, available to Association members and staff of member schemes)

# Annual Meeting 2012

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**T**he 19th Annual Meeting of the Association will be held on Friday, 18 May in Belfast. On the day before, workshops will be held run by the office of the Northern Ireland Ombudsman, followed in the evening by an Association Dinner.

Details and method of registration have already been sent out by the Secretary, Ian Pattison ([secretary@bioa.org.uk](mailto:secretary@bioa.org.uk)). All events are free to Association members and staff of member schemes, and invited guests of the Association.

**The programme for the two days is below.**

## Thursday, 17 May 2012

'Fringe' event held at Assembly Buildings Conference Centre, Fisherwick Place, Belfast (organised by the office of the Northern Ireland Ombudsman)

<b>1.00pm</b>	<b>Registration</b> and lunch
<b>2.00pm</b>	<b>Workshops:</b>
Workshop 1:	Engaging the Media - (led by Emily O'Reilly, Ombudsman for Ireland)
Workshop 2:	Performance Management - (led by Niki Maclean, Director of Corporate Services, Scottish Public Services Ombudsman)
Workshop 3:	Data Protection and Information Security - (led by Marie Anderson, Deputy Northern Ireland Ombudsman)
<b>4.30pm</b>	<b>Programme ends</b> - tea/coffee available

### Association Dinner in the City Hall, Belfast

<b>7.00pm</b>	Reception (in the Rotunda)
<b>8.00pm</b>	Dinner (in the banqueting Hall)

## Friday, 18 May 2012

Annual Meeting in the Baby Grand Studio of the Grand Opera House, Great Victoria Street, Belfast

From 9.00am	Registration and coffee (Baby Grand Bar)
9.30am	<b>Session 1:</b> Annual Meeting- chaired by <b>Peter Tyndall</b> (Public Services Ombudsman for Wales and BIOA Chair)
10.00am	Coffee break (to allow for early ending of Session 1, and registration of late arrivals)
10.30am	<b>Session 2:</b> chaired by <b>Tom Frawley</b> (Northern Ireland Ombudsman), Speaker to be confirmed <i>'Relationship between the judiciary and the role of the Ombudsman'</i> Professor <b>Michael O'Flaherty</b> (Chief Commissioner, Northern Ireland Human Rights Commission) <b>Richard Thomas</b> (Chair, Administrative Justice and Tribunals Council) <b>Adam Sampson</b> (Chief Ombudsman, Legal Ombudsman [for England and Wales])
12.30am-1.00pm	Closing summary by <b>Peter Tyndall</b> and address by the incoming BIOA Chair
From 1.00pm	Lunch (Baby Grand Bar)

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(A full report of the Annual Meeting events will be in Issue 47 of *The Ombudsman* newsletter, to be published in September 2012, and also in the 2012/13 Annual Report)

## Annual Meeting and Biennial Conference 2013

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**T**he 2013 Ombudsman Association Biennial Conference will once again be held at the Burleigh Court Conference Centre, Loughborough University, on 16 and 17 May 2013. This is the same location as for the 2011 Conference.

The 20th Annual Meeting of the Association will be held during the morning of 17 May, at Burleigh Court, immediately before the start of the Conference.

# OMBUDSMAN ASSOCIATION

Promoting independent complaint resolution

## Timeline of Ombudsman Member Schemes of the Association (past and present)

The table overleaf in the centre pages contains all of the past and present Ombudsman Members of the Association. Some have disappeared in their original form, but are generally included in newer and larger schemes. Complaint Handler Members are not included in this table, even where they have 'Ombudsman' in their scheme's title.

The five key Criteria for Ombudsman membership are:

- Independence
- Fairness
- Effectiveness
- Openness and transparency
- Accountability

Complaint Handler Members need to accord with the following requirements:

- Having complaint handling as a significant part of their role
- Operating in accordance with the association's Principles of Good Complaint Handling
- Having regard to the Association's Principles of Good Governance, where their constitution allows

1965      1970      1975      1980      1985      1990      1995      2000      2005

Schemes in the United Kingdom (and the British Crown Dependencies and the British Overseas Territories)

- (1967) **UK Parliamentary Ombudsman(OT)** Parliamentary Commissioner for Administration (**SS**) PCA & HSC are separate 'PHSO' (Parliamentary & Health Service Ombudsman)
- (1969) **Northern Ireland Ombudsman(OT)** The Assembly Ombudsman for Northern Ireland and the Northern Ireland Ombudsman
- (1972) **Health Service Ombudsman(OT)** Health Service Commissioner for England (**SS**) Together with the Health Service Ombudsman for Wales
- (1974) **Local Government Ombudsman(OT)** Commissioner for Local Administration - in England and Wales
- (1981 - 2001) **Insurance Ombudsman Bureau (VS)** covering the UK (subsumed in 2001)
- (1986 - 2001) **Office of the Banking Ombudsman(VS)** for the UK
- (1987 - 2001) **Building Societies Ombudsman** Scheme for the UK
- (1989 - 2001) **Investment Ombudsman** Subsumed in 2001
- (1991 - 2010) **Legal Services Ombudsman (SS)** for the UK
- (1991) **Pensions Ombudsman (SS)** for the UK
- (1993) **Waterways Ombudsman (VS)** for the UK
- (1994 - 2001) **Personal Investment Ombudsman (VS)** for the UK
- (1996) **Housing Ombudsman (VS)** for the UK
- (1997 - 2002) **Funeral Services Ombudsman (VS)** for the UK
- (1998) **The Property Ombudsman (VS)** for the UK
- (1998) **Gibraltar Public Services Ombudsman (VS)** for Gibraltar
- (2000 - 2008) **Scottish Public Services Ombudsman (VS)** for Scotland
- (2000) **Police Ombudsman (VS)** for the UK
- (2001) **Financial Ombudsman (VS)** (eg banking, insurance, etc)
- (2002) **Isle of Man Ombudsman (VS)** for the Isle of Man
- (2002) **Scottish Ombudsman (VS)** for Scotland
- (2002) **Removal of Ombudsman (VS)** for the UK
- (2003) **Telecom Ombudsman (VS)** for the UK
- (2004) **Civil Aviation Ombudsman (VS)** for the UK
- (2004) **Immigration Ombudsman (VS)** for the UK
- (2004) **Civil Service Ombudsman (VS)** for the UK
- (2005) **Local Government Ombudsman (VS)** for the UK
- (2005) **Police Ombudsman (VS)** for the UK
- (2005) **Financial Ombudsman (VS)** for the UK
- (2005) **Isle of Man Ombudsman (VS)** for the Isle of Man
- (2005) **Scottish Ombudsman (VS)** for Scotland
- (2005) **Removal of Ombudsman (VS)** for the UK
- (2005) **Telecom Ombudsman (VS)** for the UK
- (2005) **Civil Aviation Ombudsman (VS)** for the UK
- (2005) **Immigration Ombudsman (VS)** for the UK
- (2005) **Civil Service Ombudsman (VS)** for the UK

Schemes in the Republic of Ireland

**Guide**

**OT** – official title

**SS** – statutory scheme

**VS** – voluntary scheme

- (1984) **Office of the Ombudsman:** Statutory national Ombudsman for Ireland
- (1990 - 2005) **Ombudsman for Credit Institutions (VS)** for Ireland
- (1992 - 2005) **Insurance Ombudsman** Subsumed in 2005
- (2003) **Penalty Ombudsman (VS)** for Ireland
- (2005) **Financial Ombudsman (VS)** for Ireland
- (2005) **Isle of Man Ombudsman (VS)** for the Isle of Man
- (2005) **Scottish Ombudsman (VS)** for Scotland
- (2005) **Removal of Ombudsman (VS)** for the UK
- (2005) **Telecom Ombudsman (VS)** for the UK
- (2005) **Civil Aviation Ombudsman (VS)** for the UK
- (2005) **Immigration Ombudsman (VS)** for the UK
- (2005) **Civil Service Ombudsman (VS)** for the UK

	2010	2015	2020	2025	2030
ies)					
parate statutory roles, but have always been held by the same person. Together they are known as					
land Commissioner for Complaints ( <b>SS</b> )					
PCA known as ‘PHSO’					
only, since devolution ( <b>SS</b> )					
med into FOS in 2001)					
e UK (subsumed into FOS in 2001)					
or the UK approved under legislation (subsumed into FOS in 2001)					
into FOS in 2001					
) (Courts and Legal Services Act 1990) functions taken over by LeO					
K. PO and PPFO (see below) are two separate statutory roles, but have always been held by the same person					
t waterways in Britain					
<b>Ombudsman Bureau</b> subsumed into FOS in 2001					
<b>Service</b> Scheme for England only, resulting from legislation					
<b>ces Ombudsman (VS)</b> covering approximately one third of the sector					
<b>ombudsman (previously Ombudsman for Estate Agents) (VS)</b> Partially voluntary, and also approved under legislation – UK wide					
<b>ervices Ombudsman (SS)</b> for Gibraltar					
<b>ish Legal Services Ombudsman (SS)</b> - functions taken over by SLCC (Complaint Handler Member)					
<b>udsdman for Northern Ireland (SS)</b> for Northern Ireland					
<b>Ombudsman Service (SS)</b> amalgamation of previous Ombudsmen operating in the financial services sector (insurance, building societies, etc)					
<b>Man Financial Ombudsman Scheme (SS)</b> for the Isle of Man					
<b>sh Public Services Ombudsman (SS)</b> for Scotland					
<b>vals Industry Ombudsman (VS)</b> covering approximately one third of the sector					
<b>communications Ombudsman (now Ombudsman Services: Communications)</b> Approved under legislation – UK wide					
<b>Office of the Independent Adjudicator (for Higher Education)</b> Approved under legislation – England and Wales only					
<b>ndependent Police Complaints Commission (SS)</b> also covers SOCA, HMRC and UKBA					
<b>Cayman Islands Complaints Commissioner (SS)</b> for the Cayman Islands					
<b>5) Bermuda Ombudsman (SS)</b> for Bermuda					
<b>5) Pension Protection Fund Ombudsman (SS)</b> for the UK					
<b>006) Public Services Ombudsman for Wales (SS)</b> for Wales					
<b>006) Energy Ombudsman (now Ombudsman Services: Energy)</b> Approved under legislation – UK wide					
<b>(2007) Surveyors Ombudsman (now Ombudsman Services: Property)</b> Partially voluntary scheme - approved under legislation					
<b>(2009) British Virgin Islands Complaints Commissioner (SS)</b> for the British Virgin Islands					
<b>(2010) Legal Ombudsman (SS)</b> England and Wales only					
<b>(2012) The Glazing Ombudsman (VS)</b> for part of the glass and glazing industry in the UK					
for Ireland					
<b>s</b> Subsumed into FSOB in 2005					
sumed into FSOB in 2005					
<b>sions Ombudsman (SS)</b>					
<b>5) Ombudsman for the Defence Forces (SS)</b>					
<b>5) Financial Services Ombudsman Bureau (SS)</b> amalgamation of previous financial Ombudsmen schemes					
<b>(2007) Garda Síochána Ombudsman Commission (SS)</b> for police complaints					

## Objects of the Association are to:

- Encourage, develop and safeguard the role and title of Ombudsman both in the public and private sectors.
- Define, publish and keep under review the Criteria for the Recognition of Ombudsman Offices by the Association.
- Accord recognition publicly to those persons who satisfy the Criteria for Recognition in:
  - The United Kingdom
  - The Republic of Ireland
  - The British Crown Dependencies
  - The British Overseas Territories
- Facilitate mutual learning between member schemes and to provide services to members designed to develop best practice.
- 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.



# External relations

## Interface with governments and other bodies

**T**he Association continues to have dialogue with the UK Government about Ombudsman issues. Periodic meetings are held with representatives of the Cabinet Office. At these meetings, BIOA is represented by the Chair and the Secretary, often together with the UK Parliamentary Ombudsman. Meetings have also been held during the year with officials from the Department for Business, Innovation and Skills (BIS) about consumer issues.

One significant action this year was the lobbying, with many others, of Parliament and officials about the proposed 'democratic filter' restricting direct access of complainants to the Housing Ombudsman which BIOA is opposed to in principle. This was contained in the Localism Bill (now the Localism Act 2011). This lobbying was partially successful with the 'watering down' of the filter so that direct access will still be available to complainants if the 'democratic filter' route takes too long or fails/declines to pass on the complaint to the Ombudsman.

Significant issues for the Association this coming year will be the European Commission's (EC) proposals for Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR), and also the possible impact of increased requirements for dispute resolution within 'competent persons schemes' \* which are approved by the Department for Communities and Local Government (CLG). Both have implications and potential for undesirable proliferation of ADR schemes.

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**\* Competent person schemes (CPS) were introduced by the Government to allow individuals and enterprises to self-certify that their work complies with the Building Regulations as an alternative to submitting a building notice or using an approved inspector.**

BIOA has continued to seek to raise the profile of Ombudsmen, particularly in its responses to consultations, White Papers and calls for evidence, as follows:

- UK Parliamentary Ombudsman's consultation of direct access by complainants
- BIS consultation on empowering and protecting consumers
- BIS Higher Education White paper - putting students at the heart of the system
- Consultation on reforms proposed in the Public Bodies Bill (reforming the public bodies of the Ministry of Justice)
- Leveson Inquiry into the Press
- Independent Adjudicator for Higher Education : Pathway 3 consultation
- UK Parliament (BIS Committee) - Inquiry into the Insolvency Service
- BIS Call for Evidence on EC proposals on ADR and ODR

Where appropriate in responding to issues and consultations, the Association encourages the establishment of 'Ombudsman Association compliant' schemes which meet the criteria for (full) Ombudsman Membership, and strongly encourages them (in line with the Cabinet Office's own guidance to Departments) to be called Ombudsman schemes, rather than other names such as Commission. Conversely, it also continues to campaign for the protection of the word 'Ombudsman' to avoid 'the risk of damaging the credibility of the Ombudsman 'brand'.

## Meeting of Irish Ombudsmen

A meeting of Irish Ombudsmen was held in Dublin on 14 April 2011, followed by a further meeting on 24 January 2012. At these meetings the discussions included the following:

- Overview of Association activities and issues
- Review of Rules and Criteria
- Proposals for reform of the legal profession (including regulation and redress)
- BIOA-approved training courses (including the possibility of legal drafting training)
- BIOA communications and profile raising, including the change of name to 'Ombudsman Association'
- Re-validation of existing members
- Proposals for reforming the Ombudsman landscape in Ireland

## The Administrative Justice and Tribunals Council

The Association has a long history of consultation and co-operation with the Administrative Justice and Tribunals Council (AJTC), and its predecessor body, the Council on Tribunals (CoT) and therefore particularly regrets the Government's intention to abolish it (contained in the Public Bodies Bill). This will leave a significant gap in the strategic oversight of Administrative Justice, including Ombudsmen, and the Association continues to seek clarification from the Ministry of Justice of how this gap will be filled.

# Current work programme

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## Approved accredited training courses

**D**uring 2011/12 three Professional Award in Ombudsman and Complaint Handling Practice courses were run (24 students attending) and three Professional Certificate in Ombudsman and Complaint Handling Practice courses were run (33 students attending) by Queen Margaret University, Edinburgh. The Award course covers such topics as principles of customer service, complaint diagnosis and investigation and decision making and remedy. The Certificate course explores a variety of subjects including appropriate dispute resolution and principles of effective remedy. Overall there was a good spread of organisations sending participants on both courses, and two of the courses attracted international participants. Feedback from participants has been very positive. Considering this, BIOA has decided to continue the Award course in its current format and to make only slightly structural changes to the Certificate. It is planned to offer courses in various venues during 2012, including London and Bridgend.

### Actual courses run during the year were:

- Professional 'Award' course in London (25 June – 1 July 2011)
- Professional 'Certificate' course in London (11 – 15 July 2011)
- Professional 'Award' course in Warrington (4 – 7 October 2011)
- Professional 'Certificate' course in Warrington (14 – 18 November 2011)
- Professional 'Award' course in Edinburgh (7 – 10 February 2012)

## Re-validation of existing members

A re-validation of existing members is currently underway, starting with Ombudsman Members in alphabetical order. This process is expected to take some time and will subsequently include Complaint Handler members. This will largely be a self-validation exercise with the Validation Committee scrutinising the self-assessment forms returned by members, and making recommendations to the Executive Committee.

## Association logo and website development

A volunteer Sub-Group of the Communications Interest Group was formed to advise on the new logo and strap line, and also on the design and specifications for the Association's new website.

### Members of the Sub-Group are:

<b>Kath Butler</b>	Parliamentary & Health Service Ombudsman
<b>Gráinne Byrne</b>	Scottish Public Services Ombudsman
<b>Jackie Feeney</b>	Local Government Ombudsman

<b>Sarah Hutchison</b>	Scottish Information Commissioner's Office
<b>Alex Kapila</b>	Legal Ombudsman
<b>Sarah Lamont</b>	Northern Ireland Ombudsman
<b>Ian Pattison</b>	Ombudsman Association Secretary
<b>Alison Robinson</b>	Legal Ombudsman (Chair of the Sub-Group)
<b>Sally Young</b>	Financial Ombudsman Service

The recommended logo and strapline (below) were approved by the Association's Executive Committee in December. The new website is expected to be launched later this year with considerable improvement over the existing one.

# OMBUDSMAN ASSOCIATION

Promoting independent complaint resolution

## *The Ombudsman newsletter*

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*The Ombudsman* newsletter is produced three times a year under the supervision of volunteer Editor and Editorial Board and has a circulation of around 1,500 copies. Each issue contains news items, case studies, profiles of office holders and member schemes, and a number of feature articles.

As mentioned in the Chair's foreword, **Faye West**, Corporate Communications Manager at the Legal Ombudsman, has taken over as Editor from **Emma Gray**. We are most grateful to her and the introduction of a new-look newsletter, with a fresh design and revised layout.

The newsletter is designed by Peter Williams and printed by Heron Dawson and Sawyer.

### During the year there have been articles on the following topics:

- The Ombudsman enterprise and Administrative Justice (including a review of the book of the same subject)
- Profile of the Service Complaints Commissioner for the Armed Forces
- Going green (environmental awareness)
- To be as paperless as possible
- A common complaint? (common complaints procedure in Wales)
- Adult social care
- A reality check for the NHS
- The Independent Complaints Reviewer
- What's next for BIOA
- Workshop wisdom – managing expectations and tools for wider learning
- The role of the Office of the Ombudsman (for Ireland)
- The knowledge network

- Meeting the needs of the vulnerable
- Facing the (Judicial Review) challenge
- Making connections in Malawi
- BIOA and me (Ann Abraham)
- Membership timeline
- Jersey and jurisdiction
- Communicating outcomes
- Ombudsmen and the changing face of public services
- Managing persistent complainers

#### **The membership of the Editorial Board during the year has comprised:**

Faye West (Editor)	Corporate Communications Manager, Legal Ombudsman
Katherine Butler	Head of Media and Communications, Parliamentary & Health Service Ombudsman
Jackie Feeney	Head of Communications, Local Government Ombudsman
Susan Fox	Director of Policy and Communications, Ombudsman Services
Emma Gray	Head of Policy & External Communications, Scottish Public Services Ombudsman
Alison Hoyland	Head of Chief Executive's Office, Financial Ombudsman Service
Susan Hudson	Policy & Communications Manager, Public Services Ombudsman for Wales
Caroline Mitchell	Ombudsman, Financial Ombudsman Service
Nick O'Brien	Legal Policy Consultant
Marie O'Brien	Investigator, Information Commissioner's Office, Ireland
Ian Pattison	Secretary, Ombudsman Association

Back copies of *The Ombudsman* are available to view at or download from the Association's website ([www.bioa.org.uk](http://www.bioa.org.uk)) or in printed form from the Secretary. Anybody who is interested in being added to the mailing list to receive a free personal printed copy of the newsletter should contact the Secretary.

## The Association website

The 'members' area' contains the notes of the various Interest and Working Groups, in addition to other items of interest to Association members and staff of member schemes, as well as dates of forthcoming Association events and activities. Also available in this area are presentations given at Conferences and Seminars. Access details for this area can be obtained from the BIOA Secretary ([secretary@bioa.org.uk](mailto:secretary@bioa.org.uk)).

Member schemes can, and are encouraged to, put job vacancy advertisements free of charge on the Association website. These can include advertisements for Council/Board members (where applicable), the office holder and staff members. Some schemes make great use of this facility, whilst others do not. For further information, contact the Association Secretary.

The website will be significantly upgraded during this year, particularly to improve signposting to member schemes for the public, as well as providing a more useful resource for members and staff of member schemes (see Communications Sub-Group report on page 10 above).

## The name of The Association

As already noted previously in this Report, the 'working name' of the Association has changed to 'Ombudsman Association', both for simplification and to broaden its acceptability in both the Republic of Ireland and in the devolved countries of the UK. A new logo has been devised, incorporating a 'strap line' to describe its principle activity, together with a new web address and web site ([www.ombudsmanassociation.org](http://www.ombudsmanassociation.org)).

## Finances

### **Finances 2010/11**

The income for last year, including the surplus from the Autumn Seminar of £1,989 (€2,267), was £90,355 (€102,969). Expenditure was £114,823 (€130,852), giving a total budgeted deficit for the year of £24,468 (€27,884), thereby decreasing the Association's reserves to £75,651 (€86,212).

(Note: figures shown in Euros are calculated at the exchange rate on 31 March 2011 of 1.1396 Euros to the Pound Sterling.)

### **Finances 2011/12**

The income for this year, including the surplus from the 2011 Conference of £18,418 (€22,102), was £104,695 (€125,633). Expenditure was £90,721 (€108,865), giving a total surplus for the year of £13,974 (€16,769), thereby increasing the Association's reserves to £89,625 (€102,136).

(Note: figures shown in Euros are calculated at the exchange rate on 31 March 2012 of 1.2000 Euros to the Pound Sterling.)

# Special interest groups

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**T**he Association has six Interest Groups which meet usually twice a year, and also a group which organises periodic seminars, including the biennial autumn seminar (formerly the Operational Management Interest Group). These Interest Groups facilitate communication between schemes and enable staff to share ideas and issues of concern, and disseminate good practice. Meetings are held at the offices of member schemes, and the Association is very grateful for those facilities being made readily available.

Those interested in joining any of the Interest Groups should contact either the respective Chairs (see below) or the BIOA Secretary ([secretary@bioa.org.uk](mailto:secretary@bioa.org.uk)).

## Operational Management Seminars Group

A steering group, chaired by Nigel Karney, the Secretary of the Commission for Local Administration in England (Local Government Ombudsman), runs periodic seminars for staff of member schemes on a variety of topics of interest to Ombudsmen and staff of member schemes. The Seminar this year is reported on fully on Page 5 above.

## Legal Interest Group

The Legal Interest Group brings together legal advisers and those with an interest in legal matters within member schemes, including some of the Ombudsmen themselves. It is chaired by Anne Whitehorn, Legal Advisor to the Local Government Ombudsman. Two meetings of the Group were held this year, on 26 September 2011 at Millbank Tower, London, hosted by the Parliamentary and Health Service Ombudsman, and on 30 March 2012 at the offices in Belfast of the Northern Ireland Ombudsman.

## Communications Interest Group

The Communications Interest Group brings together communications professionals and those with an interest in PR/Communications matters in member schemes. It is chaired by Alison Robinson, Head of Policy and Communications at the Legal Ombudsman. The Group met once during the year, on 8 April 2011 at the offices in Reading of the Independent Adjudicator for Higher Education.

## HR Interest Group

The HR Interest Group brings together HR professionals and those with an interest in personnel, training and development in member schemes. It is chaired by Niki Mclean, Director of Corporate Services at the Scottish Public Services Ombudsman. The Group met once during the year, on 7 April 2011 at the offices in Reading of the Independent Adjudicator for Higher Education.

## First Contact Interest Group

The First Contact Interest Group brings together those concerned with, and with an interest in 'gateway' services within member schemes, and dealing with complaints and enquiries when they are first received. It is chaired by Carol Neill, Outreach Team Leader with the Scottish Public Services Ombudsman. The Group met twice during the year, on 15 April 2011 at the offices in Coventry of the Local Government Ombudsman, and on 18 October 2011 at the offices in Birmingham of the Legal Ombudsman.

## Research Interest Group

This is the relatively new Research Interest Group bringing together those with an interest in research in member schemes. It is chaired by Preth Rao, Head of Policy and Research at the Local Government Ombudsman, and met twice during the year on 9 June 2011 at the offices in Birmingham of the Legal Ombudsman, and on 7 December 2011 at Millbank Tower, London, hosted by the Local Government Ombudsman.

## IT & Procurement Interest Group

This is a new special interest Groups and brings together those with an interest in IT and procurement in member schemes. It is chaired by Tim Craig, Head of IT and Telecoms at the Legal Ombudsman, and met twice during the year on 9 September 2011 at the offices in Birmingham of the Legal Ombudsman, and on 9 December 2011 at the offices in Wilmslow of the Information Commissioner.

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(Note: notes of all Interest Group meetings are in the 'members' area' of the Association website)

# Membership

**M**embership of the Association at 31 March 2012, compared with a year ago, is as follows:

<b>Members</b>	<b>Now</b>	<b>A year ago</b>
Total	124	126
Ombudsman Members (formerly 'Members')	33	32
Complaint Handler Members (formerly 'Corporate Associate Members')	38	41
<b>Associate Members:</b>		
Corporate	1	-
Individual	52	53

## New members

The Association was pleased to welcome the following new member schemes during the year:

### As Ombudsman Members:

- Independent Adjudicator for Higher Education - **Rob Behrens** (previously a Complaint Handler Member)
- The Glazing Ombudsman - **Christopher Hamer**

### As Complaint Handler Members

- Welsh Language Commissioner - **Meri Huws**
- Judicial Complaints Reviewer - **Moi Ali**

### Executive Committee

The role of the Executive Committee is to manage the Association on behalf of members. The membership of the Committee during 2011/12 was:

<b>Peter Tyndall</b>	(Chair) Public Services Ombudsman for Wales
<b>Elizabeth Derrington</b>	Independent Complaints Reviewer (co-opted from February 2012)
<b>Carmel Foley</b>	Commissioner, Garda Síochána Ombudsman Commission
<b>Ros Gardner</b>	Individual Associate Member (until her retirement in December 2011)
<b>Christopher Hamer</b>	The Property Ombudsman
<b>Jane Hingston</b>	Lead Ombudsman, UK Financial Ombudsman Service
<b>Paul Kenny</b>	Pensions Ombudsman for Ireland
<b>Tony King</b>	UK Pensions Ombudsman
<b>Jane Martin</b>	Acting Chair of the Commission for Local Administration in England (Local Government Ombudsman)
<b>Suzanne McCarthy</b>	Immigration Services Commissioner
<b>Bill Richardson</b>	Deputy Chief Executive, UK Parliamentary & Health Service Ombudsman for England
<b>Lewis Shand Smith</b>	Chief Ombudsman, Ombudsman Services
<b>Ian Pattison</b>	Secretary, Ombudsman Association

No Vice-Chair was elected for this year.

The Executive Committee met five times during the year on:

- 5 July 2011
- 22 September 2011
- 7 December 2011
- 10 February 2012
- 13 April 2012

## Validation Committee

The role of the Validation Committee is to advise the Executive Committee on whether applications for (full) Membership should be approved. The Validation Committee's membership during 2010/11 has been:

<b>Peter Tyndall</b>	(Chair) Public Services Ombudsman for Wales Ombudsman Association Chair
<b>Ann Abraham</b>	UK Parliamentary and Health Service Ombudsman for England (until December 2011)
<b>Margaret Doyle</b>	Independent Consultant
<b>Tony King</b>	UK Pensions Ombudsman (from January 2012)
<b>Professor Mary Seneviratne</b>	Director of Research, Nottingham Law School
<b>Laurence Shurman</b>	Former Banking Ombudsman (from December 2010)
<b>Ian Pattison</b>	Secretary, British and Irish Ombudsman Association

There were three new applications for (full) Membership this year. Two were approved; one was not.

The Validation Committee was also asked by the Executive Committee to commence the re-validation of existing members of the Association. This is also reported on Page 10 above.

The Association is most grateful to the members of the Validation Committee for making themselves available as required.

# Member schemes of the association at 31 March 2012

## Ombudsman members

Bermuda Ombudsman
Complaints Commissioner for the Cayman Islands
Financial Ombudsman Service, UK
Financial Services Ombudsman Bureau, Ireland
Financial Services Ombudsman, Isle of Man
Garda Síochána Ombudsman Commission
Gibraltar Public Services Ombudsman
Glazing Ombudsman
Housing Ombudsman Service
Independent Adjudicator for Higher Education
Independent Police Complaints Commission
Legal Ombudsman, England and Wales
Local Government Ombudsmen, England
Northern Ireland Ombudsman
Ombudsman and Information Commissioner for Ireland
Ombudsman for the Defence Forces, Ireland
Ombudsman Services: Communications
Ombudsman Services: Energy
Ombudsman Services: Property
Parliamentary & Health Service Ombudsman
Pensions Ombudsman
Pensions Ombudsman of Ireland
Police Ombudsman for Northern Ireland
Property Ombudsman
Public Services Ombudsman for Wales
Removals Industry Ombudsman
Scottish Public Services Ombudsman
Waterways Ombudsman

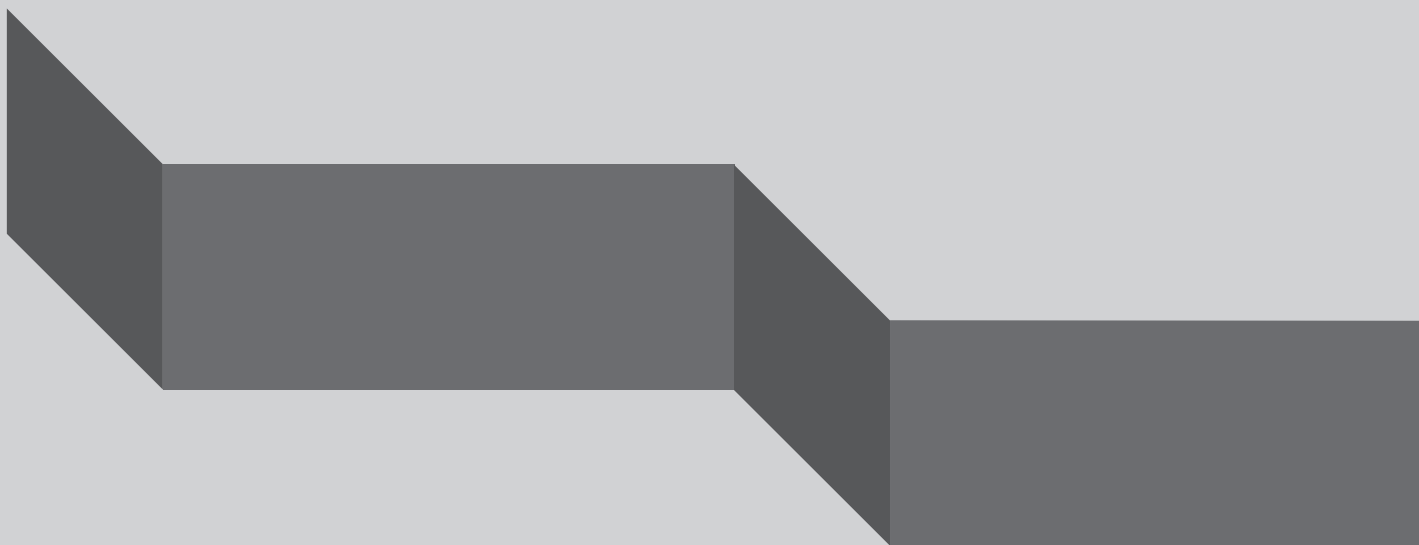
## Complaint handler members

Adjudicator, Revenue and Customs, Valuation Office Agency, Public Guardianship Office, and the Insolvency Service
Advertising Standards Authority
An Coimisinéir Teanga (Irish Language Commissioner)
Barristers Professional Conduct Tribunal, Ireland
Commissioner for Public Appointments for Northern Ireland
Complaints Commissioner for the British Virgin Islands
Criminal Records Bureau (Independent Complaints Monitor)
First Civil Service Commissioner and Commissioner for Public Appointments
Furniture Ombudsman

Greffier of the States of Jersey
IDRS Limited
Immigration Services Commissioner
Independent Case Examiner for DWP
Independent Complaints Reviewer, Audit Commission, HM Land Registry, Land Registers NI, National Archives, Charity Commission, Housing Corporation and Youth Justice Agency
Independent Football Ombudsman
Independent Review Service for the Social Fund
Information Commissioner
Institute of Chartered Accountants of Scotland
Judicial Appointments & Conduct Ombudsman
Judicial Complaints Reviewer
Law Society of Ireland
Law Society of Scotland
Lay Observer for Northern Ireland
Northern Ireland Judicial Appointments Ombudsman
Older People's Commissioner for Wales
Ombudsman for Children, Ireland
Police Complaints Commissioner for Scotland
Press Ombudsman, Ireland
Prisoner Ombudsman for Northern Ireland
Prisons and Probation Ombudsman for England and Wales
Public Standards Commissioner for Scotland
Royal Institution of Chartered Surveyors
Scottish Information Commissioner
Scottish Legal Complaints Commission
Service Complaints Commissioner for the Armed Forces
Standards Board for England
The Dispute Service Limited
Welsh Language Commissioner

## Corporate associate member

DAC Beachcroft LLP, Solicitors
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'Ombudsman Association' is the  
public name of the British and  
Irish Ombudsman Association