

**Membership Application / Re-validation Check List: Ombudsman Member**

The Validation Committee needs to have sufficient evidence in order to scrutinise and validate the scheme’s application / re-validation. Please provide full narrative responses that explain how your scheme meets the criteria, together with electronic copies of or web-links to any relevant supporting documentation (which may be your legislation, rules, Articles of Association, etc.). If there are areas where you feel you do not meet the criteria, please indicate if there is the intention to do so in the future. Additional detailed evidential responses are not expected for Criteria 3, 4 and 5, but schemes should confirm that they comply with these two sets of principles and proper use of the title ‘Ombudsman’.

**Name of scheme: ...................................................................................................................**

|  |
| --- |
| **Criteria/requirements for recognition of Ombudsman Offices** |
| **1.** | **Guiding Principles** | *Validation Committee Score* |
| **1.1** | **Is the core role that of an Ombudsman? (To investigate and resolve, determine or make recommendations against those whom the Ombudsman is empowered to investigate.)** | A | B | C | ? |
| *Response (incl. supporting information and evidence)* |
| **1.2** | **Is the primary role to handle complaints by individuals about maladministration, unfair treatment, poor service or other inequitable conduct by those subject to investigation?** | A | B | C | ? |
|  |
| **1.3** | **Does the Ombudsman scheme provide comprehensive and coherent coverage of their sector and clear simple access to the scheme?[[1]](#footnote-1)** | A | B | C | ? |
|  |
| **1.4** | **If a private sector scheme:**1. **Is there more than one ombudsman scheme in the same industry sector?**
2. **Does the scheme cover a substantial number of firms / market share in the industry? (please provide both total numbers and statistics)**
 | A | B | C | ? |
|  |
| **2.** | **Criteria** | *Validation Committee Score* |
| **2.1** | **Independence** |
| **2.1.1** | **The Ombudsman should be visibly and demonstrably independent from those whom the Ombudsman has the power to investigate.** | A | B | C | ? |
|  |
| **2.1.2** | **The persons who appoint the Ombudsman are independent of those subject to investigation by the Ombudsman (this does not exclude minority representation of those subject to investigation on the appointing body, provided the body is entitled to appoint by a majority decision).** | A | B | C | ? |
|  |
| **2.1.3** | **The Ombudsman should be appointed by an open process without a predetermined outcome.**  | A | B | C | ? |
|  |
| **2.1.4** | **Term of office sufficient not to undermine independence (the appointment should be for a minimum of five years and if renewable, the renewal process should not undermine or compromise the office holder’s independence).** | A | B | C | ? |
|  |
| **2.1.5** | **Remuneration of Ombudsman not subject to suspension or reduction by those subject to investigation (but that does not exclude their minority representation on the body authorised to determine it).** | A | B | C | ? |
|  |
| **2.1.6** | **Appointment not to be subject to premature termination other than for incapacity, misconduct or other good cause (grounds for dismissal should be stated – those subject to investigation should not be entitled to exercise the power to terminate the Ombudsman’s appointment).** | A | B | C | ? |
|  |
| **2.1.7** | **The Ombudsman alone (or someone acting on his or her authority) must have the power to decide if a complaint is within jurisdiction and, if it is, the power to determine it. The Ombudsman’s determination should be final and should not be able to be overturned other than by the courts or an appeal route provided for by law.** | A | B | C | ? |
|  |
| **2.1.8** | **The Ombudsman should explain publicly if decision-making authority is delegated to others within the scheme, and if so what decision-making authority is delegated and to whom.**  | A | B | C | ? |
|  |
| **2.1.9** | **Unless otherwise determined by statute, the Ombudsman should report to a body independent of those subject to investigation (but this does not exclude their minority representation on that body). This body should also be responsible for safeguarding the Ombudsman’s independence.** | A | B | C | ? |
|  |
| **2.2** | **Fairness** | *Validation Committee Score* |
| **2.2.1** | **The Ombudsman should be impartial, proceed fairly and act in accordance with the principles of natural justice.** | A | B | C | ? |
|  |
| **2.2.2** | **The Ombudsman should make reasoned decisions in accordance with what is fair in all the circumstances, having regard to the principles of law, to good practice and to any inequitable conduct or maladministration.** | A | B | C | ? |
|  |
| **2.2.3** | **In all cases if it is decided not to accept the complaint for investigation, the Ombudsman should notify the complainant of that decision and the reasons for it.** | A | B | C | ? |
|  |
| **2.2.4** | **Where the Ombudsman cannot or does not accept a complaint, the Ombudsman should inform the complainant of alternative routes they can pursue and where appropriate signpost them to an alternative service.**  | A | B | C | ? |
|  |
| **2.2.5** | **In all cases investigated, the Ombudsman should notify the parties concerned of the decision and the reasons for it.** | A | B | C | ? |
|  |
| **2.2.6** | **The Ombudsman should take an inquisitorial approach to investigating complaints, which requires assessing what evidence is needed, requesting further evidence from the parties if necessary, and challenging evidence provided.** | A | B | C | ? |
|  |
| **2.3** | **Effectiveness** | *Validation Committee Score* |
| **2.3.1** | **The office of the Ombudsman must be adequately staffed and funded, either by those subject to investigation or from public funds, so that complaints can be effectively and expeditiously investigated and resolved.** | A | B | C | ? |
|  |
| **2.3.2** | **The Ombudsman should expect those organisations subject to their investigation to have accessible and fair internal complaints procedures.**  | A | B | C | ? |
|  |
| **2.3.3** | **Accessibility:**1. **The right to complain to the Ombudsman should be adequately publicised by those subject to investigation.**
2. **Complainants should normally have direct access to the Ombudsman scheme although, exceptionally, if this is prevented by law, the Ombudsman should seek to minimise the adverse impact on complainants.**
3. **The Ombudsman should make provision for complaints to be made via post, email, phone or online, within legislative and other constraints, and should provide assistance to those requesting it for the purpose of submitting a complaint.**
4. **The Ombudsman should publish its procedure for making reasonable adjustments for those accessing the scheme.**
5. **The Ombudsman’s procedures should be straightforward for complainants to understand.**
6. **Those complaining to the Ombudsman should be entitled to do so free of charge.**
7. **The Ombudsman should ensure that its documents are written in language that is accessible to users with a wide range of needs, including low literacy.**
 | A | B | C | ? |
|  |
| **2.3.4** | **Powers and procedures:**1. **The Ombudsman should be entitled to investigate any complaint made to the Ombudsman which is within the Ombudsman’s jurisdiction without the need for prior consent of the person or body against whom the complaint is made (this does not preclude a requirement that before the Ombudsman commences an investigation, the complainant should first have exhausted the internal complaints procedure of the person or body being investigated).**
2. **The Ombudsman should, save as otherwise provided by law, have the right to require all relevant information, documents and other materials from those subject to investigation.**
3. **The Ombudsman should publish information on time limits for bodies in jurisdiction to respond to complaints, what format that response should take, and what options exist and time limits apply for commenting on responses and/or further evidence.**
4. **The Ombudsman should be entitled, but not obliged, to disclose to the complainant or to the person/body being investigated such information, documents and other materials as shall have been obtained by the Ombudsman from the other of them unless there shall be some special reason for not making such disclosure (e.g. where sensitive information is involved or disclosure would be a breach of the law).**
5. **The Ombudsman should ensure that whether the complaint is resolved informally or decided following investigation, the parties are informed in writing of a) the outcome of the complaint, b) where to get further help or to raise questions, and c) how to raise a complaint about the service or make representations against a decision.**
6. **The Ombudsman should publish information on what outcomes are possible and what remedies are available, including how financial remedies are determined.**
 | A | B | C | ? |
|  |
| **2.3.5** | **Implementation of Decisions:**1. **Either: Those investigated should be bound by the decisions or recommendations of the Ombudsman**

**Or: There should be a reasonable expectation that the Ombudsman’s decisions or recommendations will be complied with (in all those cases where they are not complied with, the Ombudsman should have the power to publicise, or require the publication of, such non-compliance at the expense of those investigated).**1. **The Ombudsman should have procedures in place for a) following up on decisions and recommendations to ensure they have been complied with and, if necessary b) what steps to take to ensure compliance.**
 | A | B | C | ? |
|  |
| **2.3.6** | **The Ombudsman should have in place a quality assurance mechanism for its complaint handling and should conduct regular auditing of outcomes.** | A | B | C | ? |
|  |
| **2.3.7** | **The Ombudsman should demonstrate that it proactively influences the service provision and complaints handling of the bodies in its jurisdiction. For example, through training, producing guidance materials, and providing feedback on patterns in type and numbers of complaints from the bodies in jurisdiction.** | A | B | C | ? |
|  |
| **2.4** | **Openness and Transparency** | *Validation Committee Score* |
| **2.4.1** | **The Ombudsman’s Office should ensure openness and transparency so that members of the public and other stakeholders know why the scheme exists, what it does and what to expect from it, and can have confidence in the decision making process and management processes of the scheme.** | A | B | C | ? |
|  |
| **2.4.2** | **Information in the public domain should include a clear explanation of an Ombudsman scheme’s legal constitution, governance and funding arrangements - the jurisdiction, the powers and the method of appointment of the Ombudsman should be matters of public knowledge.** | A | B | C | ? |
|  |
| **2.4.3** | **The Ombudsman should set out clearly which bodies are within its jurisdiction, for example publishing a searchable list of bodies on its website.** | A | B | C | ? |
|  |
| **2.4.4** | **The Ombudsman should be entitled in the annual report, or elsewhere, to publish anonymised reports of investigations.** | A | B | C | ? |
|  |
| **2.4.5** | **The Ombudsman should be proactive in raising and monitoring awareness of the scheme among potential complainants, including disadvantaged groups.**  | A | B | C | ? |
|  |
| **2.4.6** | **The Ombudsman should regularly check how easy complainants find it to access their services, for example, by issuing customer satisfaction surveys and consulting focus groups.** | A | B | C | ? |
|  |
| **2.4.7** | **The Ombudsman should publish a step-by-step guide to its complaint-handling processes.** | A | B | C | ? |
|  |
| **2.4.8** | **The Ombudsman should publish service standards to inform users of what to expect in terms of response times, staff behaviour, and what constitutes unreasonable behaviour by users of the scheme.** | A | B | C | ? |
|  |
| **2.4.9** | **The Ombudsman should always be as open as possible about the scheme and its purpose, giving clear and unambiguous information to the public, stakeholders and the media.** | A | B | C | ? |
|  |
| **2.5** | **Accountability** | *Validation Committee Score* |
| **2.5.1** | **The Ombudsman, staff members and members of any governing body should be seen to be responsible and accountable for their decisions and actions, including stewardship of funds.** | A | B | C | ? |
|  |
| **2.5.2** | **The Ombudsman should publish an Annual Report and Annual Accounts.** | A | B | C | ? |
|  |
| **2.5.3** | **The Ombudsman should publish its procedure for making complaints about the scheme and where appropriate, for requesting review of decisions.** | A | B | C | ? |
|  |
| **2.5.4** | **The Ombudsman should publish information on complaints about, and legal challenges against, the scheme in its Annual Report.** | A | B | C | ? |
|  |
| **2.5.5** | **The Ombudsman should report on improvements made as a result of feedback or service complaints.** | A | B | C | ? |
|  |
| **3.**  | **Governance** | *Validation Committee Score* |
| **3.1** | **The Association expects Ombudsman Members to comply with its Principles of Good Governance (and any amendments thereto), namely:*** **Independence**
* **Openness and transparency**
* **Accountability**
* **Integrity**
* **Clarity of purpose**
* **Effectiveness**
 | A | B | C | ? |
|  |
| **4.** | **Principles of Good Complaint Handling** | *Validation Committee Score* |
| **4.1** | **The Association expects Ombudsman members to operate in accordance with its Principles of Good Complaint Handling (and any amendments thereto), namely:*** **Clarity of purpose**
* **Accessibility**
* **Flexibility**
* **Openness and transparency**
* **Proportionality**
* **Efficiency**
* **Quality outcomes**
 | A | B | C | ? |
|  |
| **5.**  | **Use of the title ‘Ombudsman’** | *Validation Committee Score* |
| **5.1** | **The title ‘Ombudsman’ should not be used unless the Association’s Criteria for Recognition of Ombudsman’s Offices are met. The Association will not admit to membership in any category organisations or individuals which use the title of ‘Ombudsman’ but do not meet the Association’s Criteria for Ombudsman Membership.** | A | B | C | ? |
|  |

Date Submitted: ……………………………………………………………………………………..

Submitted by (Name and title): ……………………………………………………………………..

Contact details (Email and phone): …………………………………………………………………

Please return this form to the Ombudsman Association by emailing: donal.galligan@ombudsmanassociation.org together with electronic copies of or web-links to any supporting documentation.

**Note: Additional information may be requested.**

1. There are more detailed criteria on accessibility in section **2.3.3**. [↑](#footnote-ref-1)