

Strategic position statement on ombudsman schemes

An Ombudsman serves the public interest. They help to underpin public confidence in the organisations complained about – by providing members of the public with 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.

The Ombudsman Members of the Association satisfy its criteria¹ of:

- Independence
- Fairness
- Effectiveness
- Openness and Transparency
- Accountability

The Association promotes high standards. It has adopted and published principles for good governance² and good complaint handling.³ The Association's membership criteria and principles are consistent with the requirements of the EU Directive on alternative dispute resolution for consumer disputes.

Principles for ombudsman schemes

The following principles represent the overall views of the Ombudsman Association, and the strategic policies that guide the Executive Committee. They do not necessarily reflect the views of every member on each detail. References to 'organisations complained about' mean organisations and individuals that are within an ombudsman's jurisdiction or remit.

- The provision of impartial redress through an ombudsman serves the public interest and is an important part of access to justice.
- The success of the ombudsman model depends on: independence, to ensure impartiality; free access for people; informal and flexible processes; active investigation; and effective redress.
- The name 'ombudsman' should be protected, preferably by law. It should only be used for bodies that comply with the Association's criteria⁴.
- There should be comprehensive ombudsman coverage in all areas of consumer and public services (unless already covered by tribunals).
- Members of the public should have direct and immediate access to the ombudsman if the organisation complained about does not resolve the complaint promptly.
- Organisations complained about should be required to signpost to the relevant ombudsman scheme.
- Ombudsman decisions should be final and should not be able to be overturned other than by an appeal route provided for by law.

¹ www.ombudsmanassociation.org/docs/OA-Rules-Schedule-1.pdf

² www.ombudsmanassociation.org/docs/BIOAGovernanceGuideOct09.pdf

³ www.ombudsmanassociation.org/docs/BIOAGoodComplaintHandling.pdf

⁴ www.ombudsmanassociation.org/docs/OA-Rules-Schedule-1.pdf

- Ombudsman schemes should have sufficient funding for the proper discharge of their role, and remain free-of-charge to those bringing complaints.
- The ombudsman should be able to provide effective remedies including, where appropriate, providing systemic remedies and the power to follow up or monitor recommendations.
- Ombudsman schemes should share information wherever possible to help the wider sector learn from complaints handling, and improve the provision of services.
- An ombudsman scheme should be able to appoint its own staff and be free to determine the structure of its organisation.
- To ensure access to redress is simple and straightforward there should be a single ombudsman within a sector, and there should be increased harmonisation of powers and processes between ombudsman schemes in different sectors.
- New ombudsman schemes should not be created where the role could be appropriately fulfilled by an existing ombudsman, and existing ombudsman schemes should be rationalised where this is in the interests of members of the public
- There should be clear boundaries between different ombudsman, avoiding gaps and overlaps. Where there are overlaps between schemes they should work together to ensure clear signposting and hand-offs, to help complainants get to the right place.
- To ensure consistency of public policy, governments should each have a central point with responsibility for leading and coordinating on ombudsman matters.

Ombudsman schemes focusing on public services

- Ombudsman schemes covering services provided by, or on behalf of, national/devolved/local government and state-funded health services should be appointed by, funded by, and accountable to:
 - a democratically elected body (with accountability preferably through a committee); and
 - not a minister, office-holder or official.
- Appointment (which includes reappointment where applicable) should be through an open and transparent process that is consistent with best public appointments practice.
- An ombudsman should have the power to begin investigations on their own initiative into matters within their jurisdiction.
- An ombudsman's findings of fact, and of maladministration or poor service, should be binding on the organisation complained about.
- If the organisation complained about is subject to direct/indirect democratic control, an ombudsman's findings on responsibility and redress should be respected. If they are not subject to direct/indirect democratic control, an ombudsman's findings on responsibility and redress should be binding on the organisation complained about.
- If public service ombudsman schemes cover complaints against private businesses, consideration should be given to whether the costs may be met by the relevant business sector (rather than from taxation).