

LAUNCHING A NEW OMBUDSMAN OFFICE

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- **Juggler** – principles; logistics; relationships; complaints-handling

- **Explorer** – evolving territory; learning and teaching

- **Helper** – do the right thing conscientiously and fairly

- **Teacher** – toward a culture of public service

*"The Ombudsman is neither an advocate for the Complainant nor for the Authority;
He is a "Critical Friend" to both." (Tom Frawley, Ombudsman for Northern Ireland)*

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PRINCIPLES / STATUTE Charting the Course

Groundwork done by the Central Policy Unit, Government of Bermuda

Ombudsman statute

- Ombudsman Act 2004
- Jurisdiction – authority; actions; maladministration
- Powers – investigation; summons; summary offences
- Accountability – due process; reports

International Network

- Jurisprudence (see attachment)
- Reports
- Conferences

Other Laws

- Administrative Law;
- International Human Rights Law

Authorities:

- Governing laws,
- Regulations
- Public brochures
- Media information

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LOGISTICS Nuts, bolts and oil Finding & Setting up the Office

- Physically accessible – seniors, physically challenged
- External sign – constant reminder
- Inviting - does not “feel” like government
 - interview room: not a counter/desk, rather: round table / library
 - water / coffee
 - government organizational chart; Seal; Let Your Life Speak;
 - Opening hours: 9 – 5:30pm (*opened September 1st, 2005*)
- Security: Staff; documents; stationery

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Staff

- Some experience with government
- Skills: legal, organizational, people
- Complementary skills
- Smart, passionate, integrity, will stand up to you
- Diversity
- Openness; set expectations; staff meetings / learning sessions
- Use Human Resources expertise, if possible

Complaints Management System

- Build or buy
- Numbering system – annual statistics
- Link statutes, correspondence

Website

- Internal management

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PUBLIC RELATIONS Navigating the Terrain Government / Civil Service

- Orientation with people most affected – Departments;
Boards
- Meet periodically with Civil Service Executive
- Meet with departments as necessary – learning curve

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Public

- Brochure mailed to each household (*November 1st, 2005*)
- Presentations (Rotary, seniors, etc.)
- Talk-shows; print media; TV (Austria)
- Media (use of professional public relations consultant)
 - Press release / advisory; advertisements
 - Check understanding when giving interviews
 - When is there too much publicity

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Public....

- Give yourself public permission to be imperfect
- Annual Report
 - Accountability (operations, conferences)
 - Learning / teaching

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COMPLAINTS HANDLING

Where the rubber hits the road

Intake

Ask complainants about

- Prior experience with authority / personal relationships
- Anyone else with information
- Copies of earlier communication
- Existing procedures attempted / exhausted

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COMPLAINTS HANDLING

Where the rubber hits the road

- What is it they want - signature
- What is the authority likely to say about them
- Frame acknowledgement and inquiries within the definition of maladministration

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Investigation

Site visit if relevant

Ask authorities about

- Prior experience with complainant – conforming / disconforming data
- Law, regulations, policies
- Be as specific as possible – open-ended vs. closed questions
- Any other information
- Watch wording of responses
 - pulling the wool over your eyes
 - inconsistencies over range of cases
 - double / triple check facts – you stand on your report
- Surprise - Columbo
- Test all angles – gather information from all sources

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Disposition of Complaints: put complainants in the position they would have been...

Referral: clarify that it is the Complainant who must go to the alternate vehicle

- Add value
 - formal letter - helps the referred authority to understand what you know
 - tonic effect

Decline or no maladministration found

- base on statute
- "We know that this is not the answer you had hoped to receive, but you can be assured that we reviewed your complaint thoroughly and fairly."

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[Disposition of Complaints...]

Resolution of complaint

- p. 28/29 Report – informal; specific and/or general recommendation; mediated
- apology (admit harm; explain action; systemic improvement)
- make it easy for authority to implement
- Reports: complaint; background; findings; recommendations (specific + general)
- Consolatory payments (not compensation); reasons be given

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[Disposition of Complaints....]

Systemic Investigation

- Finite subject; frame as maladministration
- Top notch experts (SORT methodology)
- Tape interviews; daily notes; footnotes and collation of evidence binder
- Readable report (2-person read through); fair
- Use interviews as a way to condition stakeholders toward change

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[THE OMBUDSMAN'S ART]

- trust your intuition – your nose is your best asset
 - If it doesn't sound quite right; don't quite understand; something is missing
 - if a response is too slick, dismissive or evasive
- when authority is uncooperative
 - carrot: keep on trucking – educate, talk to all possible decision-makers
 - stick: Contempt of Court; Summons

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[THE OMBUDSMAN'S ART.....]

- test self for fairness
 - Bounce ideas off on staff
 - Stereotyping:: intransigence of authority / sanity of complainant (PCA)
 - Give the authority a fresh sheet with each new complaint
- model good administration
 - Communicate – balance informality with clear messages
 - Apologize / give credit where due
 - Acknowledge nuance and human foibles
 - Passionate, but no ego investment
 - For the Good of the Public; and Those who Serve the Public

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