

Ombudsmen: Public Services And Administrative Justice (Law In Context)

The public sector ombudsman has become one of the most important administrative justice institutions in many countries around the world. This international and interdisciplinary Research Handbook brings together leading scholars and practitioners to discuss the state-of-the-art of ombudsman research. It uses new empirical studies and competing theoretical explanations to critically examine important aspects of the ombudsman's work. This comprehensive Handbook is of value to academics designing future ombudsman studies and practitioners and policymakers in understanding the future challenges of the ombudsman.

The statutory duty of public services ombudsmen (PSO) is to investigate claims of injustice caused by maladministration in the provision of public services. This book examines the modern role of the ombudsman within the overall emerging system of administrative justice and makes recommendations as to how PSO should optimize their potential within the wider administrative justice context. Recent developments are discussed and long standing questions that have yet to be adequately resolved in the ombudsman community are re-evaluated given broader changes in the administrative justice sector. The work balances theory and empirical research conducted in a number of common law countries. Although there has been much debate within the ombudsman community in recent years aimed at developing and improving the practice of ombudsmanny, this work represents a significant advance on current academic understanding of the discipline.

Accountability is essential for good governance, and in many Asian countries the ombudsman is the key accountability institution. Originating in the West, the concept of the ombudsman arrived relatively late in Asia. Yet more and more ombudsman offices are being established in Asia, and they play a critical role in the fight against incompetence and injustice on the part of government officials. This report presents in-depth research on Asian ombudsmen, with a focus on best practices and emerging issues, especially in the context of the new public management, and includes recommendations to policy makers. It will be a valuable resource for scholars, ombudsmen, and anyone else interested in this vital institution.

Research Handbook on the Ombudsman

Handbook of Research on Global Challenges for Improving Public Services and Government Operations

Time for a People's Ombudsman Service – HC 655

Dealing with Dysfunction

The New Imperatives

Chapter 10, Explanatory Notes

Public sector reform has moved on apace since the first of the Commonwealth Public Service Country Profile Series was launched in 1995 when the principles of New Public Management (NPM) were in an early stage of adoption. Since then, the various civil services described in the series have undergone radical change in scope, organization and approach rendering a revision timely. Now up dated and completely revised, these re-issued Country Profiles continue to be an accessible and valuable source of reference which attempt to both describe and analyze the often tumultuous and controversial public sector reforms which have taken place in contributing countries since 1995. Practicing bureaucrats, diplomats, political and academic audiences will find these new books invaluable in benchmarking best practice in public sector reform across Commonwealth member countries.

This report presents proposals by the Law Commission for reforms to make it easier to complain if you suffer poor public services. The public services ombudsmen have wide-ranging powers to investigate complaints against health service providers, housing associations and a host of Government departments and agencies. Complaints are dealt with for free and can result in financial compensation and an apology. But the procedures for making a complaint are often outdated and inconsistent. For example, complaints must usually be submitted in writing and in some cases can be made only through an MP. The proposed reforms will help to keep cases out of court: under current rules the ombudsman should not deal with a complaint after court proceedings have begun, even if the complainant was badly advised to go to court. In future, the Law Commission would like courts to transfer appropriate cases to the ombudsman. The consultation focuses on five statutory ombudsmen: the Parliamentary Commissioner for Administration, Public Services Ombudsman for Wales, and the Local Government, Health Service and Housing Ombudsmen

A Bill to establish and make provision about the office of Public Services Ombudsman for Wales; to make provision about the functions of the Public Services Ombudsman for Wales; to make provision about compensation; to abolish the Commission for Local Administration in Wales and the offices of Welsh Administration Ombudsman, Health Service Commissioner for Wales and Social Housing Ombudsman for Wales. Government bill introduced on 24th November 2004. Explanatory notes to the Bill, prepared by the National Assembly for Wales in conjunction with the Wales Office, are published separately as HL Bill 3-EN (ISBN 0108495353)

Provincial & Territorial Ombudsman Offices in Canada

From Citizen's Charter to Public Service Guarantees

Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States

The Ombudsman Enterprise and Administrative Justice

An Evaluation of the Long-term Care Ombudsman Programs of the Older Americans Act : Summary

An Act to establish and make provision about the office of Public Services Ombudsman for Wales; to make provision about the functions of the Public Services Ombudsman for Wales; to make provision about compensation; to abolish the Commission for Local Administration in Wales and the offices of Welsh Administration Ombudsman, Health Service Commissioner for Wales and Social Housing Ombudsman for Wales. Royal assent, 7th April 2005. Explanatory notes have been produced to assist in the understanding of this Act and are available separately (ISBN 0105610054)

From citizen's charter to public service Guarantees : Entitlements to public services, twelfth report of session 2007-08, report, together with formal Minutes

OmbudsmenPublic Services and Administrative JusticeCambridge University Press

Reimagining Administrative Justice

The Legal Services Ombudsman, Dispute Resolution and Democratic Accountability

Entitlements to Public Services, Twelfth Report of Session 2007-08, Report, Together with Formal Minutes

Ombudsmen at the Crossroads

Administrative Reform

withstanding the test of time, 4th report session 2006-2007

This publication contains an article by Dr Richard Kirkham, Lecturer in the School of Law at Sheffield University, on the history of the post of Parliamentary Ombudsman to mark the 40th anniversary of its establishment, together with a foreword written by the current postholder, Ann Abraham. The paper discusses the origins of the Office and its creation through the Parliamentary Commissioner Act 1967, as well as its existing and future role, the changing landscape of the administrative justice system and possible amendments to Office's powers. The paper concludes that "a few required amendments aside, the Parliamentary Commissioner Act remains a good piece of legislation and the constitution is much stronger for the Parliamentary Ombudsman. As well as improving the power of the citizen to gain redress, as was originally intended, Parliament itself has gained a valuable tool in the ongoing process of calling the government to account."

This Toolkit provides non-technical, practical help to enable officials to recognise conflict of interest situations and help them to ensure that integrity and reputation are not compromised.

This book looks at accountability, privatisation of government functions, the complaint handling process, systematic investigations, compliance issues and management concerns. It provides Caribbean case studies placed within a larger international context, illustrating the experience of developing small and island states in general. Issues and strategies relating to human rights protection and promotion in the Caribbean by ombudsman and related human rights issues are also explored. Published by the Commonwealth

Secretariat in collaboration with the International Ombudsman Institute.

The Caribbean Experience

Hearing Before the Subcommittee on Administrative Practice and Procedures ... 90-2, Pursuant to S.Res. 25 on S. 1195, to Establish the Office of Administrative Ombudsman to Investigate Administrative Practices and Procedures of Selected Agencies of the United States, January 16, 1968

the Ombudsman's review of complaint handling by government departments and public bodies 2010-11, ninth report of the Parliamentary Commissioner for Administration session 2010-12

Current Good Practices and New Developments in Public Service Management

Strengthening the Ombudsman Institution in Asia

A Manifesto for Ombudsman Reform

This book charts the evolution of the Legal Services Ombudsman for England and Wales. Established in 1990, it had a statutory remit that explicitly recognized its dual responsibility for consumer dispute resolution and democratic accountability. It was replaced in 2010 by a very different type of ombudsman institution. The book describes how the Ombudsman reconciled its different roles and how far it succeeded in changing the mentality of the legal profession. The authors relate the Ombudsman 's successes and failures to current debates facing the ombudsman and regulatory community, and highlight the continuing potential of the ombudsman institution. The ombudsman institution emerges as a ' third way ' between the courts and various forms of alternative dispute resolution, and as a creative and democratic means of responding to public grievance.

Enquires into and investigates complaints against Tasmanian State Government Departments, Councils and public authorities.

Parliamentary ombudsmen are appointed to investigate citizens' complaints and to provide checks on government administrative activity. In Canada, there are ten provincial and territorial ombudsmen, each with mandates over the whole of the public service within their regions. Though each ombudsman presents an annual report on his or her activities, there has been little sustained evaluation of the position's impact or its effectiveness. In this collection, contributors describe and assess the performance of the ten ombudsman offices in light of their multiple and evolving functions. Ombudsmen both investigate citizens' complaints and direct them to already-existing agencies. They sometimes educate the public about administrative processes and initiate probes of systemic issues in need of amelioration or change. An important evaluation of a little-studied institution, Provincial and Territorial Ombudsman Offices in Canada offers background and theory, case studies, and perspectives on the emerging challenges for the office in the twenty-first century.

Hearing, Ninetieth Congress, Second Session ... January 16, 1968

Public services ombudsmen

Responsive and accountable?

Ombudsmen

Australasia and Pacific Ombudsman Institutions

a consultation paper

The "International Ombudsman Yearbook" is the only publication devoted to ombudsman issues. The public sector ombudsman is now found at all levels of government in many countries around the world, both in established and consolidating democracies. The ombudsman is an independent office, traditionally appointed by the legislative branch, to investigate poor administration of government. More recently, some ombudsman offices have been given human rights protection responsibilities. The "International Ombudsman Yearbook" contains articles written from legal or public administration perspectives which address issues of interest to the contemporary ombudsman and to all persons with an interest in the institution. Compiled and edited by the International Ombudsman Institute, the organization composed of over 130 ombudsman members located worldwide, the "Yearbook" will be of interest to lawyers, scholars, ombudsman office personnel and government entities wherever ombudsman offices are located or contemplated.

Part of Butterworth's 'Law in Context Series' this is a description and evaluation of the UK public sector ombudsman system, focusing on the Parliamentary, Health Service and Local Government ombudsmen in England. It also covers the public sector ombudsmen in Scotland, Wales and Northern Ireland.

In this report, the Public Administration Select Committee (PASC) calls for a 'People's Ombudsman' and says the Parliamentary and Health Service Ombudsman (PHSO), which investigates complaints against the NHS and other government departments and agencies, is outdated. Citizens should have direct and more user-friendly access to the Ombudsman. None of the Ombudsmen created since the PHSO's operations were established in legislation 47 years ago have adopted the same restricted model as the Parliamentary Ombudsman. As a priority, the restriction on citizens' direct and open access to PHSO, known as the MP filter, must be abolished (as is already the case in respect of NHS complaints). PHSO must be able to receive complaints other than in writing; such as in person, by telephone or online, just as is expected of any normal complaints system. PHSO should have powers to investigate areas of concern without having first to receive a complaint from a service user. Parliament should strengthen the accountability of PHSO. PASC, along with other Departmental Select Committees, should make greater use of the intelligence gathered by the PHSO to hold Government to account. A consultation should be held on the creation of a single public services ombudsman for England. At the same time, there must be a distinctive ombudsman service for UK non-devolved matters.

Parliament and the Ombudsman

Mandates, Competences and Good Practice

Real People, Real Problems

The work of the Local Government Ombudsman

Public Services Ombudsman

third report of session 2012-13, Vol. 1: Report, together with formal minutes, oral and written evidence

'In their beautifully written book, O'Brien and Doyle tell a story of small places – where human rights and administrative justice matter most. A human rights discourse is cleverly intertwined with the debates about the relationship between the citizen and the state and between citizens themselves. O'Brien and Doyle re-imagine administrative justice with the ombud institution at its core. This book is a must read for anyone interested in a democratic vision of human rights deeply embedded within the administrative justice system.'—Naomi Creutzfeldt, University of Westminster, UK Doyle and O'Brien's book makes an important and timely contribution to the growing literature on administrative justice, and breaks new ground in the way that it re-imagines the field. The book is engagingly written and makes a powerful case for reform, drawing on case studies and examples, and nicely combining theory and practice. The vision the authors provide of a more potent and coherent approach to administrative justice will be a key reference point for scholars, policymakers and practitioners working in this field for years to come.'—Dr Chris Gill, Lecturer in Public Law, University of Glasgow 'This immensely readable book ambitiously and successfully re-imagines administrative justice as an instrument of institutional reform, public trust, social rights and political friendship. It does so by expertly weaving together many disparate motifs and threads to produce an elegant tapestry illustrating a remaking of administrative justice as a set of principles with the ombud institution at its centre.'—Carolyn Hirst, Independent Researcher and Mediator, Hirstworks /divThis book reconnects everyday justice with social rights. It rediscovers human rights in the 'small places' of housing, education, health and social care, where administrative justice touches the citizen every day, and in doing so it re-imagines administrative justice and expands its democratic reach. The institutions of everyday justice – ombuds, tribunals and mediation – rarely herald their role in human rights frameworks, and never very loudly. For the most part, human rights and administrative justice are ships that pass in the night. Drawing on design theory, the book proposes to remedy this alienation by replacing current orthodoxies, not least that of 'user focus', with more promising design principles of community, network and openness. Thus re-imagined, the future of both administrative justice and social rights is demospresential, firmly rooted in making response to citizen grievance more democratic and embedding legal change in the broader culture./divdiv

This report reveals complaint handling across government to be inconsistent, haphazard and unaccountable, operating without any overarching design, overall standards or common performance framework. This is unhelpful for people who want to change their experience of interacting with a public service by making a complaint. It also means opportunities to improve public services through complaint handling are being missed. There is no shared view across government of the standard of complaint handling that a member of the public can reasonably expect. Complainants may be required to navigate anything between one and four stages of a complaint procedure before 'local resolution' is completed and the complainant can bring their complaint to the Ombudsman. The absence of any clear methodology or machinery to share best practice, or ensure lessons from complaints are learnt across government departments, increases the likelihood of the same mistakes being repeated again and again. The Ombudsman's Principles of Good Complaint Handling are a good starting point for government in the task of ensuring that all departments share an understanding of the importance of fairness, transparency, and accountability. But there is a need for strong leadership from the top, committed to developing a culture across the civil service that values complaints. The report covers the survey of departments, case studies, and gives statistics on complaint handling and the financial costs of poor complaint handling.

How can we intervene in the systemic bureaucratic dysfunction that beleaguers the public sector? De Jong examines the roots of this dysfunction and presents a novel approach to solving it. Drawing from academic literature on bureaucracy and problem solving in the public sector, and the clinical work of the Kafka Brigade—a social enterprise based in the Netherlands dedicated to diagnosing and remedying bureaucratic dysfunction in practice, this study reveals the shortcomings of conventional approaches to bureaucratic reform. The usual methods have failed to diagnose problems, distinguish symptoms, or identify root causes in a comprehensive or satisfactory way. They have also failed to engage clients, professionals, and midlevel managers in understanding and addressing the dysfunction that plagues them. This book offers conceptual frameworks, theoretical insights, and practical lessons for dealing with the problem. It sets a course for rigorous public problem solving to create governments that can be more effective, efficient, equitable, and responsive to social concerns. De Jong argues that successfully remedying bureaucratic dysfunction depends on employing diagnostics capable of distinguishing and dissecting various kinds of dysfunction. The "Anna Karenina principle" applies here: all well functioning bureaucracies are alike; every dysfunctional bureaucracy is dysfunctional in its own way. The author also asserts that the worst dysfunction occurs when multiple organizations share responsibility for a problem, but no single organization is primarily responsible for solving it. This points to a need for creating and reinforcing distributed problem solving capacity focused on deep (cross-)organizational learning and revised accountability structures. Our best approach to dealing with dysfunction may therefore not be top-down regulatory reform, but rather relentless bottom-up and cross-boundary leadership and innovation. Using fourteen clinical cases of bureaucratic dysfunction investigated by the Kafka Brigade, the author demonstrates how a proper process for identifying, defining, diagnosing, and remedying the problem can produce better outcomes.

The Parliamentary Ombudsman

Public Administration in the Balkans from Weberian Bureaucracy to New Public Management

Improving Accountability in Public Service Delivery through the Ombudsman

further report, with the Government's response to the Committee's fourth report of session 2009-10, tenth report of session 2009-10, report and appendix, together with formal minutes

Innovative Problem Solving in the Public Sector

Public Services and Administrative Justice

Commissioned by the International Ombudsman Institute (IOI), the Ludwig Boltzmann Institute of Human Rights (BIH) in Vienna conducted a comparative analytical study on Ombudsman Institutions in the Australasia and Pacific region between January 2011 and April 2012. In Part 1, this book provides an analytical comparison of the public sector Ombudsman Institutions in Australia (the Commonwealth Ombudsman and the state/territory Ombudsmen of all Australian states as well as of the Northern Territory and the ACT), the Cook Islands, Hong Kong, New Zealand, Papua New Guinea, Samoa, Taiwan, Tonga and Vanuatu. In addition to a comparative analysis showing the partial heterogeneity of the Institutions, a comprehensive overview of common features, and explorations of the specifics and peculiarities of the Institutions, Part 2 presents separate reports on the 16 different jurisdictions featuring their main functions as follows: - Legal basis, legal status and organisation, - Mandate, object of control and standard of control, - Powers, including legal quality and impact of the outcomes of investigative procedures, - Relationship to the administration, the judiciary and the legislator, and - Special characteristics. Part 2 is based on information provided by the Institutions themselves in questionnaires sent out at the outset of the study, an analysis of the respective establishing acts and other relevant laws, and on relevant scientific publications and the Institutions' Annual Reports. The reports also refer to relevant legal provisions and include websites addresses for ease of reference.

As the field of public administration has been changing due to globalization, government reforms, and increasing governance practices within intergovernmental networks, research and teaching in public administration also adapted itself to these changes. Public policy research and instruction has become transformed and has diffused into other countries with the help of international organizations and other agents of change and transfer. Research in this field is seen as an opportunity for a definitive shift from traditional models of public administration in the sense that policies may be better designed, articulated, and governed through a collaborative approach, while service provision could be enhanced in terms of proximity, representativeness, and innovativeness. The Handbook of Research on Global Challenges for Improving Public Services and Government Operations provides comprehensive approaches to the study of public administration and public policy from a comparative perspective and includes sound theories and concepts for understanding opportunities and challenges governments face when seeking to improve public services and government operations. The book is a compilation of selective high-quality chapters covering cases, experiences, and practical recommendations on topics related to public administration, public policy, social policy, public management, and public affairs. This book is ideal for policymakers, students, and researchers in the field of public administration, public policy, governance, public management, public affairs, citizen engagement, and administrative sciences and management along with practitioners, stakeholders, and academicians interested in the best practices of various countries in public administration and policy.

A further report following, and Government response to, HC 107 (9780215542519)

Elizabeth II. Chapter 10

Human Rights in Small Places

Our Kind of Ombudsman

Public Services Ombudsman (Wales) Act 2005

A Profile of the Public Service of Malta

Administrative Ombudsman

These notes refer to the Public Services Ombudsman (Wales) Act 2005 (c. 10) (ISBN 0105410055) which received Royal Assent on 7 April 2005

This book seeks to persuade policy-makers and legislators of the need for legislative reform of the ombudsman sector, and to evidence the ways in which such reformative legislation can be designed. In pursuing this goal, this edited collection represents an academic response to a challenge laid down by the current Parliamentary Ombudsman in February 2018, at a JUSTICE event. It draws on the original research of the authors and bases its proposals for reform on a fundamental re-assessment of the focus and purpose of ombudsman systems. A Manifesto for Ombudsman Reform deals with key, recurring controversies in ombudsman scholarship, including the role that the ombudsman should be fulfilling, the procedures it should employ, the powers that are necessary for effectiveness, and the means of ensuring both freedom of operation and accountability. It will inform academic and policy debates about the future of the ombudsman institution in the UK and its analysis should be of interest to academics and policy-makers in other jurisdictions.

The Communities and Local Government Committee calls on the Local Government Ombudsman (LGO) to raise its game significantly. To deliver its role as independent arbitrator in disputes about unfair treatment or service failure by local authorities, the Local Government Ombudsman must tackle operational inefficiencies rapidly and conduct its own activities with credible effectiveness. The LGO must implement the changes identified by the recent Strategic Business Review. The LGO management's rationale for not publishing the 2011 Strategic Business Review in full was unconvincing and suggests there may be insufficient appetite for change within the LGO. The LGO must explain which findings from the Strategic Business Review will be implemented in full and in part, and provide a timetable for this. It also needs to set out the arrangements and timetable for appointing the new Chief Operating Officer (and their responsibilities). In future the LGO must be completely clear with all parties about the criteria it applies in order to determine whether cases are assigned to be resolved through a mediated process to achieve redress, or are allocated for full investigation and formal determination. Likewise the LGO must be transparent about the procedures that apply when any case is moved from one process to another - such as when mediation fails. The Government must explain how it will monitor the implementation of reorganisation at the LGO. An annual, independent staff survey should be reinstated at the LGO with results published.

Managing Conflict of Interest in the Public Sector A Toolkit

Volume I, 1997

The International Ombudsman Yearbook

Administrative Staff Development, Ombudsman, and Administrative Courts

Contracts, Performance Measurements, and Accountability in the Public Sector

Public Service

The public services ombudsmen provide a vital redress mechanism for aggrieved citizens; they are free for complainants, confidential and swift. This report deals with the five public services ombudsmen operating in England and Wales: (1) The Parliamentary Commissioner; (2) The Local Government Ombudsman; (3) The Health Service Ombudsman; (4) The Public Services Ombudsman for Wales; and (5) The Housing Ombudsman. The overarching aim is to recommend modernisation of the statutes for these ombudsmen: clarifying them where required; reforming them where the Commission thinks this would facilitate the work of the ombudsmen; increasing transparency and accountability where necessary. The Commission could not consider fundamental institutional design, and did not look at the creation of new ombudsmen or the amalgamation of the existing ombudsmen. The subject matter of the ombudsmen's work or the definition of "maladministration" was also not considered. The report is divided in to 5 parts including the recommendation to commission a general review of the role of the public services ombudsmen and their relationship with other institutions for administrative justice, such as judicial review or tribunals; access to the ombudsmen; the ombudsmen process; resolution, report & sharing experience; and independence & accountability

This book addresses issues to do with public accountability, audit and performance measurement that are both highly topical and of crucial importance to the theory and practice of public administration in an era of contractualized public management. The literature on public sector contracting - covering both 'hard' agreements (ones that are legally enforceable) and 'soft' agreements (enforced by negotiation and mutual trust) - has been growing for some time and the present book adds a primarily European perspective on contracting, performance-based management and accountability. One important aspect of this study is its recognition that those responsible for monitoring public services, and holding them to account, have had - to an increasing extent - to reconcile tensions between, on the one hand, the need for strong oversight and, on the other, the encouragement of innovation and risk in an increasingly competitive and entrepreneurial public service culture. Following an introductory overview by the three editors the book is in three parts: the first part deals with the theory and practice of performance measurement and evaluation; the second part provides a series of specific case studies of audit and accountability in a variety of countries and contexts; the third part offers some wider, cross-cutting perspectives. Based on the work of the EGPA permanent study group on the history of contractualization, Contracts, Performance Measurement and Accountability in the Public Sector draws upon the wide expertise and research interests of academics and practitioners from the United Kingdom, Denmark, Switzerland, Belgium, Sweden and the USA.

A Toolkit

Ombudsmen

Ombudsmen in the Public Sector

Public Services Ombudsman (Wales) Bill (HL)