

**10TH WORLD CONFERENCE OF THE INTERNATIONAL OMBUDSMAN INSTITUTE
(NEW ZEALAND, WELLINGTON FROM 12-16 NOVEMBER 2012)**

Day Three | Friday 16 November 2012 - SESSION 4B Taking advantage of clever technology developments and other techniques to improve the Ombudsman's work & accessibility - Exploring smart, innovative outreach ideas & identifying the best way to utilise technological development to improve the provision of our services and the work of Ombudsman

Bart Weekers, The Flemish Ombudsman - Planning and maintaining outreach and accessibility while undergoing challenging reforms

1. All over the world, ombudsmen are part of what is known as "formally organised informal power". At the same time, ever-improving communication skills are enabling "informally organised informal power" to become increasingly efficient.
2. Simultaneously, governments worldwide are facing economic recession and, generally speaking, public spending is coming under increasing scrutiny.
3. Within this double perspective, democracy is nowadays wondering whether or not it still needs the formally organised informal power of the ombudsmen. Around me, I notice public debate that is generally questioning the huge number of public bodies, dealing with complaints.
4. I foresee that the distinction between the general ombudsman and other bodies, as offices dealing with human rights or consumer issues, will disappear. With this in mind, I think that we should become more aware of the tasks we definitely have to fulfil, such as responding to individual complaints by pointing out the routes to reconciliation and final dispute resolution, and advising the government to improve public services.
5. However, there are other things that ombudsmen certainly should not do, such as becoming activists in the public debate or acting like judges.

Thus, I was very moved a few weeks ago, when 1 of Europe's most distinguished judges, Koen Lenaerts, Vice-President of the European Court of Justice, came to us, in our capacity of regional European ombudsman, to share his thoughts about the relationship between ombudsmen and judges. It was a very inspiring speech, which really got me thinking.

Judge Lenaerts told us about a very specific case, where the judge and the ombudsman complemented and supported each other to ensure that a non-governmental organisation (NGO) gained access to very specific government documents in connection with an application for a subsidy. What struck me was that the ombudsman was involved in a case which ultimately is only a proviso of the real conflict about the subsidy in question. I presume in fact that such an organisation was essentially interested in knowing whether it would get the money or not?

Judge Lenaerts's words brought to mind another case, which I had just relinquished. A father, who happens to be a lawyer, was very unsatisfied with his child's school for martial arts. There was a major dispute about documents in particular. I appreciate the problem all too well, but the top priority for me and my staff was getting that kid back to school. We left no stop unpulled, but we ultimately had to admit that we did not bring it off: the school year is over now, and the child never made it back to the school for martial arts. I washed my hands of the case from that point on and in the months that followed found out that the highest court in the land ruled partly in favour and partly against the father.

6. What are we actually doing at present to be able to take up that challenge? We are engaging in some serious thinking particularly about our relations with our stakeholders. I would like to go over some of the ideas from that brainwork with you, without being exhaustive by any means.

Our relations with “decision-makers,” with policymakers, politicians, civil servants and public services.

7. Our relations with “decision-makers,” with policymakers, politicians, civil servants and public services. I see policymakers and governmental authorities, as our partners, because we share an interest in “better service” and we naturally have genuine need of them, if we really want to strive for final dispute resolution and to be able to count on their solutions.
 - a. A word about the subject of our recommendations is in order first. There is an aspect that is probably already known to you all, namely “hammering on the same issue year after year:” Should you for instance continue to say for six years running that the waiting lists in the health sector are too long? A very difficult question. I am tended to think so; on the other hand: I do not like wasting time and effort, so we developed a real policy on that matter. When we get the umpteenth complaint about a non-dismissed fine, we put far less energy nowadays into investigating each of such fines on a case-by-case basis. We send standard letters to citizens to explain and justify this policy choice to put far more energy in engaging the departments in discussions about their fine-dismissal policy. Maar ook daar zit een grens op: make sure to pay attention to your own comfort zone, and do not overplay your hand: Do not try to invent the entire policy on your own, because other people are in a far better position to do so.
 - b. Another word about the way in which we apprise the policymakers about our policy recommendations and how we book results.
 - i. I think that voluminous annual reports have been surpassed: such reports are no longer read, not even by the small little circle we always thought would read them. Still, we all agree that dialogue is necessary. I think that the ombudsman can separate a policy aspect that is relevant to his case from the individual case; and that it is not necessary to wait with your policy recommendation until your entire individual case has been dealt with.
 - ii. As to the booking of results, informal arrangements (gentleman’s agreements) for “settling” matters (such as, for instance, when the train has been delayed, to get compensation from the railway company because you missed a flight). A heated discussion then naturally arose about the principle of equality. A retort thereto was “ombudsman’s work involves people and people make the difference.” The factor of personal relations with employees in the ombudsman service who see to the administration and to policy is consequently an important one. If such a gentleman’s agreement can be a first step to a better and more fundamental solution at some later point, is that really a problem?

Our relations with (social) media en our citizens

8. The traditional media are not partners of the ombudsman. Their rightful niche is the freedom of expression; and that is not our core business (although we cherish it, of course). I think that the ombudsman should certainly not communicate too much about himself. If the ombudsman service was about added value, then those who need to know this, will find out from other sources what the role of the ombudsman service entails precisely. The partners are usually well aware that many backs have to be patted for institutional achievements.

9. Today, I am engaging myself slowly in using social media such as Twitter and Facebook, channels having nothing to do with those open sewers of dissatisfaction, i.e. newspaper forums on the Internet. It is too early to give you an evaluation, but it is clear that there are opportunities here. Nevertheless, today, I'd like to make another point.
10. The core task of my parliamentary Flemish Ombudsman Service, which was founded in 1999, is, as you will all recognise, to help Flemish citizens who are experiencing problems with the Flemish government, and to explain to the government how they can do things better.
11. To be able to do that, it goes without saying that the citizen, for his part, must be able to find you. And citizens did! Citizens have over the years found their way easier to the ombudsman's mailbox or toll-free telephone number. The success of the Internet is undoubtedly the most important explanation for this development. Over the years, however, I have received a large number of calls on my toll-free line and in my mailbox (for this year, I foresee a cool 8.000 by the end of 2012) which had to be received and processed not by the Flemish Ombudsman, but by other authorities. I bring to mind complains about a consumer dispute in the private sector. I am also thinking of e-mails where people simply want information about some tax or other. And then, there are the so-called first-line complaints. You need to know that my Parliament decide 10 years ago, back in 2001, that every Flemish government institution must have a complaints department or handler. These first-line complaints handlers dealt with 55,000 complaints in 2011. The complaints services are getting better year after year. Many of these have in the meantime grown into fully-fledged services. I do not want the Flemish Ombudsman Service to become a call centre, over and above the first-line services of the Flemish government itself. For this reason, we want to outsource the work and the outcomes of a front-line high-profile government dispute-resolution system.
12. On the one hand, I want to continue to receive and provide advice and guidance for an appropriate solution to citizens but on the other, I want to be able to concentrate on my core task which consists of reconciling points of view in the 2nd line processing of complaints against the Flemish government services. Until recently, I had no answer to this problem. My solution up to now has consisted of my staff having to operate as a call centre and help the citizens to find a more appropriate place to express their dissatisfaction, their discontent, and their complaints. In my office, 3 of my 13 people were busy with this and when I submitted my annual report earlier this year, I said:

As the Flemish Ombudsman I note, day after day, how people are hopelessly looking for the right person to listen to their problems. One thing has become clear after all these years: the problem is not that there are too few heedful ears. The problem is that all these people who listen do not manage to lend one heedful ear to people. I also said at the time: "We must be able to develop a global system, including complaints in the broad areas of banking and insurance, taxes, communication, education, environment, justice and police, traffic and transport, water and energy, welfare and health, work and finances. In short, such a system will surpass my legal competences, but will be able to meet citizens' expectations."

13. In the meantime, we have been working hard on this matter and two weeks ago, we started up one single complaints line, which functions as a real dispatcher and guarantees callers that "we'll ring back very soon." How do we do that? Well, the toll-free information line 1700 has existed in Flanders for many years already. This is the only information line of the Flemish government, which answered 1,108,084 queries in 2011. We are currently trying to turn 1700 also into our sole Flemish complaints line, so I started cooperating with 1700 and thus with the Flemish administration. You heard right: the parliamentary ombudsman is cooperating with the government administration - of course! I recently started sharing with 1700 the joint ambition of

being able to deal with every question or complaint in a professional and customer-friendly manner using one single number.

14. Our cooperation is bolstering the role of 1700 as the first point of contact and information channel of the Flemish government for citizens, companies and organisations. We are thus optimising the reception and processing pattern of complaints to the Flemish government already in operation. I am counting heavily at this time on the direct social utility of this cooperation, inasmuch as citizens and companies are accorded high quality reception, thereby making it easier for citizens to find help, through a simple call number 1700, where there is a real human being on hand to answer them. Furthermore, there is an unequivocally clear win-win situation for both parties:
- a. The 1700 is bolstered as the first point of contact and information channel of the Flemish government for citizens, companies and organisations. Another added value is that the 1700 service can be improved by bringing the escalation processing to a higher level (where the client gets a better listening ear, and the complaint is put in a better perspective). This development is desired because the analysis framework of the Flemish Ombudsman Service information line can help to assume fully its “signal function” to the entities (a strategic objective of the Flemish information line).
 - b. The escalation of the 1700 affords my office enhanced accessibility and greater processing possibilities. The larger basis and the broader platform can help the Flemish Ombudsman Service to underpin more soundly its recommendations for improvements to the administrative entities. Thanks to the cooperation, my office is able to focus more on its core tasks. As a consequence, my service would then be able to concentrate on a more limited number of real ombudsman’s tasks where I can actually settle disputes once and for all.

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