

# The Ombudsman

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Promoting independent complaint resolution

[www.ombudsmanassociation.org](http://www.ombudsmanassociation.org)



## From the editor



**H**appy New Year and welcome to the first edition of 2013. As it's also my first edition as editor, I'd like to offer my thanks to my predecessor, Faye West, who has helped me settle in. I hope as editor I can continue to provide an effective vehicle for the knowledge sharing that members value.

Logic dictates that everything has a beginning and an end. Consequently, my editorship begins with an end. Although my first issue, it is also the last printed edition of *The Ombudsman*.

At its last meeting, the Executive Board decided that it was no longer viable to print the magazine and that future issues would be digital. Although many readers will miss the printed copy, I believe that going all-digital will enable opportunities for us to connect and interact in ways that print cannot.

Today's newsroom runs on a 24-hour cycle, by changing course I will be able to bring you the latest magazine directly to the inbox of your PC, laptop, tablet or smartphone. In addition to providing a PDF version, I plan to populate the re-launched Ombudsman Association website with key articles from each edition, with a comments function to enable discussion.

Through the Ombudsman Association, we have an opportunity to link up and support each other. In this, and future editions, I encourage you to reach out to the authors of articles and to continue the conversation in real-time.

In this edition, Tony King echoes my sentiments for continued kinship (p. 3), while Pat Whelan reflects on what BIOA (as he knows it) has meant to him over the years (p. 20). In this issue, find out more about associates through the popular Meeting our Members and Secret Lives features. Get up to speed with the latest FOI News (p. 8); find out What's Happening in Wales (p. 16); and discover how Ombudsman Services stay social (p. 12). While our story is far from over, you can reminisce past issues of *The Ombudsman* on page 31.

I hope you enjoy this final printed edition.

Please send your feedback and suggestions for future Issues to me at [gbyrne@spsos.org.uk](mailto:gbyrne@spsos.org.uk)

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### Read it Online

Catch up with the latest Ombudsman and complaints handling industry news on your mobile. Simply scan the QR code (image on the right) using your smartphone and access the latest and earlier editions of *The Ombudsman* magazine.



# The greatest happiness

Tony King kicks off 2013 with the first of his series of opinion pieces as Ombudsman Association Chair

**Tony King** Chair, Ombudsman Association

There is usually a sizeable time lag between writing a piece for *The Ombudsman* and its publication. So, to put readers in the same time frame as when this article was written; last night the news was about the damage caused when Hurricane Sandy hit the eastern seaboard of the US, Arsenal beat Reading 7-5 (having been 4-1 down at half time) and I went to – and hugely enjoyed – a performance by Michael Nesmith.

I anticipate a collective cry of ‘who?’ from anyone born after the mid-fifties – and perhaps from some born before. Others, though, will be smugly reminding themselves that, as ‘Mike’ Nesmith, he was a member of manufactured television group The Monkees (the one in the woolly hat) and went on to have an eccentric but successful music and business career.

A mark of his eccentricity is that one of his earliest songs goes under the not very catchy title of *Propinquity*. He sang it last night, in fact, and – bear with me here – I thought I’d steal ‘propinquity’ as my theme for this, the first in a series of articles From the Chair.

My Shorter Oxford tells me that propinquity means ‘proximity; near or close kinship; similarity, affinity’ – so the very roots of the Association’s existence. I also discover (courtesy of Google and Wikipedia this time) that the philosopher Jeremy Bentham used propinquity as one measure of the value of pleasure and hence utility. For Bentham, utility could be summed up as the greatest

happiness of the greatest number. And the greatest happiness of the greatest number of Ombudsman Association (OA) members has been a matter much to the fore recently.

First, there has been work on devising core policy positions to inform the Executive in dealing with consultations, external stakeholders and so on. By the time you read this, a policy statement will have gone to all of our members as a draft to prompt feedback. In its own quiet way it is somewhat controversial. That’s partly just because it is the first attempt in almost 20 years of the Association’s existence to formulate a detailed policy. But it’s also because of its content. Do we agree, for example, that all public sector Ombudsmen should be empowered to undertake ‘own motion’ investigations? Are we united in a view that in the private sector decisions should be automatically binding on the body in jurisdiction, but not on the person complaining? And are there circumstances in which an Ombudsman’s final decision should be subject to appeal – if so, when and to whom?

These and other questions have the potential to be a real test of our affinity; perhaps of our close kinship too. We are all signed up to the Ombudsman institution being a good thing. But what do we mean by that if there is not an identifiable homogenous institution at all? The Executive is hoping that all of our members will chip in with their views. So please don’t let the draft document languish unloved in your inbox. Read it, think about it, kick it about if you want to. Above



all, please do respond. It’s certain that we will not all share the same views. But the more complete the response, the greater the chance of achieving the greatest happiness of the greatest number.

Second, there’s been a good deal of work put in by the Executive (and in particular by Ian Pattison, the Secretary) to enhance happiness and close kinship, through the organising of the upcoming biennial conference in Loughborough. I can be confident because OA events rely heavily on contributions from our members and their staff who give up their time to share knowledge and experience – all in a spirit of close kinship. Our conferences are the best opportunity we have as an organisation to share not just affinity, but physical propinquity. Miss 2013 at your peril.

Jeremy Bentham died in 1832. His physical remains sit, fully dressed, in a glass case in the cloisters of University College London. So in his own utilitarian way he has for 180 years sent his message From the Chair. I don’t expect this series to last quite that long – or to require such a terminal delivery method. But I do hope to fulfil the editor’s request and write a piece for each issue over the coming while. And until the next time, I propose a toast. *To propinquity!*

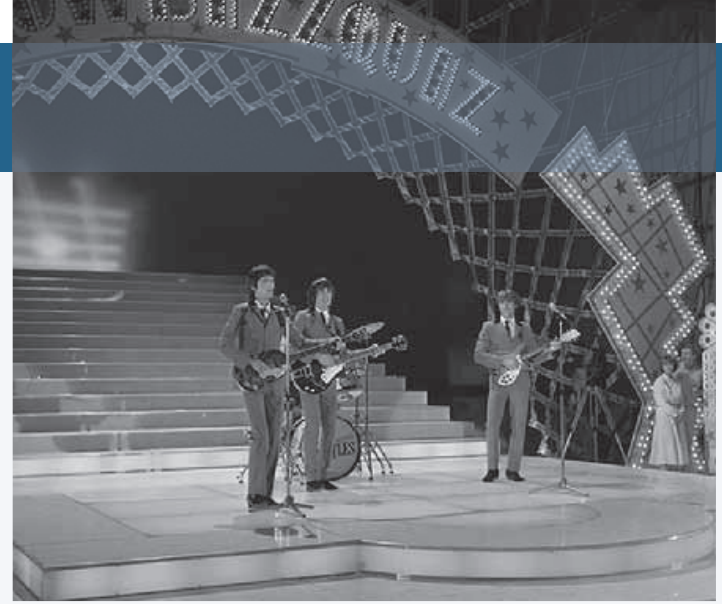
# THE HEADLINES

## Copyright complaints for Ombudsman Services

**O**mbudsman Services has been chosen by ten copyright management organisations to provide a free and independent dispute resolution service to their licensees and members. This means that those who use the

services of a Collective Management Organisation to collect royalties for their work – such as music, literature, design and news stories – now have access to independent redress when they have a complaint.

Lewis Shand Smith, Chief Ombudsman at Ombudsman Services, says: 'This is good news for the creative industries. Those who use the services of a Collective



The Bootleg Beatles

Photo: By TROS (Beeld en Geluid) - Gallery: Showbizquiz [CC-BY-SA-3.0-nl], via Wikimedia Commons

Management Organisation which participates in our scheme can be confident that we will help if there is a problem that the organisation cannot resolve.'

Member organisations

and licensees are expected to work to standards set out in the British Copyright Council's Code of Conduct for Collective Management Organisations which was launched in December 2012.

## Ombudsman welcomes Amendment Act

**O**n 23 October 2012, the Irish Government passed the Ombudsman (Amendment) Act 2012. The legislation provides that all public bodies, except those specifically listed in Schedule 2, will come under the remit of the Office of the Ombudsman within six months of the enactment.

Additional bodies include all publicly funded third level education institutions, including the universities, Vocational Education Committees, the Central Applications Office, FÁS, the Legal Aid Board, the National Treatment Purchase Fund, the State Examinations Commission, the Student Grant Appeals Board, the National Transport Authority, the Family Support Agency, Sustainable Energy Ireland, and a range of other public bodies.

The ombudsman has been



Emily O'Reilly

empowered to examine complaints in relation to the administrative actions of the additional bodies which occur on or after the date on which they come under her remit.

The developments were welcomed by Emily O'Reilly, Ombudsman, who said:

'I commend the Minister and Department of Public Expenditure and Reform for their recent efforts which finally succeeded in bringing this important legislation over the line.'

## Legal Ombudsman takes on claims complaints

**I**n October 2012, The Ministry of Justice (MoJ) announced plans for the Legal Ombudsman (LeO) to handle complaints about claims management companies (CMCs). From 2013, LeO will take on significant powers of redress to protect consumers, which have not been available before, such as being able to award up to £30k in compensation.



Adam Sampson

LeO hopes to support the claims management regulator within the MoJ to improve standards across the industry. In 2011-12, the regulator received around 14,000 consumer contacts relating to both the service and conduct of CMCs. As widely reported in the media, this trend looks set to continue with more than £5bn worth of PPI claims already made against the banking industry and forecasts for many more over the next couple of years.



## Moving On

### New horizons for former Deputy Housing Ombudsman



**R**afael Runco, the Deputy Housing Ombudsman, left his post at the end of 2012. As the Housing Ombudsman Service (HOS) prepares for its new role in social housing and other changes to complaints handling in the sector come into effect, Rafael decided to seek new challenges working as an independent advisor on landlord and tenant relations.

Rafael formulated the original idea of an ombudsman for housing associations in 1992 when he was working for the social housing regulator. Soon afterwards the idea took shape and, as part of a small team, he helped implement the first scheme, which was launched in 1993. Rafael stayed with the project ever since and became the Deputy Ombudsman in 2000. He said: 'Twenty years is a very long time indeed. I feel, of course, sad to leave HOS, especially as it enters a new and critical stage in its development. Although it inevitably sounds like a cliché, it has been for me a privilege to work with so many people who are committed to improving people's homes and, as part of it, to dealing with complaints and disputes in a fair and effective way. I hope I will be able to support that work from a different perspective'. Mike Biles, the Housing Ombudsman, said: 'Rafael's contribution to the creation and development of the Service has been immense and incalculable. I am sorry to see him go but delighted that he sees this as an opportunity to extend the application of his skills in the sector.'

Having come to the UK in the early 1980s to study an honours degree in social anthropology at the London School of Economics, where he specialised in small-scale conflict, Rafael soon became involved in landlord and tenant dispute resolution. He worked

for a housing aid centre and a community law centre, taking part in the duty solicitor scheme at a County Court as a lay advocate. He lived in a housing co-operative in Central London, contributing to a number of voluntary projects (Race & Housing Group, Private Tenants Rights Project, Campaign for Bedsit Rights, King's Cross Homeless Project, among others) and research programmes (including a pioneering study of the plight of migrant domestic workers living in the private rented sector). Rafael also joined the boards of two housing associations. He went on to work at the Housing Corporation, where he had responsibilities for resident participation and tenant-led initiatives.

Parallel to his work in housing Rafael kept a keen interest in his academic field of social anthropology, both on a theoretical and a practical basis. Whilst at university he started to work for Survival International, the foremost world agency supporting the rights of threatened tribal peoples; he subsequently became one of its trustees and its chairperson for more than ten years – and remains part of the governance of the organisation's Spanish section. Rafael has also carried out consultancy work on Ombudsman-related subjects abroad, including for the British Foreign and Commonwealth Office, in countries as diverse as Uruguay and Turkmenistan.

Rafael's other interests are as varied as his cultural background (he has been heard saying that he is 'an Italian whose first language is Spanish, who thinks like the French, but who feels British'). He enjoys taking photographs. He is a bit of a James Joyce boffin. He tries to keep up with current trends in radical philosophy. He is an avid follower of the post-Punk band The Fall ('it all makes sense in my head').

We would like to hear your news Email: [gbyrne@spsso.org.uk](mailto:gbyrne@spsso.org.uk)



Interior atrium of Aberdeen University Library.

## Streamlining Scottish education complaints procedures

On 19 December the SPSO published its third and fourth model complaints handling procedures (CHPs) – the further education and higher education sector CHPs.

These model CHPs are published under section 16B of the SPSO Act 2002 (as amended by the Public Services Reform (Scotland) Act 2010) (the Act). On 19 December 2012, all Universities and Colleges in Scotland were notified that the model CHP applies to them, as required under section 16c of the Act.

All Universities and colleges are required to adopt the model CHP for their sector as soon as possible. Each University and College should, by 28 June 2013, provide the Ombudsman with a compliance statement, and a self-assessment of compliance to confirm that their CHP complies with the published Model CHP, or will comply with the published Model CHP by 30 August 2013. All Universities and Colleges are required to have implemented the model CHP by 30 August 2013.

The model CHPs and relevant associated documents (including details on implementation, approval and monitoring compliance) are available at: [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)

## Competition Winner

Christmas came early for Issue 47 competition winner, Claire Cameron of Public Administration International, who won a copy of the BSI's Complaints Management – Turning Negatives into Positives. Claire correctly identified the location of the upcoming Ombudsman Association's 2013 conference as Loughborough. Congratulations!

## 2013 – It's about Europe

The European Commission has designated this year as European Year of Citizens to raise awareness about EU citizens' rights in shaping the future of Europe. It hopes that, in 2013, people will better understand and exercise their rights as EU citizens. This year also marks the 20th anniversary of the establishment of the European Union Citizenship under the Maastricht Treaty.

Throughout this year, Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding and other EU commissioners



will join forces with national and local politicians to hold debates with citizens all across Europe – to listen to them and answer their questions.

“We need the direct involvement of citizens in building a stronger and more political Union. That is why 2013 is the European Year of Citizens – a year dedicated to you and your rights as Europeans,” Reding said.

On 10 January, Commission President José Manuel Barroso and Reding will join forces with Irish Taoiseach/Prime Minister Enda Kenny and Minister for European Affairs Lucinda Creighton to open the European Year of Citizens 2013 in the Rotunda of Dublin City Hall.

**A programme guide is available at the following link: [http://ec.europa.eu/citizenship/news-events/news/14122012programmeguide\\_en.htm](http://ec.europa.eu/citizenship/news-events/news/14122012programmeguide_en.htm)**

# Policing changes in Scotland

## Expanded remit and new name for PCCS

### Christine McAllister

Head of Communications,  
PCCS



On 1 April 2013, the Police and Fire Reform (Scotland) Act 2012 brings together the eight police forces in Scotland as the single Police Service of Scotland.

At the same time, the remit of the Police Complaints Commissioner for Scotland (PCCS) will be expanded to include investigations into the most serious incidents involving the police. To mark this change, PCCS will be renamed the Police Investigations & Review Commissioner (PIRC).

The current Commissioner, Professor John McNeill, has agreed to Kenny MacAskill, Cabinet Secretary for Justice's, request to remain in post until August 2014 to provide stability and continuity during this period of change to policing in Scotland.

Work is well advanced to establish



John Mitchell

the investigative capability of the PIRC under John Mitchell, a former Detective Chief Superintendent and Head of CID at Strathclyde Police, who was appointed Director of Investigations in November.

PIRC investigations may be carried out under the direction of Crown, at the request of the Scottish Police Authority or the Chief Constable of the Police Service of Scotland.

They will include fatal road collisions involving police vehicles, deaths in custody, discharge of firearms by police officers, as well as investigations into criminal allegations against members of the police service. There is also provision in the Act for the Commissioner to instigate an investigation, where there is a clear public interest.

The Police Investigations & Review Commissioner will provide assurance to the public that there is effective, independent oversight of the Police Service of Scotland and satisfy the European Convention on Human Rights requirement to have

an independent investigation into circumstances where Article 2 (right to life) or 3 (freedom from torture or inhumane treatment) may have been breached.

[www.pcc-scotland.org](http://www.pcc-scotland.org)



Professor John McNeill





# Freedom of Information in

## An update from the Commissioners

This special feature, compiled from contributions from the Information Commissioners, gives an update on recent developments in FOI. It is a timely update as we approach the first anniversary of the second Scottish Commissioner's term in office, as Ireland introduces significant legislative changes and as the UK Government digests the Justice Committee's post-legislative scrutiny report.

### Upholding the right to know



In May, Rosemary Agnew became Scotland's second Information Commissioner, succeeding Kevin Dunion. Since then, Rosemary has been occupied with activities covering every aspect of the Commissioner's functions, from reviewing governance arrangements to meeting and learning from stakeholders – and of course, issuing decisions.

Indeed, one of Rosemary's early decisions was to order the Scottish Government to reveal whether it held legal advice on the status of an independent Scotland in the EU. The Government appealed to the Scottish Court of Session, but dropped the appeal in October, revealing that it had not taken legal advice on EU membership. High profile cases like this attract strong media attention, but in the main, people tend to exercise their rights out of the public eye. Indeed, appeals to the Commissioner's office have been on the rise for the last four years, and increased sharply by 23% in 2011/12. Signs are that this trend is continuing in 2012/13.

A significant development in Scotland has been the Freedom of Information (Amendment)(Scotland) Bill, introduced in May to address a small number of issues:

- to make it easier for Ministers to lay orders reducing the lifespan of certain



Rosemary Agnew,  
Scotland's Information Commissioner

exemptions;

- to strengthen the ability to prosecute anybody who destroys or conceals information in order to prevent its disclosure; and
- to introduce an absolute exemption for information relating to communications with certain members of the Royal Household.

Giving evidence in Parliament, Rosemary welcomed most of the Bill's provisions but expressed concern about the new absolute exemption. Her view, echoed by the Campaign for FOI in Scotland, was that such an exemption would be extremely wide ranging, and was unnecessary given the existence of other protections, such as that for personal information. The Finance Committee has since recommended that this provision be removed.



# Focus

The Amendment Bill has re-ignited the Scottish debate about which bodies should be covered by FOI. Increasingly, public services are outsourced to contractors and other bodies such as leisure trusts. The Campaign for FOI in Scotland has called for a 'purpose clause' to ensure all bodies delivering public services are covered by FOI, and Rosemary urged that FOI rights should follow public services, regardless of who is delivering them. Scottish Ministers have expressed a willingness to look at this afresh.

In the midst of these developments, Rosemary published her first Annual Report in September, setting out priorities for her term in office. A key challenge will be to deliver a high quality, comprehensive service with increasingly reduced resource. This means continuing to process appeals



Staff of the Scottish Information Commissioner's office

efficiently and effectively without diminishing critical work in other areas, such as promoting rights. Key to this is Rosemary's emphasis on learning and development, to support authorities.

[www.itspublicknowledge.info](http://www.itspublicknowledge.info)

## Restoring information rights in Ireland

Irish Ombudsman and Information Commissioner welcomes Government commitment to restore FOI in Ireland

**Brian Murnane** Office of the Ombudsman

**F**reedom of information (FOI) legislation was first introduced in Ireland in 1997. In its long title, the 1997 Act is described as an 'Act to enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies...' In 2003, however, the FOI Act was amended and significant additional restrictions were placed on that right of access. Furthermore, a scale of application fees was introduced which had a significant immediate impact on usage of the Act.

Emily O'Reilly, Irish Ombudsman and Information Commissioner, has been openly critical of the changes introduced in 2003 on many occasions. It will come as no surprise, therefore, that the Commissioner openly

welcomed the commitment contained in the Programme for Government (Government for National Recovery 2011–2016) to restore the FOI Act to what it was before the 2003 amendments and to extend its remit to other public bodies.

On 25 July 2012, the Irish Government published details of its plans for significant reform of FOI legislation, including the extension of FOI to a large number of additional public bodies for the first time, including An Garda Síochána (in respect of its administrative records), the National Treasury Management Agency and the National Asset Management Agency. There had been opposition from some quarters in relation to the inclusion of An Garda Síochána and the financial bodies in particular, and the Information Commissioner was particularly pleased at the Minister's announced intention to include those bodies.

The Government also proposes that

*Continued on page 10*



Emily O'Reilly,  
Irish Ombudsman  
and Information  
Commissioner



*Continued from page 9*

several important regulatory, quasi-judicial and investigative bodies such as the Office of the Refugee Applications Commissioner and the Refugee Applications Tribunal are to be included. In the education sector, the Vocational Education Committee is to be included subject to certain limited restrictions. The Government further proposes to extend the FOI regime to non-public bodies that benefit from significant Exchequer funding.

In line with its commitment to reinstate the FOI Act as originally intended in 1997, the Government has announced proposals to repeal the majority of the substantive amendments made in 2003, including:

- reversing the very wide definition of Government introduced in 2003 and curtailing the time period within which Government records cannot generally be considered for release from 10 years to five years,
- restoring the discretion available in specific circumstances to release Government records within five years where they relate, for example, to factual information already in the public domain following publication of Government Decisions, and
- providing some liberalisation of the mandatory 'class' exemptions put in

place in 2003 in relation to diplomatic communications and defence matters by restoring a harm test.

While the Government does not propose to alter the power included in the 2003 Amendment FOI Act to allow the charging of application, review and appeal fees for non-personal requests, it has proposed that fees for internal review are to be reduced from €75 to €30 and fees for appeal to the Information Commissioner are also to be reduced from €150 to €50.

The Government has submitted the General Scheme of the FOI Bill to a Parliamentary Committee on Finance and Public Expenditure and Reform for its views and input into the Parliamentary progression of the Bill. It is also establishing an expert group drawing on the expertise of its Departmental FOI Policy Unit and outside experts in order to identify improvements in the working of the Act and what steps may be necessary to promote good practice in the use of the Act. The Office of the Information Commissioner is currently considering how it can best offer its expertise to the Review Group.

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**For more information on developments in Ireland contact Brian Murnane at [brian\\_murnane@oic.ie](mailto:brian_murnane@oic.ie) [www.ombudsman.ie](http://www.ombudsman.ie)**

## Beyond legislation

Graham Smith, Deputy Commissioner and Director of FOI shares his thoughts as he awaits the Government's response.



Post-legislative scrutiny is a parliamentary process which usually occurs within a year or so of a new piece of legislation being implemented. It's a review by the relevant select committee to see whether a new law is doing what it was supposed to do and is working well in practice. Given the Freedom of Information Act 2000 did not come into force until 2005 and the time it has taken to settle down and become an accepted part of the landscape

of public administration, it is perhaps not surprising that the post-legislative scrutiny process started late and is taking a while to come to fruition.

The Justice Committee issued its report on post-legislative scrutiny of the Freedom of Information Act in July 2012 following a call for evidence in December last year and a series of oral hearings through the spring. A wide divergence of views were expressed, but a number of themes emerged as to





**“Transparency is a key principle of good governance”**

**Graham Smith**

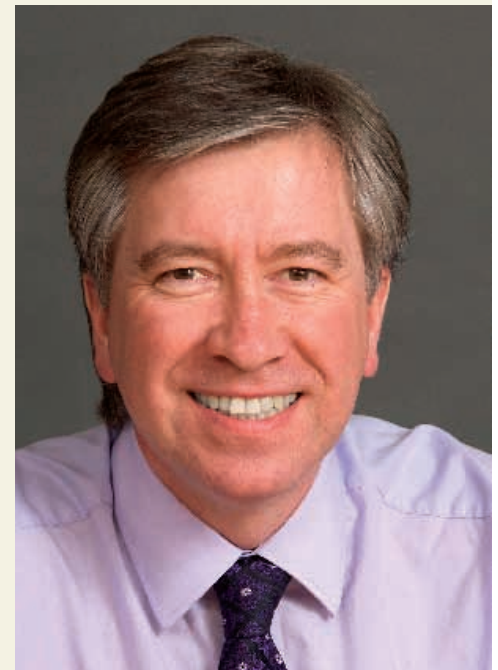
the areas of common concern. These were costs and fees, delays, vexatious requests and the disproportionate burden created by some types of requests, and the behaviour of some requestors. Comparatively little concern was expressed about the exemptions themselves, although the respect for a safe space for policy making and the impact of the so-called “chilling effect” was the most contentious issue, particularly among politicians and top civil servants, past and present.

At the time of writing this piece, the Government’s response to the Justice Committee’s report is eagerly awaited. The Committee’s conclusions were broadly positive about the FOI Act and the recommendations, few in number, were far from radical. However, the Government may take a different view. The most likely restraining factor on major reform, despite some very hostile views known to be held by some individuals, is the fact that transparency is itself a key element of government policy, embedded in the coalition agreement. The drive for Open Data, the free re-use of public sector information for the public good and transparency as an accountability tool for armchair auditors is hardly consistent with a substantial reining in of FOI.

I do acknowledge, though, that FOI is not without its difficulties, its frustrations and its potential for unexpected, perhaps undesirable outcomes. Different views

as to what constitutes prejudice for the purposes of an exemption or where the public interest lies will inevitably persist. But the range of differences is fairly narrow. More fundamental are the concerns about the perceived burden of the regime at a time of ever-increasing pressure on public sector resources and the disproportionate effort which compliance with some requests demands. With regard to vexatious requests, the Justice Committee declined to make recommendations for a change in the law. The ICO is in the course of revising its guidance and we await a number of judgments from the Upper Tribunal in three appeals which highlight some of the key issues in this tricky area.

Transparency is a key principle of good governance and FOI laws are an essential backstop to ensure the limits of transparency are not determined by the executive alone. I hope any Government proposals to reform the law respect that principle and make a positive contribution to sensible, proportionate implementation rather than a significant erosion on the rights of the citizen.



Graham Smith

[www.ico.gov.uk](http://www.ico.gov.uk)

# A clear direction

## What the glazing industry is doing to improve public perceptions

**Christopher Hamer**

The Property and Glazing Ombudsman

The public does not generally hold a very high opinion of glazing companies. A recent *Which?* survey (released in May 2012) reported that only 7% of those surveyed trusted glazing firms. Paradoxically, the report also indicated that satisfaction levels amongst consumers using glazing companies was actually quite high. It seems that despite low levels of trust and frequent reports of 'cowboy' traders, there are many glazing companies who are providing a good and honest service.

With the stated aim of improving the perception of the industry, the largest competent person scheme, the Fenestration Self-Assessment Scheme (FENSA), and the leading trade body, the Glass and Glazing Federation (GGF), approached me in late 2010 with a proposal to set up an Ombudsman scheme. After careful planning on The Property Ombudsman's (TPO) part, The Glazing Ombudsman (TGO) was launched to the industry in July 2011, complete with its own Code of Practice, distinctive logo and website. In addition to my role as The Property Ombudsman, I am now also The Glazing Ombudsman.

TGO has an independent Council that sets my Terms of Reference and which I report to on a regular basis. TGO's Board runs the company that funds the scheme and oversees the membership functions. This is the same independent governance structure as TPO.

Convincing installers of glazing, conservatories and roofline products



Ombudsman Christopher Hamer

that they should join an Ombudsman scheme has not been without its problems. Quite rightly many asked what was the benefit of submitting themselves to my jurisdiction and possibly facing an award of up to £25,000 in compensation against them if things went wrong? The answer was simple – by signing up to TGO and agreeing to follow the Code of Practice, those companies demonstrated to their clients that

*“Convincing installers of glazing, conservatories and roofline products that they should join an Ombudsman scheme has not been without its problems.”*

they were willing put high standards at the core of their business, backed by the protection of a free and independent route to redress.

With a remit which includes feeding back matters of best practice to the industry, firms are beginning to understand that membership of TGO is not a short term commitment but a long term statement of intent to consistently

provide a service which operates to a common set of high standards.

We have not yet fully launched to consumers, membership numbers have still some way to go and we are yet to see a significant uptake from the 9,500 FENSA registered firms. However, despite being in existence for just over a year, TGO has been embraced by household names such as Anglian, Zenith and Safestyle and now covers over 17% of installations

in England and Wales. Furthermore, rather than seeing complaints increase (which was an initial fear voiced by the industry), installers have found that by operating an in-house complaints procedure in accordance with the Code

of Practice, disputes are being resolved more quickly and often to both parties' satisfaction. However, not all disputes are easily resolved at a company level.

In a recent case referred to me, the installer visited a building site and took measurements for 14 windows in the partially completed property. Returning four weeks later to fit the windows, the installer found



# The Adjudicator's Office

We found out, in five minutes, about the role of the Adjudicator at the Adjudicator's Office.

that the dimensions of two of the apertures had changed since their initial survey. The consumer complained that the installer had measured up incorrectly and withheld the full payment due, whilst the installer argued that the error was on the builder's part as he had changed the dimensions by up to 7.5 centimetres. The consumer rejected the installer's offer to provide two further windows at cost price but provided no evidence, especially from his builder, to support his claim that the error derived from the installer's measurements. In fact it transpired that the consumer had initially taken his own measurements which were different to the installers and, more pertinently, different to the eventual dimensions at the time of installation. It therefore appeared that the error did not lie with the installer, although I felt he had not taken all possible steps to lessen the risk of error. I determined that, as a fair outcome, the firm should supply the two windows at the right size at cost.

TGO will fully launch to consumers in the near future and, in the meantime, firms are being encouraged to make use of their membership by explaining the benefits to their clients. Hopefully, with the help of TGO, the next Which? report will see an improved public perception of the industry.

**For more information about The Glazing Ombudsman go to [www.glazingombudsman.com](http://www.glazingombudsman.com) or email [media@glazingombudsman.com](mailto:media@glazingombudsman.com)**

## What do you handle complaints about?

HM Revenue and Customs (HMRC), the Valuation Office Agency and The Insolvency Service. Complaints are about mistakes, misleading advice, staff behaviour, use of discretion and delays.

## Where are you based?

London, Nottingham, Derby, Peterborough, Newcastle and Liverpool.

## Who is in charge?

The Adjudicator is Judy Clements OBE. Her independent role is a non-executive appointment so accountability for budget and office management rests with the Head of Office, Margaret Allcock.

## What category of Ombudsman Association member are you?

Complaint Handler.

## How many complaints do you handle a year?

We received 1,606 complaints during 2011-12 and dealt with 1,133.

## How are you funded?

Judy's role is non-statutory so each department provides



Judy Clements OBE

staff and funding, the majority coming from HMRC. The departmental relationships are managed through Service Level Agreements (SLAs).

## How many employees do you have?

80.

## What's affecting your complaints at the moment?

Last year, the treatment of disabled customers was one of the important concerns to emerge.

## What's your web address?

[www.adjudicatorsoffice.gov.uk](http://www.adjudicatorsoffice.gov.uk)

## What's the biggest change coming your way in the next year?

The challenge for 2012-13 is to manage the continuing rise in the volumes of complaints received.

# Embracing social media

Ombudsman Services share their experience of using Twitter and offer some tips to others embarking on the brave new world of social media.

.....  
**Catherine Hand**

Communications Officer,  
Ombudsman Services  
chand@ombudsman-services.org

**O**mbudsman Services provides an independent dispute resolution service for the communications, energy, property and copyright licensing sectors. In 2011, it launched a Twitter account. **@OmbudServices** now has over 1,035 followers, including journalists, participating companies and consumer organisations.

## Why do you have a Twitter account?

Twitter is an effective way of sharing messages with thousands of people. It is free to set up an account and easy to use. It supports our strategic aim to be accessible to all sections of the community and helps to raise awareness of our services. It also allows us to show our personality.

## How did you start?

Before setting up an account, we did our research. We attended social media workshops to learn best practice and looked at how other companies, particularly large consumer organisations, use Twitter. We created a social media policy to outline the management and operation of our Twitter account, and our policy and communications team underwent crisis management training.

Initially we launched a protected account so that our tweets would only be visible to approved followers. We began by inviting new participating companies to follow us.



Ombudsman Services Tweet to the masses

As we got more confident posting information and responding to tweets we made the account public and began promoting **@OmbudServices** in our newsletters, on press releases and

and media items that are on our website, and tweets about corporate events and meetings. Rachel checks the account daily to find out what key stakeholders are talking about and to identify opportunities for re-tweeting news or advice. She receives email alerts when people tweet about us so that she can respond, if necessary, in a timely manner.

Rachel says: 'On average, we receive one consumer contact a week. They may ask us for advice or complain about the service they have received from a participating company. Often I am able to signpost them to the appropriate service or advise them that a member of staff will be in touch. While it is important for us to acknowledge tweets straightaway, we do not fast track these contacts. It is all about managing

**“It supports our strategic aim to be accessible to all sections of the community and helps to raise awareness of our services. It also allows us to show our personality”**

at events. In 2012, we embedded Twitter coding into our website so that people can tweet about our news stories.

## How do you manage ‘tweets’?

Communications Officer Rachel Chorley is responsible for external communications at Ombudsman Services so Twitter falls within her remit. She posts links to newsletters



consumer expectations.’

‘Companies tend to worry about people posting negative comments about them, but it is part of the territory. For us, it is important to know what our customers think about us and to identify issues we may need to address internally or externally.’

Since we set up our account, we have posted over 700 tweets. We do not tweet everyday, just when we have something to say. Sometimes we tweet about staff events and achievements to show there is more to Ombudsman Services than resolving complaints.

### What are your highlights?

We have used Twitter successfully to promote our media campaigns. In February 2012, we launched an anti-Valentine’s poem to energy companies that gave rise to



international coverage thanks to Twitter. The poem entitled ‘It’s not me, it’s you’ highlighted simple things that energy companies can do to improve customer service. National press, online magazines and even the Wall Street Journal picked it up. Some energy companies responded to the poem in verse prompting an online conversation, which resulted in the Poetry Society adjudicating on the best poem of the day.

Thanks to influential followers, such as consumer champion Martin Lewis and property professional Sarah Beeny, our messages and

To Tweet or not to Tweet...

advice have reached thousands of Twitter users. On one occasion, a consumer asked us how to prevent nuisance phone calls and we advised them to register with the Telephone Preference Service. Martin Lewis re-tweeted the message to over 150,000 of his own followers.

We have also used our Twitter account to correct wrong or misleading information and to confirm what we can or cannot do. It is an effective way of managing expectations and reducing contacts about issues that are not within our remit.

### Have you had any bad experiences?

Negative comments are unavoidable. The key is to be prepared and know how you are going to respond. We look at the criticism and see if there are issues we need to address or opportunities to push our messages. So far, for us, the benefits of Twitter have far outweighed the negatives.

### What next?

We are encouraging more people in the business to use the company Twitter account. Other members of the policy and communications team are tweeting more frequently, and we see an opportunity for enquiry officers and investigation officers to engage with complainants and companies using Twitter. We launched a Facebook account in November 2012.

**For more information on Ombudsman Services use of Twitter, contact Rachel Chorley, Communications Officer, [rchorley@ombudsman-services.org](mailto:rchorley@ombudsman-services.org)**

**Facebook: [www.facebook.com/pages/Ombudsman-Services](http://www.facebook.com/pages/Ombudsman-Services)**

**Twitter: @OmbudServices**

## Fact file

Account name: **@OmbudServices**  
 Author: **Rachel Chorley**, Communications Officer  
 Followers: **1,035**  
 Following: **1,159**

### Top five tips from Ombudsman Services

1. Don’t delete negative comments about your organisation. For every negative comment there will be future positive ones to balance things out.
2. Use free link shortening websites such as Tinyurl to save characters – the links never expire.
3. Share (retweet) other users’ content to increase your reach and followers.
4. Use the settings to create lists, to filter feeds for specific topics of interest and to follow others’ lists. For example <https://twitter.com/OmbudServices/bioa-members-list>
5. You don’t need to tweet all day, if you’ve nothing to say. It is ok to post less frequent more interesting content.

By Rachel Chorley, communications officer,  
[rchorley@ombudsman-services.org](mailto:rchorley@ombudsman-services.org)

Statistics correct at 04/01/2013

# What's happening in

This special feature puts the spotlight on two new Ombudsman Association members in Wales, the Welsh Language Commissioner and the Older People's Commissioner for Wales.

.....  
**Compiled by Susan Hudson**

Public Services Ombudsman for Wales

**N**ew Year is often a time for reflection. Looking at Wales, the Ombudsman Association saw two new colleagues join the fold during 2012. Meri Huws first came on board as Welsh Language

Commissioner, a role introduced by the Welsh Language (Wales) Measure 2011. Then, in June, we welcomed Sarah Rochira. Sarah succeeded Ruth Marks as the Older People's Commissioner for Wales (a role originally introduced in 2008 and a world first at the time). With both incumbents now well settled into their roles, each discusses below how they are taking forward the work of their respective offices.

## The Welsh Language Commissioner

The role of Welsh Language Commissioner was created by the Welsh Language (Wales) Measure 2011. The Measure was one of the first pieces of legislation to be passed since Wales's devolved administration received law-making powers. Also, interestingly, it is the first piece of legislation relating to the Welsh language to be drafted and passed in Wales since the time of Hywel Dda (Hywel the Good) in the 10th century.

The statutory powers of the Commissioner came into effect on 1 April 2012, and the Measure sets out the primary functions of the Commissioner. The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. The Measure also states that the Commissioner should ensure that the Welsh language is not treated less favourably than the English language in any context within Wales. This gives the Commissioner a dual role in terms of being an advocate for the language whilst also being a regulator for organisations providing services in Wales.

The Measure establishes a framework to impose a duty on some organisations to comply with standards relating to the Welsh language. These statutory standards will define the manner in which organisations



### Meri Huws

Telephone

0845 6033 221

email

post@welshlanguagecommissioner.org

Web

welshlanguagecommissioner.org

Twitter

@ComYGymraeg

Post

Welsh Language Commissioner

Market Chambers

5-7 St Mary St

Cardiff

CF10 1AT



# Wales

are expected to treat and use the Welsh language in five areas of activities. These areas of activities are:

- service delivery
- policy-making
- internal operations
- language promotion
- record-keeping

The Measure identifies the organisations and sectors that will potentially be required to comply with standards. These are mainly public sector organisations, with standards also applicable to some private companies and third sector organisations in specific circumstances.

As we embarked upon the process of implementing the legislation we looked across the world for templates of standards in relation to language, but we found no convenient model. Therefore, the standards in Wales will be the first of their kind in the world.

By 16 May 2012 we had compiled an initial draft body of standards in conjunction with our legal advisers, and decided to engage with stakeholders, including the public, at the initial stages. As a consequence we embarked upon a process of non-statutory consultation with individuals and organisations in Wales. This period of non-statutory consultation began merely six weeks after our offices opened, and continued until 11 August 2012.

During the consultation, we held a series of public meetings across Wales, which attracted over 300 attendees. We were very pleased with the level of engagement and discussion during the exercise. We hope that this will aid the process as we submit draft standards to Welsh Ministers who will then translate them into statutory standards to be imposed on organisations. At the time of submitting this article to *The Ombudsman*, Welsh Language Commissioner officials are preparing a report on the non-statutory consultation and revised draft standards for Welsh Ministers. The final report will be published on our website.



## The Older People's Commissioner for Wales

When I took up post in June as Older People's Commissioner for Wales, I promised to be a strong independent champion for older people, standing up and speaking out on their behalf to make sure that they have a voice that is heard, that they have choice and control over their lives and that they receive the services and the support that they need.

While there is much that we can and should celebrate about growing older, for too many older people this experience just isn't what it should be and it is my job to make sure that the issues that matter to older people are being addressed. My team and I do this through working in partnership with a wide range of bodies, through developing good practice, but also through reviewing, scrutinising, challenging and, where appropriate, laying down standards that I expect to be met.

Our work is driven by what older people say matters to them and their voices are at the heart of all that we do. We are reaching

### Sarah Rochira

Telephone

08442 640670

Email:

ask@olderpeoplewales.com

Web

www.olderpeoplewales.com

Twitter:

@talkolderpeople

Post

Older People's Commissioner for Wales  
Third Floor, Cambrian Buildings,  
Mount Stuart Square  
Cardiff Bay  
CF10 5FL

*Continued on page 18*

# What's happening in Wales

*Continued from page 17*

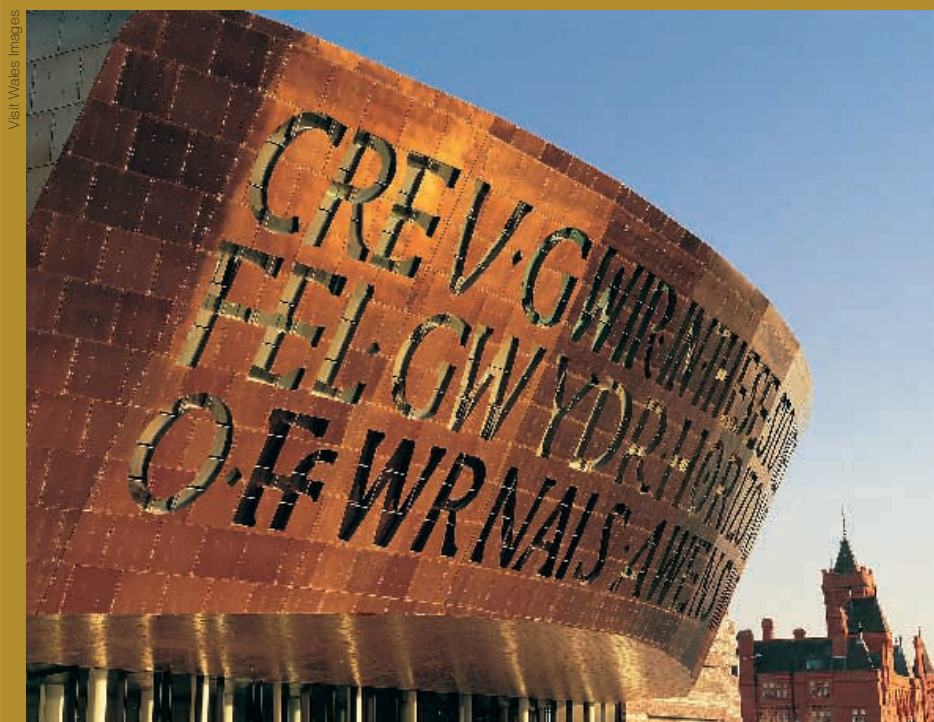
out to even more older people than ever before to ensure that they know what we do and how we do it and that they can continue to actively inform our work. On my first day in post, I began my new Engagement Roadshow, visiting communities across Wales to meet with older people and those that care for and support them. This engagement, together with information gathered from older people via my Enquiries and Support Team, has provided a robust basis for our 2012-13 work programme, published in September, and our Framework for Action 2013-17, which will guide our work over the next four years when it is finalised following engagement with older people and stakeholders.

While there are many outstanding public service staff in Wales, older people have clearly stated that all too often they do not receive the essential information, support and care they need. They often feel invisible and not listened to, lacking choice and control over the services they receive.

As readers of *The Ombudsman* will know,

all too often a crisis has to occur before support and care is provided, or before changes are made. As part of my role, I want to ensure that there is a much greater focus on preventing the crisis in the first place, and on forward planning by working to ensure that services reflect the needs and wishes of older people and that there is an end to the postcode lottery of regional variation in service delivery.

I will be working with public services in Wales to make sure that the way services and support are developed draws directly on the needs and voices of older people. I will also be laying down guidance and, where necessary, will use my statutory powers to ensure that this guidance is complied with. I will be requiring those who are accountable for our public services to prove to me, and to older people, that they are making a real difference. I will also be scrutinising a range of published strategies, policies and plans to make sure that they will deliver the changes and improvements older people need to see to make sure that Wales is a good place to grow older, not just for some but for everyone.



## Wales to host 9th Regional Seminar of the European Network of Ombudsmen

It was announced in Brussels in October that Wales will host the next Regional Seminar of the European Network of Ombudsmen in 2014. These seminars provide an opportunity for ombudsmen operating in the context of devolved/ decentralised administrations to share best practice and exchange experiences which can be unique to them. Peter Tyndall, the Public Services Ombudsman for Wales, looks forward to welcoming colleague ombudsmen from across Europe to Cardiff.



# More impact for more people

Dame Julie Mellor, Parliamentary and Health Service Ombudsman writes about her aims to improve public services through its recently launched corporate strategy.

**S**hortly after taking up my new role as Parliamentary and Health Service Ombudsman (PHSO) a year ago, we invited members of the public to talk with us about what it's like to complain about public services. Their feedback was unanimous. "The problem is," one of them said succinctly, "The system was not set up with the public in mind."

At PHSO, I've been privileged to take on a well run and effective organisation; with a reputation for high quality casework and robust decision making. It's a strong platform on which to build and tackle the challenges so clearly summed up in that brief comment from a member of the public. To do this, we have been working to review our corporate strategy and to develop a new five year plan to help us have more impact for more people.

It's clear from further research amongst the public how daunting people find complaining about public services. They approach the process expecting to be caught up in bureaucracy, passed from one person to another, with little understanding of them or their complaint. Our research shows that many of them don't even embark on the process and for those that do, it becomes more arduous the longer it goes on.

For the last two decades in different roles – from Chair of the Equal Opportunities Commission to my last role as a partner in PricewaterhouseCoopers' health

sector team – I've been committed to helping improve public services. Our new strategy, available on our website, sets out how as an Ombudsman service, we'll be working to do that by helping to improve the way public services respond to and learn from complaints.

In the last nine months, we have been talking with many different people about how we can make it easier for people to complain to us about UK government departments

## It's clear from further research amongst the public how daunting people find complaining about public services.

and agencies or the NHS in England. In conversation with MPs, civil servants, patient organisations, NHS leaders, health regulators and other Ombudsmen, it's clear that we need to ensure that everyone knows where to go when they have a complaint, that complaints are resolved quickly and as locally as possible, and that people who are dissatisfied can get a final, independent decision on their complaint. For us to have more impact, the complaints system needs to get better and the learning from complaints needs to be used more widely to help improve public services.

To do this, we need to raise our profile and communicate more, and more simply and directly with the public, Parliament, bodies in



Ombudsman, Dame Julie Mellor DBE

jurisdiction. We need to be more useful to Parliament; working collaboratively with MPs and Select Committees to respond to individual complaints and to identify areas of possible failings in public services. We need to work with others to see how we can improve the system and make it easier for people to complain. Here, we are talking with health

regulators about different options for collaboration – an idea discussed at the Ombudsman Association conference in Belfast last May.

I know that many Ombudsman colleagues are tackling similar challenges and there is much we can learn from each other. Recent visits to the Financial Ombudsman Service and the Public Service Ombudsman for Wales have been invaluable in this regard. As we develop our plans for the next five years I hope we will be able to take this further by sharing ideas together.

**Read the PHSO's 2013-2018 strategy online at: [www.ombudsman.org.uk/about-us/more-impact-for-more-people](http://www.ombudsman.org.uk/about-us/more-impact-for-more-people)**

# 'BIOA' as I know it

Former Director General of the Office of the Ombudsman, Ireland, Pat Whelan, reflects on what the 'I' in BIOA meant for him. Pat was appointed Director General of the Office in 1995. Prior to his appointment he was a senior investigator in the Office and had also worked with the General Agreement on Tariffs and Trade (now the World Trade Organisation) and in central government with the Department of Finance. Pat retired from the Office in March 2012.



Pat Whelan, former Director General of the Office of the Ombudsman.

## Pat Whelan

When it was established in 1984, the Office of the Ombudsman was the only one of its kind in Ireland. It remained so until 1990 when the family started to grow with the arrival of the Ombudsman for the Credit Institutions and two years later, the Insurance Ombudsman. In 2005 both were subsumed into the statutory Financial Services Ombudsman Bureau scheme. Other specialist schemes were created around that time bringing the Ombudsman family in Ireland today to a total of eight offices.

It is difficult now to appreciate how lonely a place it was for the fledgling Office in those early years. Not only that, but it was also subjected to a near fatal attack by the political system which started to have second thoughts about its purpose and influence and was saved only by the courage of the first Ombudsman, the late Michael Mills who stood up to the government of the day.

Networking opportunities were limited for Ombudsmen and their staff. The International Ombudsman Institute held a world conference, but only every four years. The European Ombudsman Institute was dogged by organisational difficulties. Contacts were developed through these networks but they tended to be

sporadic and ad-hoc. One very valuable source of support and advice then and for many years after was the former Northern Ireland Ombudsman, Maurice Hayes.

In 1991, public and private sector Ombudsmen came together to establish an association which became the British and Irish Ombudsman Association (BIOA). The founding members' support for an Irish dimension was matched equally by our enthusiasm to participate in a network of broadly like-minded public sector schemes with broadly similar enabling

**In short, it has brought great clarity to the theory and practice of our role.**

legislation, together with a variety of specialist private sector schemes and complaint handling bodies.

And now, just over twenty years later, with BIOA rebranded as the Ombudsman Association (OA) – which I hasten to add will continue to include its Irish constituents – it seems appropriate to reflect, from my personal perspective, on what BIOA meant to Irish Ombudsman's Offices.

In my view, BIOA's two greatest achievements have been to conceptualise the work that we do and to promulgate best practice in how we go about our daily business. In short, it has brought great clarity

to the theory and practice of our role.

On the theory side we have the criteria for the recognition of Ombudsman schemes which, in turn, play a very important role in the protection of the term 'Ombudsman'. I had the privilege of contributing as a member of the working group which developed the recognition criteria. Over the years, this criteria became very useful in self-auditing our Office to ensure that we remained true to our core principles and function. It was also very useful in rebutting government proposals to set up new Ombudsman offices which were often nothing more than knee-jerk responses to the latest political crises. Often government itself didn't quite know what it wanted and regularly confused advocacy with complaint examination. Thus, we had calls for a plethora of new Ombudsmen including an Ombudsman for Older People, a (separate) Health Ombudsman and even a Supermarket Ombudsman. Armed with the BIOA criteria we were able to engage in principled debate about these proposals and avoid any accusation that we were merely engaging in turf wars. We did not win every argument, but the Government came to acknowledge the value of the recognition criteria and agreed to include a provision in an amendment to the Ombudsman Act which will give statutory protection to the term 'Ombudsman'.



BIOA, as I know it, has also been useful in finding collective solutions to new problems. For example, the Human Rights Bill – enacted in 1998 (and in Ireland, the European Convention on Human Rights Bill – enacted in 2003) raised concerns about whether Ombudsman schemes might be in breach of Article 6 of the European Convention on Human Rights if they failed to make provision for oral hearings in the course of investigating complaints. The concern caused quite a stir at the time but ultimately was resolved without the need for any significant change. But it did instil a new awareness of the need for Ombudsman schemes to be ever conscious of their natural justice and fair procedure obligations to complainants and bodies complained against. The Association has also taken some tentative steps in exploring the overlap between maladministration and human rights principles – an area with much potential for future development.

On the practical side, BIOA has a long tradition of very successful conferences, annual meetings, occasional seminars, special interest groups and, more recently, accredited training which was developed with our Office's assistance. I have attended every conference since 1993, the Office has been a regular contributor to the conferences and has hosted some of the annual meetings and seminars. But the *jewels in the BIOA crown are the biennial conferences* which have been exceptionally useful in promulgating best practice. It was at one such conference, I first learned about training programmes for bodies in jurisdiction, home-based working, quality assurance principles, knowledge management, internal appeal systems for Ombudsman

schemes and different approaches to case management. We adapted and customised these principles and practices to our own Office and, in turn, delivered papers on our own innovations at the conferences. Within the past year, the new complaints management system, which has delivered significant productivity gains in terms of cases completed and average completion times, has attracted the interest of many Association members keen to adapt this best practice model to their own ends.

We have been active on the Executive Committee too. The late Kevin Murphy, Ireland's second Ombudsman and first Information Commissioner, served as a member of the Committee from 2001 to 2003. The current Ombudsman and Information Commissioner, Emily O'Reilly, served as a member from 2006 to 2008 and became the first Irish member to be elected Chair of BIOA, serving in that capacity from 2008 to 2010. Of course, there always has been specific provision for Irish representation and members of other Irish schemes have served and continue to serve on the Executive Committee.

A key issue behind the success of BIOA has been a very effective and hardworking secretariat. Gordon Adams as first secretary set a standard

which has been ably matched by the current secretary Ian Pattison. They and the various members of the Executive Committee over the years have built an Association which is seen by the Ombudsman community worldwide as a reference model for others to emulate.

And finally, although the 'I' is now missing from the new Ombudsman



Close up of Clock Tower and Justice Statue at Dublin Castle.

Association, I do hope that the Irish Ombudsman members will continue to contribute to its future development. For my own part, as I have stepped down from active engagement in the Association, I wish it and all its members every success for the future.

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**Pat Whelan is contactable in retirement via Human Resources at the Office of the Ombudsman. Please mark your letter for Pat Whelan and send to:**  
**Fiona McCarney, HR Unit, Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2**

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**For more information about this year's Biennial Conference, see page 29.**

# 'Foreign' exchange

Michaela McAleer, Director of Health Investigations at the Northern Ireland Ombudsman, shares her experience of an exchange with the Gibraltar Public Services Ombudsman.

In July this year I travelled to Gibraltar to work alongside the Ombudsman for Gibraltar, Mr Mario Hook, and his staff in preparation for an extension to his jurisdiction to include health matters.

In arranging my visit, the Northern Ireland Ombudsman, Tom Frawley, believed that because of the size of our office, we might have insights to offer in terms of experience in dealing with health complaints in a population where the number and size of clinical specialisms do not always lend themselves to 'independent review' from within the system. Yet, however small Northern Ireland may seem in terms of population (currently around 1.7 million), it is still significantly higher than the population of

My experience in the investigation of health complaints is that even the most experienced and competent investigator can feel intimidated and overwhelmed when they are faced with their first health complaint. The reasons for this are somewhat obvious, given the status and autonomy attached to clinicians and their judgment. On a basic level, 'lay' investigators, just like patients and members of the public, can often feel out of their depth when it comes to the language and acronyms used to describe the exchanges that inform the most straightforward of investigations about a health issue.

However, recognising and appreciating that clinical judgment is not a science and that there are many reasonable ways for clinicians to deal with the same clinical scenario rather than there being an 'absolute right way' provides a secure platform from which to launch and undertake an investigation into a health complaint.

In working with the Gibraltar Public Services Ombudsman's office the areas explored included:

- Obtaining Good Clinical Advice
- How to present your request
- Ensuring you have obtained the necessary notes, records, policies and procedures
- Scoping the period under analysis
- Asking the 'right' questions of the 'right' clinicians
- Working with a clinical adviser
- Standards and guidelines that govern clinical practice
- Regulatory bodies and defence organisations
- Clinical negligence claims versus using an Ombudsman service

During my time in Gibraltar I also had the opportunity to meet with the chief executive and the complaints manager for the Gibraltar Health Authority (GHA) to hear about the complaints they receive and the challenges



Michaela with Mario and colleagues, Nicolas and Nadine.

Gibraltar at around 30,000. With one health authority and a primary care centre meeting the majority of the primary and secondary healthcare needs of its population, and everyone within GIB (as it is colloquially known), appearing to know everyone else, Gibraltar provides a fascinating opportunity to see first-hand how the delivery of the most personal and sensitive of public services can be tested by a robust complaints handling system.



they face in responding to these in such a small jurisdiction. During a meeting with GHA, I explained the role of the Northern Ireland Ombudsman in the investigation of health complaints. I also shared some of the themes and learning that had arisen from our casework. Similarly, the GHA told me about their work. Unlike many public bodies, who either do not welcome, or resist, their inclusion into an Ombudsman's jurisdiction, I was struck by the enthusiasm and support that the GHA had for the extension to the Gibraltar Public Services Ombudsman's powers. The Authority's grasp of the significance of the independence of the Ombudsman's role in helping them to maintain trust and confidence in their service was refreshing.

The most enjoyable part of my trip was undoubtedly joining the Gibraltar Ombudsman and his team in Parliament Square to personally distribute copies of his annual report to the local citizens. The potential offered by the scale of Gibraltar to meet with its people and to create widespread understanding of the work of the Ombudsman make it such a unique place.

Following my visit, Gibraltar's senior investigating officer, Nicolas Caetano together with the investigating officer, Karen Calemaro travelled to Belfast for further training which aimed to put into practice

much of the theory and process that I had shared with them during my visit. The training included working on case scenarios to draft requests for clinical advice and undertaking case analysis on receipt of clinical advice.

Even though the time I spent in GIB was short, I immediately felt part of the Ombudsman's team and felt so welcome and at home. Whilst my purpose was to share my experience in the handling of health complaints, I definitely gained as much as I had hoped to share, and have already proposed a table outside City Hall, in Belfast, next year for the distribution of our annual report!

Commenting on the visits, Mario Hook welcomed the cooperation and assistance from the Northern Ireland Ombudsman and thanked Tom Frawley for his support. Additionally he said, 'Michaela has played a very important role in assisting my office to prepare for our additional jurisdiction and I would like to put on record my most sincere and heartfelt appreciation for her excellent work. I would be delighted to return to Belfast to join Tom and his team outside the City Hall for the distribution of his Annual Report.'

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**For more information about the visit, contact Michaela at [Michaela.McAleer@ni-ombudsman.org.uk](mailto:Michaela.McAleer@ni-ombudsman.org.uk)**

Michaela and Mario  
distributing GIB  
Annual Reports



# First Contact

## A member's perspective

Jonathan Buckley gives his view on first contact interest group membership

**Jonathan Buckley** Customer Service Manager,  
Local Government Ombudsman

The title may suggest a gathering of Star Trek fans but the 'First Contact Interest Group' is far more important and wide reaching than that. The group was set up by the Ombudsman Association in 2007 with the overall aim of sharing ideas around best practice for complaints handling. Twice a year, around 20 representatives from member schemes gather to discuss their experiences.

Each member takes it in turn to host the event and so I have been fortunate to visit various schemes. From Edinburgh to London, plus a few places in between, there's never been a dull moment.

Amazingly, we have just held our 11th interest group meeting which I hosted at the Local Government Ombudsman in Millbank, London.

Meetings traditionally start with a presentation from the host. The group would probably agree that the most memorable presentation was by Mario Hook, the Gibraltar Ombudsman, in 2012. This meeting took place in Gibraltar House, London. Mr Hook was a gracious host and did everything to welcome us – if he could have, he probably would have rolled out

a troop of Barbary apes to promote his scheme!

Agenda items usually include updates on initiatives from other schemes. I appreciate the opportunity to meet peers from other schemes who are experiencing similar issues or who 'have been there and done that' and can offer advice on specific matters.

At the Autumn 2012 meeting, Caroline Wells from the Financial Ombudsman Service gave a fabulous presentation about their ambitions for accreditation in the British Standard for Consumer Vulnerability. I shared the details of this session eagerly with my executive director.

Our schemes are all different and yet there is a surprising commonality between us all,

*I appreciate the opportunity to meet peers from other schemes who are experiencing similar issues*

so the opportunity to share our knowledge is invaluable. I have found the meetings extremely useful and I would like to think that I have been able to apply some of what I've learned to my daily role.

In creating this interest group the OA has allowed us all the

opportunity to build a network of contacts, increase our knowledge and ultimately improve our own approach to complaints handling.

Judging by the First Contact group's popularity, the rest of the participants are in agreement with me. So if you are interested then I highly recommend that you book your place at next April's meeting at the SPSO, Edinburgh.

In the next edition, we'll look back on the achievements of the First Contact Group over the past six years.

**For more information, contact Jonathan Buckley at [J.Buckley@lgo.org.uk](mailto:J.Buckley@lgo.org.uk)**



Jonathan Buckley

# Keeping up with colleagues

Learn how the Financial Ombudsman Service engages with employees



**Rakhee Gorolay** Assistant to Lead Ombudsman, Financial Ombudsman Services

Over the last few years the Financial Ombudsman Service (FOS) has seen an increase in employee numbers, meaning it's now more important than ever before to maintain effective channels of communication across the organisation.

The communications team uses a number of methods to engage with FOS employees. This ranges from a monthly staff magazine to regular debate through the use of online forums

and web-chats. One of the most popular engagement events are the face-to-face lunchtime talks. These are aimed at all staff and are designed to be as interactive as possible to enable anyone to suggest a topic.

One of the core values of the organisation is to be 'inquisitive and build everyone's knowledge' – and the talks really promote the sharing of knowledge across all areas of the organisation. Topics have been varied, from having a detailed look at pet insurance, or consumer credit jurisdiction, right through to the work of the legal team and press office.

On the day of a talk, attendees turn up with their lunch, ready to listen to the presentation and ask questions. The sessions last about an hour, and it's a great opportunity for speakers to engage with the audience and bring to life aspects of our work.

Since they began, the talks have attracted positive feedback and they have become a permanent fixture in the staff engagement calendar of events!

**For more information contact Rakhee at [rakhee.gorolay@financial-ombudsman.org.uk](mailto:rakhee.gorolay@financial-ombudsman.org.uk)**



**Financial  
Ombudsman  
Service**

# Complaints handling training

By **Kerry Barker** SPSO training coordinator



Since its inception in 2009, the SPSO training unit has delivered training to over 150 bodies under jurisdiction. Our first courses, conceived with considerable assistance from the Local Government Ombudsman training team, were aimed at the local government sector in Scotland. We have since developed courses for the health, housing, and further and higher education sectors, and delivered bespoke training sessions for other organisations including the Care Inspectorate and the mental Welfare Commission for Scotland. SPSO courses are flexible and affordable (delivered on a cost recovery basis).

Designed to be people-friendly and practical, our courses avoid the use of PowerPoint and involve stimulating case study activities. We know that complaints handling isn't the most appealing subject of training, which is why our courses are all about changing attitudes and winning hearts and minds. We aim to transform the most hardened complaint cynic into an enthusiastic problem solver. The most common compliment we receive is that the training day was 'much better than I had expected'.

In 2010, the SPSO took on an additional statutory role to standardise and simplify complaints handling procedures across the Scottish public sector. We established the Complaints Standards Authority (CSA) to carry out this work and introduce standard model complaints handling procedures (CHPs).

An important part of the CSA's work is to support improvement and best practice in complaints handling, including supporting complaints handling staff involved at the two stages of the CHP (frontline and investigation).

In developing the sectoral CHPs, we have been inundated with training requests from public service organisations. We speculate that with our small staff of just four part-time equivalent trainers, to service a possible audience in excess of 500,000 complaint handlers would take around 550 years!

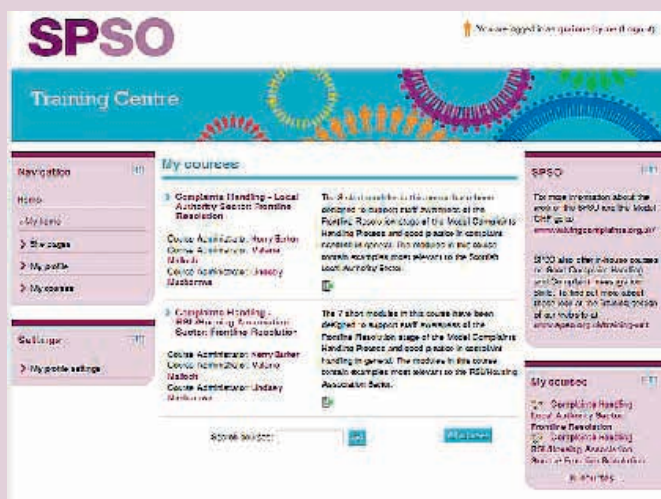
To effectively meet the public sector training needs, in 2012 we developed e-learning courses that are available online, for free at our dedicated training website – [www.spsotraining.org.uk](http://www.spsotraining.org.uk). We have set up two e-learning courses to date aimed at the local government and registered social landlord sectors. Some organisations have embedded our training modules on their own networks for all staff access, and some bodies use them in their induction programme for new employees. With over 1,000 participants accessing our online or direct delivery

training services, we still have some way to go to reach that sizeable audience of around 500,000.

Our online courses consist of seven or eight, 15 minute modules covering the basics of the model CHP with a number of softer skills such as effective apology and listening. The courses also include a number of the case studies used in our direct delivery courses.

We are currently developing courses for NHS Education Scotland's own learning portal and for the further and higher education sector. In the next year we hope to develop more e-learning support materials for those staff specifically involved in the investigation stage of the model CHP.

Staff from Ombudsman Association member schemes are welcome to make use of our online learning modules. Registration is simple, provided that you use a recognised work email address to sign up. Go to [www.spsotraining.org.uk](http://www.spsotraining.org.uk) to try it for yourself.



**For further information please contact Kerry Barker, training coordinator by email: [kbarker@spso.org.uk](mailto:kbarker@spso.org.uk)**



# Doing things differently at FOS



Jane Hingston, lead Ombudsman for banking and credit at the Financial Ombudsman Services tells us about frontline complaints handling involving e-money and money transfers, and trying something new.

## How did the case-handling pilot begin?

I had been talking with colleagues about how quickly people are changing the way they use financial services and what this means for us. I felt there would be value in trying something new for those customers used to an 'instant' service from their financial product providers.

## How did your ideas take shape?

We needed to be far more fluid, learning lessons along the way so we set aside our standard process and thought about new ways to deal with the complaints. It was about thinking differently about how we could help our customers.

We wanted to give our people licence to engage with the parties and just 'sort it' – without all the usual administrative trappings. We also wanted to give people more freedom to tailor their approach to each individual case, and we had to rethink timescales.

Basically, it was pushing the boundaries on all fronts.

## So how did you make it happen?

We were pleased to have two major financial players respond enthusiastically to the opportunity. Internally, we created a small team who were intensively trained to be experts in the subject with the ability to handle queries instantly



and we adapted our technology as we knew we would be writing fewer letters, but using far more telephone calls, emails and texts. The financial firms played their part by upping their game in terms of the authority they gave their complaint handling staff to agree settlements and their turnaround times for providing information.

## Once it was up and running, how did you decide whether the new approach was working?

One obvious sign was the shorter time it took us to get problems

sorted out for customers. We were really pleased – and so were the businesses involved.

Customer satisfaction was the other indicator. Consumers appreciated having just one person dealing with their problem and not having to wait before they saw some action on their complaint. And we found we were achieving very high levels of consumer satisfaction even when the consumer did not 'win' their case – which was really encouraging for us.

## Now that it has concluded, would you use this approach for everything?

We cover complaints across the whole of the financial services market and we knew we couldn't replicate this approach with every type of case we handle. This is because not all complaints are suitable, and not all financial services firms would be able to cope with the speedy information turnaround times that are needed to make it work. But the lessons learned have certainly given us a lot of really useful ideas that we have started to trial in other casework teams, and made us aware of the possibilities.

*For more information on the pilot contact Rakhee Gorolay at [rakhee.gorolay@financial-ombudsman.org.uk](mailto:rakhee.gorolay@financial-ombudsman.org.uk)*

# Policing the police

David Knight of the IPCC gives insight into the work of his office and its challenges

**David Knight**

Director of Casework and Customer Service

The Independent Police Complaints Commission came into being on 1 April 2004, replacing the Police Complaints Authority. The IPCC's statutory purpose is to increase public confidence in the police complaints system in England and Wales.

We have four offices in the two countries, and around 375 staff, some of whom work from home.

Unlike many Ombudsman type organisations outside the world of policing, but in common with our colleagues in the office of the Police Ombudsman of Northern Ireland and the Garda Síochána Ombudsman, the IPCC itself has the power to directly investigate complaints and reports of possible misconduct

or criminality. We also investigate police fatal shootings, and deaths and serious injuries in police custody, thus fulfilling the state's obligations under Article 2 of the European Convention on Human Rights.

The small number of high profile independent investigations we conduct each year, such as the deaths of Jean Charles de Menezes, Ian Tomlinson, or Mark Duggan, is what keeps us in the public eye. Most recently, we have begun investigating many of the issues arising for the Hillsborough Independent Panel report – a huge job for which the Home Secretary has promised we will be appropriately resourced.

But the police still deal with the vast majority of complaints themselves, and our less high profile but just as important work is to ensure that they do so well.

The Government has decided that chief constables, reporting to the new Police and Crime Commissioners (PCCs), should be

responsible for ensuring their forces respond properly to the most common complaints (such as about minor rudeness or lack of diligence), freeing us to focus on the more serious complaints, and on our general oversight function.

The IPCC retains overall responsibility for maintaining public confidence in the police complaints system. So we monitor force performance in relation to these complaints and raise issues with PCCs where necessary. We consider appeals that relate to complaints about senior officers, and act as a safeguard for access to the complaints system by taking appeals where a complainant is unhappy their complaint has not been recorded by a force – regardless of what the complaint is about. The IPCC is still the relevant appeal body against police investigations into more serious matters, such as allegations of dishonesty, or excessive use of force.

The remedies we can offer include directing a reinvestigation, taking over an unsatisfactory investigation ourselves, or substituting our own findings and if appropriate recommending or ultimately directing that an officer face a disciplinary process. What we cannot do, unlike some similar bodies, is require a force, or an individual officer, to apologise, or to pay compensation.

Our main challenges will be familiar to all public sector ombudsmen: we are a demand led operation with ever more limited resources. Although we have done much to improve our efficiency over recent years – as well as the quality of our work and our customer service – we have suffered at times from very high backlogs of casework. These are now starting to fall as changes to the system take effect. I very much value the IPCC's membership of the Ombudsman Association for the opportunities it gives to compare experiences and learn from colleagues in the complaints handling business.

**For more information about the IPCC go to [www.ipcc.gov.uk/en/Pages/default.aspx](http://www.ipcc.gov.uk/en/Pages/default.aspx)**



David Knight,  
Director of Casework  
and Customer Service



# 20/20 Vision

## Looking forward on the Ombudsman Association's 20th Anniversary

16 and 17 May 2013, Loughborough

**T**he Biennial Conference of the Ombudsman Association will take place at Imago Burleigh House Conference Centre, Loughborough University, on Thursday 16 and Friday 17 May 2013. The formal Annual Meeting of the Association will be held on Thursday morning, immediately prior to the start of the Conference. This conference is a major event in the Association's calendar and we expect another great turnout, as achieved in 2011.

Below is the outline programme. Full details have been

circulated to all members, together with registration forms. If you do not receive these and wish to attend, please contact the Secretary, Ian Pattison by email: [secretary@ombudsmanassociation.org](mailto:secretary@ombudsmanassociation.org).

All members, and staff in any role within member schemes, are welcome to attend. The cost, to include all meals and overnight accommodation at Burleigh House, is £395 plus VAT. Imago Burleigh House is a purpose-built, fully residential conference centre with 4-star standard accommodation.

### Thursday, 16 May

#### Morning

- 10:00 Registration opens
- 11:30 20th Annual Meeting of the Association

#### Afternoon

- **Tony King, OA Chair's opening address**
- **Plenary session 1** Chaired by Tony King, Pensions Ombudsman  
*Appropriate dispute resolution forums and legal challenges*
- **Workshops Session 1**
- **Plenary session 2** Chaired by Adam Sampson, Chief Ombudsman, Legal Ombudsman  
*Complaint Handlers and relationship with Ombudsmen*

### Friday, 17 May

#### Morning

- **Plenary session 3** Chaired by Peter Tyndall, Public Services Ombudsman for Wales  
*Accessibility – a strategic approach to managing the challenges*

#### ■ Workshops session 2

#### Afternoon

- **Plenary session 4** Chaired by Natalie Ceeney CBE, Chief Ombudsman, Financial Ombudsman Service  
*Ombudsmen – the next 20 years*
- **Chair's closing address**  
Conference ends at 13:00 (lunch is provided afterwards)

**OMBUDSMAN  
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Promoting independent complaint resolution

[www.ombudsmanassociation.org](http://www.ombudsmanassociation.org)



# From newshound to watchdog

In this second instalment of our new feature that looks at the *Secret Lives* of our members, we delve into Christopher Graham's career past and find out about his life as a hack prior to becoming Information Commissioner.

**We've read that your past roles include director general of the Advertising Standards Authority and chairman of the European Advertising Standards Alliance, but we want to know more about your time on the front-line as a radio and TV journalist. Please fill us in...**

I joined the BBC as a graduate news trainee and before long I was reporting on Radio Sheffield,

that I got to know how Whitehall and Westminster work.

**What was your most memorable moment from your career as a journalist?**

My first staff job was as a talks producer in Manchester. I had a great time working with Brian Redhead on the weekly discussion programme *A Word in Edgeways*. Then we started *File on 4* as an antidote to *Analysis*. I

got to travel a lot. One UK based report was about the campaign for a Freedom of Information Act. I remember catching out the transport minister of the day over the issue. He can't have been too discomfited because years later Bill Rodgers appointed me to run the ASA where by then he was chairman. Then Gordon Borrie, who we'd embarrassed with a Money Programme scoop on the

Guinness take-over, was appointed Bill's successor.

**Is there anything you miss about those days?**

The BBC was a glorious place to work. I loved the programme making more than the management. Pre-digital, messing about with quarter inch tape and 16mm film was tremendously creative. I used to

write documentary scripts as a side line and I'd happily go back to that sort of thing when I have finished as Information Commissioner. If not in broadcasting, the research skills would not be wasted on a book or two. Being at the heart of the BBC in interesting times was exhilarating too, but that's when I become the discreet corporate civil servant.

**How do you think your time as a journalist has helped you in your role as Information Commissioner?**

I suppose I'm easier with the public facing stuff. Not just media work (although I'm not fazed by live TV or radio), but all the presentations and the conferences which go with the territory. I hope I'm better able to judge where the public interest truly lies, being used to the obfuscation of officialdom but also the tricks of a journalist in search of a story.

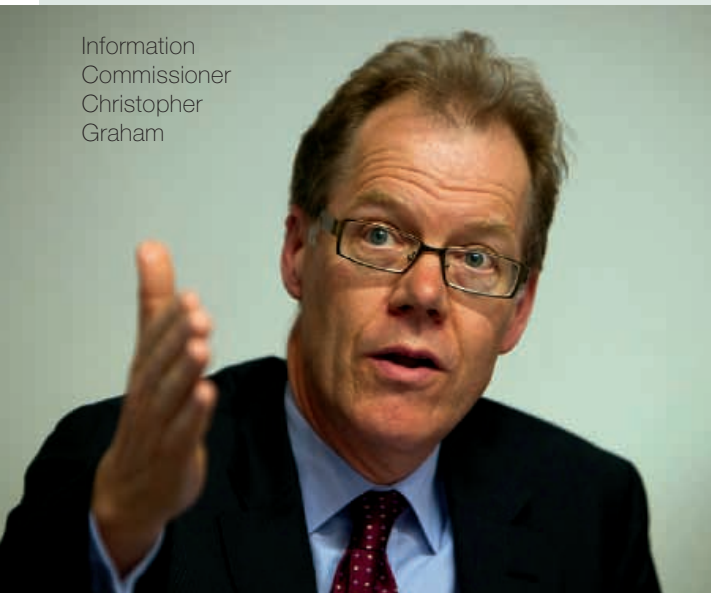
**What do you enjoy the most about your current role?**

It's the sense of being at the centre of things – even if I am back in Manchester after more than 30 years. The right to privacy and the right to know are issues of great importance to politicians, business, and citizens. As a result, the ICO is involved in all sorts of exciting things. I have a fantastic expert team who keep me out of trouble. I am very much involved in the debates around a new framework for data protection. That takes me to Brussels, where I am vice-chair of the Article 29 Working Party of commissioners. We're also in discussion over the future of the Freedom of Information Act. And then there's Leveson. So life isn't dull.

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**To find out more about Christopher's work and the work of the ICO, head for [www.ico.gov.uk](http://www.ico.gov.uk)**

Information  
Commissioner  
Christopher  
Graham



producing PM Ulster in Belfast, and, best of all, working with the great William Hardcastle on *The World at One*. I left the production coal-face a long time ago and became a reluctant manager. I was Managing Editor of news programmes for TV and radio in the 1990s. I then joined the BBC's corporate centre as secretary – running between the chairman and the director general. It was in that role

# This is not the end, my friends

**W**hile we might lament the loss of our perfect page edges after 18 years in print, it's important to look ahead to future opportunities that all-digital editions will bring.

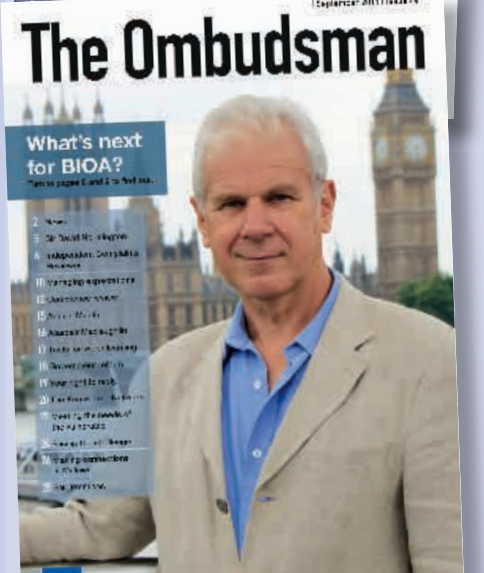
No longer will you have to wait by the mailroom in anticipation, as future editions will arrive directly to your inbox giving you access to the latest news in one click. Taking the magazine entirely online will be of great benefit to the estimated 40% of people that consume publications via their tablet and smart devices. You will soon be able to read *The Ombudsman* on your favourite device, bookmark a page for future reading, or forward your favourite items to a friend. By posting key magazine articles to the Ombudsman Association website we hope to open up opportunities for online discussion too. Distributing the publication electronically will enable us to monitor engagement and inform improvement so that we can continue to take the magazine from strength to strength.

In this last printed edition, we thought it apt to showcase some covers from the past few years. A flick through past issues shows that the Association has moved with the times.

The success of the printed magazine would not have been possible without the efforts of former editors, our relentless designer Peter Williams and Phil Heron of Heron Dawson & Sawyer for printing services. A huge thank you on behalf of all members to Peter and Phil.

I hope you've enjoyed this edition. Remember, this is not the end. It is not even the beginning of the end.

Get in touch if you have any comments: [gbyrne@spsa.org.uk](mailto:gbyrne@spsa.org.uk)





# Well played

As Ombudsman Association members, we appreciate illustrations of excellent customer service. This recent example by kids' favourite LEGO demonstrates that customer service can be creative, imaginative and even playful. Following the loss of his shiny new Christmas toy, seven-year-old Luka Apps from Wiltshire wrote to manufacturers LEGO to see if they could help.

Luka's letter to LEGO:

Hello.  
My name is Luka Apps and I am seven years old. With all my money I got for Christmas I bought the Ninjago kit of the Ultrasonic Raider. The number is 9449. It is really good.  
My Daddy just took me to Sainsburys and told me to leave the people at home but I took them and I lost Jay ZX at the shop as it fell out of my coat.  
I am really upset I have lost him. Daddy said to send you a email to see if you will send me another one.  
I promise I won't take him to the shop again if you can.  
Luka

Luka received the following response from Richard at LEGO, who went beyond a simple reply.

Richard from LEGO wrote:



Images: @lukaapps via Twitter

Dear Luka  
We are very sorry to hear about you losing your Jay minifigure but it sounds like your dad might have been right about leaving it at home. It sounds like you are very sad about it too.

Normally we would ask that you pay for a new one if you lose one of your minifigures and need to have it replaced. My bosses told me I could not send you one out for free because you lost it but, I decided that I would put a call into Sensei Wu to see if he could help me.

Luka, I told Sensei Wu that losing your Jay minifigure was purely an accident and that you would never ever ever let it happen ever again.

He told me to tell you, "Luka, your father seems like a very wise man. You must always protect your Ninjago minifigures like the dragons protect the Weapons of Spinjitzu!"

Sensei Wu also told me it was okay if I sent you a new Jay and told me it would be okay if I included something extra for you because anyone that saves their Christmas money to buy the Ultrasonic Raider must be a really big Ninjago fan.

So, I hope you enjoy your Jay minifigure with all his weapons. You will actually have the only Jay minifigure that combines three different Jays into one! I am also going to send you a bad guy for him to fight!

Just remember, what Sensei Wu said: keep your minifigures protected like the Weapons of Spinjitzu! And of course, always listen to your dad.

You will see an envelope from LEGO within the next two weeks with your new minifigures. Please take good care of them, Luka.

Remember that you promised to always leave them at home.

Richard, Lego

Luka's father Simon was so impressed by LEGO's canny customer service that he publicly Tweeted his thanks on 7 January 2013, leading the heart-warming story to go viral globally.

*Editor - What a great example of excellent customer service. It also proves the power of social media to catapult a local story worldwide.*

To let us know about an issue you'd like to see covered, please get in touch with the editor or anyone from our Editorial Board.

**Editorial Board** – Gráinne Byrne (Editor) (gbyrne@spsso.org.uk) Ian Pattison Secretary (secretary@bioa.org.uk) Katherine Butler (Katherine.Butler@ombudsman.org.uk) Tim Miller (t.miller@lgo.org.uk) Susan Fox (SFox@ombudsman-services.org) Alison Hoyland (alison.hoyland@financial-ombudsman.org.uk) Susan Hudson (Susan.Hudson@ombudsman-wales.org.uk) Caroline Mitchell (caroline.mitchell@

financialombudsman.org.uk) Stephanie O'Connell (Stephanie\_O'Connell@ombudsman.gov.ie)

*The Ombudsman* is published three times a year by the Ombudsman Association to inform its members. The views expressed in *The Ombudsman* are not necessarily those of the Association or the Editorial Board and the views and information it contains are not intended to give specific advice and should not be relied upon as such. The Association believes that the information contained in *The Ombudsman* is correct at the time of going to press

but no responsibility can be accepted for any errors or omissions.

Designed by Peter Williams (williams\_peter@me.com)

Printed by Heron Dawson & Sawyer (www.hdsuk.com)

**OMBUDSMAN ASSOCIATION**

PO Box 308, Twickenham, TW1 9BE  
www.ombudsmanassociation.org.uk