International Ombudsman Institute
Institut International de l'Ombudsman
Instituto Internacional del Ombudsman

# GUIDE TO PEER REVIEWS

IOI Best Practice Paper – April 2020

# Introduction

Improving public services is a key function of Ombudsman offices. Our offices are also constantly striving to improve the way we work. Learning from best practice in other offices is a very effective driver of change. Comparing our structure, legal basis, methods and effectiveness with others can be potentially transformational. It can create a driver for strategic improvement, or provide validation that programmes of change have succeeded in placing your office at the forefront of practice and performance.

There are many different models of Ombudsman office in existence across the world, of different sizes and scope; each with their own processes and operating models. Ombudsman offices operate at national, regional and service-specific levels in many countries and function across public and private sectors. This divergence between Ombudsman services can make comparison, value for money analysis and benchmarking difficult to achieve. However, it is important that Ombudsman offices have the opportunity to learn from each other – ranging from best practice in processing and producing high quality casework, assessing good performance and public value or value for money, and how to draw out important insight from cases under investigation.

A peer review approach has recently been used by some Ombudsman offices within the International Ombudsman Institute (IOI) community to help assess these areas. The reviews, undertaken by fellow Ombudsman offices, have been important in identifying areas of good performance; validating where processes and outcomes are working well; ascertaining what measures are best used in the Ombudsman setting to assess value for money; validating the processes used in individual cases and helping offices understand where further improvements can be made.

This draft will become the fourth paper in the IOI Best Practice series. It considers the various reasons for undertaking a peer review, and the approaches which can be taken. The initial draft of the paper was prepared by the UK Parliamentary and Health Service Ombudsman (PHSO) and this version was then informed by the discussion at the IOI event on peer review which was hosted by PHSO in London in September 2019 and contributions from participants following that event.

It is important to say that Peer Review is not a panacea. There may be occasions where experts outside the sector may be able to provide a more useful insight or indeed, there may be a case for a hybrid approach with a review team drawn from another office or offices and together with independent experts, such as members of the academic community, as was the case in the PHSO peer review.

However, there is no doubt that the insight available from other Ombudsman Offices is highly valuable in offering an expert perspective and validating success while identifying areas for change. The experience other offices can bring to evaluating our core business makes this approach a very valuable asset in our quest for constant improvement.

# When would a peer review be useful and what to consider

There are many catalysts that may lead you to consider that a peer review of your organisation would be beneficial. Some common reasons are:

- You may require external assessment of what processes are working well in your organisation before undertaking major transformational change
- You have recently changed your operating model and would welcome assessment from a peer as to whether the new processes are working well and in line with sector norms
- You would welcome assessment of the effectiveness of your organisation's public value and/or value for money
- You would like to enhance your internal / external audit processes with an independent assessment
- You are finding it difficult to find comparable domestic organisations with similar jurisdictions against which to benchmark your processes and performance
- You have encountered external stimulus, such as a political or public call for assessment of your value
- You welcome advice on how you can measure the effectiveness, efficiency and economy of your organisation
- There are aspects of your work which you would like to compare with acknowledged best practice
- There is an individual case or investigation upon which you would value an external assessment.

This list is not exhaustive and there may be other triggers that lead you to the conclusion that a peer review would be beneficial.

Once you have decided that you would benefit from a peer review, you should then start to consider the **scope** and the purpose of the review, as these will both influence the approach. The next section explains in more detail what further points need to be considered in advance of the review.

# Preparing for a peer review (the Ombudsman requesting the review)

Before a peer review can be undertaken, there are a number of points relating to preparation to be considered. The five points below set out a typical peer review preparation process for the organisation requesting the review.

1. **Define the scope of the review**. A peer review process cannot review all aspects of your service. It is therefore important for the scope of the review to be focussed and agreed. The key aspects of a peer review will depend on whether it is a broad review of the Office, a consideration of a particular aspect of the service or a case. A broad review will typically include consideration of process, performance and complainant perception. The review should avoid scope creep, but identify areas that would benefit from further review as appropriate. A scope could include elements of the following:

    - How do your jurisdiction, powers and independence compare to international norms e.g. IOI membership criteria or the Venice Principles.
    - Are you interpreting your jurisdiction appropriately and meeting all your statutory obligations?
    - How your service processes cases compared with peers. Are you operating optimally?
    - Are the criteria you use to decide which cases to progress in line with sector norms?
    - Are specific jurisdictional parameters of your service restricting the way you operate by comparison to your peers?
    - Are there any impediments to your effective operation, such as insufficient budget to perform your function to an appropriate standard?
    - How does your service compare with similar services in terms of scope, size and jurisdiction?
    - How does your service measure its own performance? Are you looking at the right measures?
    - How do you draw out insight from the cases under investigation to identify systemic issues? Is there more you could be doing?
    - Do you support your staff sufficiently in terms of training, equipment, expectations of them etc.?
    - How do you collect and respond to feedback both from complainants and organisations you investigate?
    - What can be learned from complaints that you receive about your own service?
    - Are you sufficiently transparent and accountable to the public?

2. **Approach an Ombudsman office to lead on the review and consider whether independent experts such as academics, might be required.** This will be particularly important where the intended audience is external or where there is an external stimulus for the review. The inclusion of independent experts may not be necessary where the purpose of the review is to support internally-driven improvement or validation. If the Ombudsman (peer) agrees to lead a review, they may also want to invite a fellow Ombudsman to participate. It therefore may be appropriate for a panel to undertake the review. Agree dates for the review to take place - ideally the review should be undertaken with a site visit to your offices, although preparations and report writing could occur remotely. The review will take time, and the Ombudsman or panel will need to be able to commit sufficient time to undertake it. A reciprocal arrangement where two Offices agree to look at each other's practice can be helpful. Where a case review is being undertaken, it may be useful that the review panel includes at least one member working in the same sector or in a similar jurisdiction.

3. **Appoint a key organisational liaison contact from your organisation to coordinate the review.** A peer review with a site visit will require you to arrange for the panel to have access to key data in advance and to be able to interview key members of staff, as well as have access to other relevant stakeholders during the site visit. This will require advanced preparation and therefore you will need to identify someone in your organisation to coordinate the process.

4. **Address any confidentiality requirements.** Consider any statutory or other privacy or confidentiality obligations you are subject to, and how best to address this so the panel can access relevant information to conduct the review.

5. **Prepare datasets to be available for the panel and arrange interviews.** As noted, the peer review panel may need access to your key performance datasets – typically performance and financial data from your annual reports. This information should be shared with the panel in advance and be available during the site visit. It is also important that key members of staff can meet with the panel (usually in private) to add context to the data and answer any questions, so there will be a requirement to arrange these meetings in advance.

6. **Involve key stakeholders.** As above, you will need to plan for the panel to meet with the members of staff best placed to provide the specific insights that they require. In addition to this, it is suggested that an independent member of your audit committee participate in your response to the study. You may wish to engage with people whose complaints have been considered.

7. **Be prepared to cover the expenses of the panel.** While peer reviews are an inexpensive and valuable tool to assess good practice and identify improvements, it will be necessary to cover the expenses of the panel as they undertake your review. You will need to budget for this expense.

8. **Decide on publication of the findings.** You should agree at the outset of the review your plans for sharing its findings. Best practice would be to publish the final report in full, with exception to any sensitive or confidential information which forms part of the scope of review. It should be clear that the content of the final report lies at the editorial discretion of the peer review team, not the Ombudsman under scrutiny.

## Preparing for a peer review (the panel undertaking the review)

Similarly, before a peer review can be undertaken, there are a number of points relating to preparation for a peer review that the panel undertaking the review should consider. These are typically:

1. **You have been approached to undertake a review. Consider whether a panel is required and who should be part of it**. Once you have been approached to undertake a peer review and you have agreed to lead it, you may feel you require additional expertise on the review panel you are leading. The rationale for commissioning the review will inform this and the nature of the investigation will dictate how the panel will be best formed. You may want to approach a fellow Ombudsman with specific experience or an expert outside the Ombudsman community if they are available (for example an academic) to join the panel. If this is agreed with the host organisation, all costs should be covered by them. IOI Europe has agreed to publish a list of Offices prepared to take part in peer reviews, and other regions may well follow suit.

2. **Agree scope of the review with the organisation requesting the review**. The organisation requesting the review will present you with a scope. Some potential areas of what a scope could include and potential triggers for a peer review are highlighted on page 4. It is important to have a preparation meeting with the host organisation to agree this scope and the timetable for the review to ensure that you are able to achieve both.

3. **Consider developing a project plan**, particularly where a panel is appointed. Project plans should be shared with the hosting Ombudsman.

4. **Do any necessary background reading**, such as on the jurisdiction of the Office, and any cultural or other domestic considerations that may be relevant to its operation.

5. **Review datasets in advance that have been sent to you**. The Ombudsman you are reviewing will send you key data in advance of a site visit. These data will help you ascertain areas of good performance and areas for improvement. Existing peer review reports have summarised some relevant benchmarks which will help you compare performance quantitatively. Check the statutory framework of the office you are reviewing

to exclude any bars on disclosure of information and ascertain that a data sharing gateway is available (especially in case reviews).

6. **Agree with your panel members who is leading on the review report.** You will be expected to produce a review report after the site visit. It is important that all panel members understand what role they are playing in advance in relation to the review writing aspects.

# Undertaking the peer review (the Ombudsman requesting the review)

Now that you have agreed the scope and date of the review, you will need to coordinate a site visit to your offices with the review panel. The following four points highlight the key areas you need to consider whilst this visit is taking place.

1. **Have data accessible.** You will have already sent some data to the review panel in advance of the site visit. The panel may benefit from seeing more up-to-date datasets for comparison against the data they have previously reviewed. It may also be necessary to provide different data on an *ad hoc* basis at the panel's request during the site visit.

2. **Arrange an agenda for the visit and plan presentations.** Depending on how familiar the panel is with the workings of your organisation, it may be necessary to provide background into your remit and function. Any elements that are specific to the scope of the review may also be expanded upon by relevant stakeholders. This should take the form of a timetabled agenda for the site visit ensuring the panel receive an unfiltered view of processes. Sample agendas can be provided on request by the IOI.

3. **Allow panel to see operational processes in action and factor time alone between the panel and your staff.** It is important that the panel gain exposure to your day-to-day operation. Staff from across your organisation should be accessible for open discussion around the topics which form the scope of the review, or which the panel deem pertinent. Be clear with your staff what arrangements you have made for the review panel to be able to access private or confidential information.

4. **Allow panel time for reflection during visit.** Set out a time and place in which the panel can convene privately between agenda events. This will allow the panel members to consider their initial findings and begin to draft the report.

# Undertaking the peer review (the panel undertaking the review)

Now that you have agreed the scope and date of the review, you will be expected to undertake a site visit of the Ombudsman that you are reviewing. The following points set out some key aspects you may want to take into account during this visit.

1. **Call upon additional data for you to review.** You will already have reviewed performance data in preparation for the review and this would be a good opportunity to consider what further data should inform your assessment. You should request any additional data that you feel is relevant to your review.

2. **Examine processes and consult with staff.** You have already agreed the scope of the review and received an agenda of the site visit which should help avoid scope creep. You will have an opportunity to listen to presentations from staff, examine directly any key processes relevant for the review and to be able to speak with other stakeholders if you require more in-depth or specific information. It is essential that you gain a clear understanding how the Ombudsman office that you are reviewing functions in practice.

3. **Hold a focus group with representative sample of staff.** A first-hand insight into the office's operation will be vital. You may also wish to spend time with a representative group of staff from across the organisation, not just senior leaders, to assess the culture of the organisation. This can be undertaken in private. Time spent in conversation with staff on topics you deem relevant will support your review and add crucial context to your report. Make sure that you do not include information that could identify individual staff in the resulting report where their comments may be seen as criticising existing processes.

4. **Consider the service user experience.** The scope of review should inform whether the views of the users of the reviewed organisation's service are relevant to your assessment. The experiences of complainants and bodies in jurisdiction could be accounted for by feedback and complaints data; furthermore, you may wish to meet in person with a focus group of service users.

5. **Allow panel time for reflection during visit.** Take time throughout your site visit to confer as a panel. These sessions will provide you with an opportunity to form a collective opinion and begin to record your findings in a draft report or to examine areas in more detail.

6. **Complete a peer review report.** Once your site visit is complete, you will be expected to produce a report which details your findings against the scope. This report can be started prior to the visit and updated as your research progresses. The next section outlines the basis for, and content of, a peer review report.

# Writing the peer review report

It is the responsibility of the reviewing panel of peers to articulate the findings of their review in a peer review conclusion report. This report is intended as a collaborative process and all members of the panel are authors of it. However, for ease of output, it may be necessary for one designated peer to own responsibility of the design and production of the report.

The completed report should aim to contain, but is not limited to, the following basic elements:

1. **Executive statement.** A high level precis of the purpose, background, scope, nature and findings of the review.

2. **Introduction.** An opportunity to describe the context in which the peer review was created. Questions answered by this section would typically be: What were the prevailing circumstances that led to the Ombudsman under review to seek assessment? Who comprises the panel? A brief summary of their background and relevant expertise. When and how was the review conducted? What is the scope of the review and what specific areas form the content of this report? What were the sources of information?

3. **The Ombudsman in context.** As previously discussed, the Ombudsman community is diverse in nature; this section affords the report's audience the chance to understand how and where the office under review operates. Consideration should be given not just to the remit and operating model of the organisation, but what makes them unique in comparison to their peers and what distinct challenges impact upon their work.

4. **Findings.** The bulk of the report will articulate the areas of review and what conclusions the panel were able to draw from each. Beginning with the methodology that was employed for the review, each area of review should be explored and the rationale behind the panel's findings clearly articulated.

5. **Conclusion and recommendations.** This represents an articulation of the broader thematic conclusions that have been drawn from the findings and presents an overall opinion on the Ombudsman under review, within the context of the review. This may include options. Any recommendations would be made here as well as any follow-up activities that form part of

the review scope. Recommendations should follow Ombudsman practice of being specific, measurable and achievable.

6. **Annex.** It can be helpful, but not essential, to include a list of the documentation / evidence that were examined and which support the review. This may also include any sensitive information that formed part of the scope of review, which will be redacted from the published version of the report and be visible only as an internal document.

The report may pass through developing iterations as it is shared with the Ombudsman service under review. It is important that the requesting Ombudsman be given the opportunity to feedback on any perceived errors or misunderstandings in the report (e.g. if staff are criticised, they should be given a right to participate and comment prior to finalisation of the report). In accordance with the principles of natural justice, where the review disagrees with comments made by the requesting Ombudsman, these should be referenced in the report, together with the reason why they were rejected. For obvious independence reasons, it would not be appropriate for the reviewed party to have any editorial rights over the findings, conclusions or opinions of the final report.

The purpose of the review will influence decisions on **sharing or publishing the peer review report**, and it is beneficial to be clear about this at the outset. Consideration should be given to sharing the report with the Ombudsman's management and/or advisory groups. The review, or a summary of the review, could be published on the reviewed Ombudsman's website. Where appropriate the report or a summary could also be shared with the appropriate funding or accountability body. Any published summary should be agreed by the Ombudsman who led the review.