

ENOHE 2015

'MY CORRECT VIEWS ABOUT EVERYTHING'*: a modest rejoinder

**Leslek Kolakowski, Is God Happy ?Selected Essays, 2011.*

Rob Behrens

Chief Executive and
Independent Adjudicator

Robert.behrens@oiahe.org.uk

Twitter @OIAChiefExec

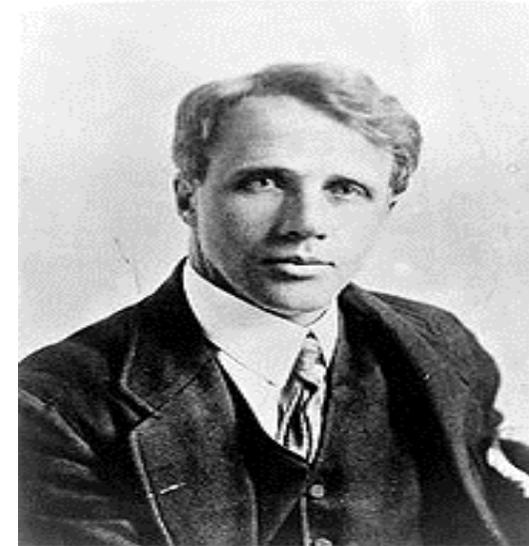
ENOHE ANNUAL CONFERENCE, INNSBRUCK,
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THE ROAD NOT TAKEN

*'Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.'*

Robert Frost 1915



- **THE PROBLEM OF FUTURE GAZING**
- **THE CONTEXTUAL ENVIRONMENT**
- **INSTITUTIONAL HISTORIES**
- **FORWARD STRATEGY**
- **WICKED ISSUES**

THE PROBLEM OF FUTURE GAZING



- **‘The future is dark’. GR Elton**
- **‘There are many futurists, and a limitless number of people with views about what the future will bring...most experts perform very poorly as predictors’. Geoff Mulgan.**
- **“The only certain thing I can envision about the future of mediation practice in the next 20 years is that I won’t be in it...’Mediation’ has run its course. Its old news. We’ve boxed in the concept. Can we explore new, exciting socially relevant themes for the work we do ?” Doug Yarn**

THE CONTEXTUAL ENVIRONMENT

POLICY ENVIRONMENT

- **Developing thinking about public service delivery in response to fiscal crisis**
- **Marketisation and the ‘reduction’ of the area of ‘public good’.**
- **The ‘dark night’ of regulatory failure: lessons from Lord Leveson**
- **Decline of access to Courts and adversarial justice.**

CONSUMER BEHAVIOUR

- **Complainants less deferential and with higher expectations**
- **More willing to behave as ‘consumers’**
- **The rise of e-citizenry**

CHANGES IN SERVICE PROVISION

- **Boundaries between service sectors are changing, blurring lines between public and private provision and putting emphasis on joined-up approach to complaints handling**

INSTITUTIONAL HISTORIES

- **The ‘classic’ ombudsman – complaints handler of last resort**
- **‘distortions’ [sic] including the campus ombudsman and other organisational ombuds**
- **Independence – the golden thread of ombudsmen**
- **Authority and power – addressing the challenge of academic sovereignty and the ‘limits’ of mediation**
- **Resource constraints**
- **Silo cultures and incoherent landscapes**
- **Ombudsmen within the regulatory framework**

FORWARD STRATEGIES

INDIVIDUAL SCHEMES.

- **Improved customer service – procedures more flexible, informal and speedy. Greater focus on mediation and early resolution. The centrality of direct contact with individual complainants.**
- **Greater sharing of learning with schemes using Knowledge Management. Promoting consistency where case volumes increase sharply.**
- **Focus on operational efficiency, keeping down unit costs, avoid backlogs, maintaining reputation and trust. Regulators are subject to the same standards and oversight as the regulated.**

OMBUDSMEN COMMUNITIES

- **Associations as policy players. The rise of the Ombudsman Association in UK and Ireland. Lessons from OIA in the search for professionalism.**
- **Increasingly aware of the need to emerge from silo approaches.**

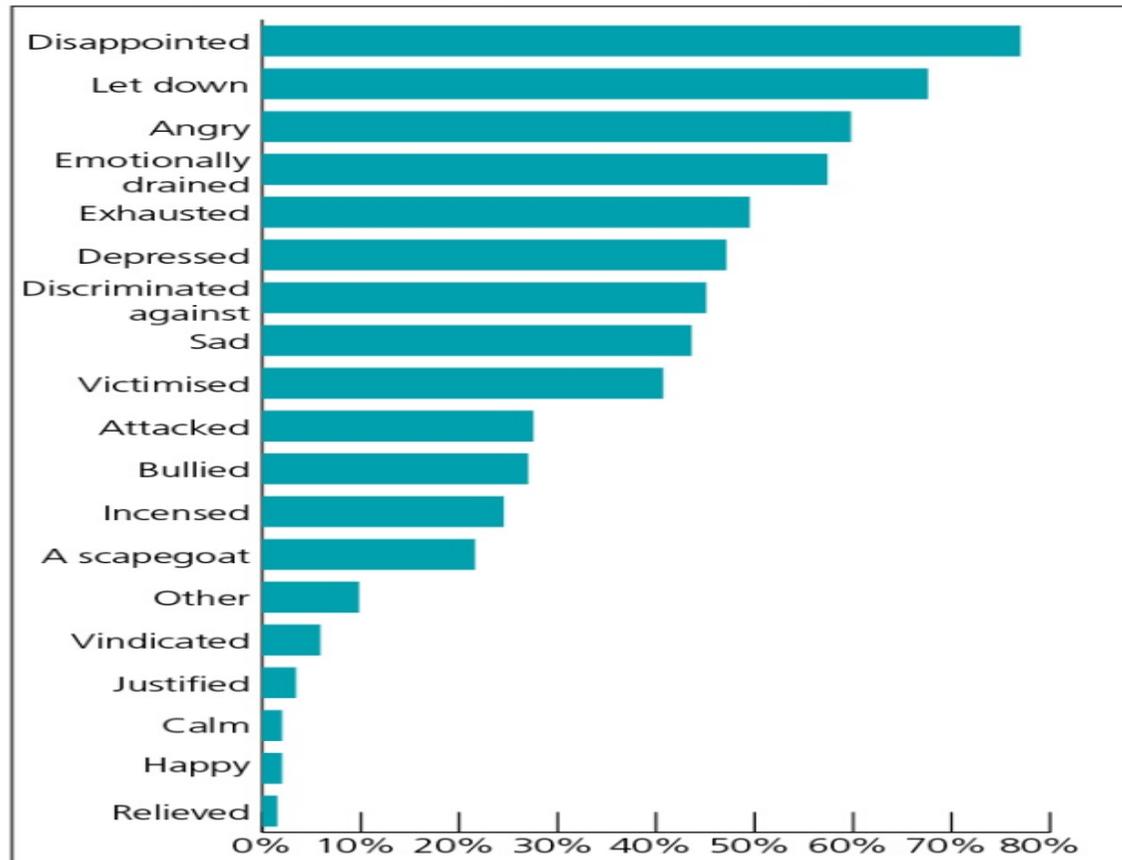
WICKED ISSUES

- **Clarity of Purpose – (i) mediation and adjudication; (ii) role in regulatory framework**
- **Power and authority - (iii) independence and impartiality**
- **Local, devolved, or National Ombudsmen?**
- **Status of ‘Profession’ and associated training**
- **Utility of ombudsmen – ‘It doesn’t matter whether the cat is black or white so long as it catches the mouse.’ Deng Xiaoping**
- **The importance of risk-taking: ‘some Snarks are Boojums’ ... ‘I took the one [road] less traveled by, And that has made all the difference’.**



WICKED ISSUES (continued)

Figure 4: How did you feel at the end of the whole procedure at your university?



Source: Report of the OIA Student Survey 2009, Figure 6

REFERENCES

- Rob Behrens, ‘Sailing on the “Boundless and Bottomless Sea”’: a view from the OIA Bridge, *Perspectives: Policy and Practice in Higher Education*, 2015.
- Margaret Doyle, Varda Bondy and Carolyn Hirst, *The use of informal resolution approaches by ombudsmen in the UK and Ireland: A mapping study*, 2014. www.ombudsresearch.org.uk
- Chris Gill, Jane Williams, Carol Brennan and Nick O’Brien, *The future of ombudsman schemes: drivers for change and strategic responses* (Queen Margaret University, Edinburgh, 2013).
- Richard Simmons and Carol Brennan, ‘Grumbles, Gripes and Grievances: the Role of Complaints in Transforming Public Services’ 2013 www.nesta.org.uk/sites/default/files/grumbles_gripes_and_grievances.pdf