

OUTLINE FOR RESEARCH PAPER

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*Measuring Ombudsman Performance:
Setting Performance Standards and Indicators*

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METHODOLOGY

We are in the process of conducting a literature review on current AOA member performance measurement standards and indicators, based on publicly accessible information.

At the Sharpening Your Teeth (SYT) Advanced Investigative Training held in Toronto in December 2009, we canvassed attendees, who came from around the world, for their approaches to the issue. We requested that they forward any documentation that their offices have developed for our review. We have made a similar request of selected students who attended previous iterations of SYT.

The documentation gathered is currently being reviewed as it is received, with follow up interviews by phone where appropriate.

We have also contacted several UK Ombudsman agencies to determine what measures they have in place.

PROPOSED OUTLINE OF THE PAPER

Introduction:

An overview of the paper.

Methodology:

An outline of what we did to reach our conclusions.

Comparative review:

Asia

We will set a brief synopsis of current practices for setting both internal and external performance standards and indicators, focusing on commonalities.

Global

We will briefly outline any common themes identified in our canvass of global agencies.

Relevance for AOA members

A major theme of the paper will be applicability of best practices within the AOA context. However, given the broad variety of mandates, powers, limitations and approaches within AOA, we will of necessity focus on what has proven successful generally, while leaving, to some degree, specific details of how those approaches can be customized to meet the needs of any given AOA member to those who have the greatest knowledge – the AOA members themselves.

That said, we will endeavour, to the extent possible, to identify specific areas where adopting and adapting what is working in other jurisdictions would be of benefit, in our view, to AOA members. However, we must be careful not to assume nor presume. AOA members know best themselves what will work and what will not work. The research paper is intended to be a smorgasbord of proven best practices, from which AOA members can pick and reconstitute to meet their own requirements and circumstances.

This approach is very much similar to that taken when we deliver SYT. We set out an approach and a methodology to administrative fairness investigations that has proven hugely successful. It has transformed a moribund office on the brink of elimination to a highly effective, highly respected agency that has acquired a reputation for impartiality and thoroughness. Students are encouraged to pick those parts of SYT that are relevant to their particular circumstances and then adapt and customize them to their own needs. SYT students have successfully done that across the world.

Emerging Themes

Even at this early stage of our information gathering and review process, some overarching themes are emerging, including a global trend toward a dynamic, outward-focused, quantifiable results-based approach to performance measurement, both internal ones and those that will be used by external stakeholders. They focus on demonstrating value to all those who have an interest in the office.

Principles of measuring performance by demonstrating your office's value:

1. Structure your operation to ensure value at every level.
2. Direct efforts to maximize moral suasion.
3. Measure what matters.
4. Broadcast the results.

1. Structure your operation to ensure value at every level:

Bureaucracies too often get bogged down in internal exercises of “setting benchmarks” and measuring outcomes, to the detriment of their actual work. Ombudsmen are often called upon to diagnose problems in administrative culture, but should rigorously apply the same scrutiny to their own offices, on an ongoing basis. Efforts should be directed at achieving meaningful results as efficiently as possible, and exercises that waste time and resources should be jettisoned.

Efficiency checklist:

- Does your office respond to and resolve complaints quickly? Is there a backlog?
- Are your office’s resources efficiently deployed?
- Could you “work smarter” through technology?
- Are you wasting resources on meaningless measurement exercises?
- Do you produce sound data on trends in cases coming to your office?

2. Direct efforts to maximize moral suasion

The Ombudsman achieves the greatest value for citizens by achieving change and bringing about reforms that improve governance for all. With no power to enforce recommendations, the Ombudsman relies on moral suasion to effect change. It makes sense, then, to ensure standards that maximize moral suasion at every step of the office’s process. Resources should be directed at ensuring these standards and articulating the value achieved, rather than producing statistics and meaningless measurements.

Moral suasion depends on key factors:

- Strength of the Ombudsman’s arguments and his effectiveness as an advocate.
- Credibility of the office’s operations and investigations.
- Public awareness and support.

Strategies for maximizing moral suasion:

- Conduct systemic investigations: best bang for the buck; helps millions of people, resolves recurring issues.
- Ensure a high-quality investigative process: meticulous planning, impartial and professional evidence-gathering, guard against “issue creep”.

- Choose battles wisely: “Big enough to matter; small enough to win.”; high-profile, significant public impact.
- Make sensible, achievable recommendations.
- Write a persuasive report: plain, direct language.
- Publicize investigations, reports and status of recommendations.
- Follow up rigorously on implementation of reform: reinvestigate if necessary.

3. Measure what matters:

When an Ombudsman’s work results in dramatic change, it is obvious and easy to document. But many cases are complex and the benefits not always tangible. And mere statistics don’t always tell the story – an effective ombudsman may drive complaints up or down, depending on a number of factors (increased public awareness may increase complaint volume, but complaint numbers may also go down as a result of broad systemic reforms or even internal improvements to complaint intake). The best way to monitor and articulate the value achieved by an effective ombudsman – the value of moral suasion – is not through arbitrary measurement but through the answers to key questions.

Effectiveness checklist:

- Did you resolve a long-festering case that no one else was able to resolve internally?
- Did you provide an alternative avenue to a more expensive dispute resolution mechanism?
- Did you recommend a course of action that will save money?
- Did your investigation of one matter uncover an even larger issue?
- Did you discover a cultural problem causing deep administrative malaise?
- Did you reveal a cover-up, ethical lapse or wrongful practices?
- Did your investigation contribute to corporate priorities?
- Did your recommendations have a significant public policy impact?
- Did your report and recommendations receive significant public attention?

- Did the organization fulfill its commitment to implementing your recommendations, or are problems recurring?

4. Broadcast the results

An Ombudsman's work, like justice in a democracy, must not only be done – it must be seen to be done. It cannot exist in a vacuum. Value is only achieved when citizens know about it. A robust communications strategy is crucial to articulating the value of your office directly to the citizens who pay for it and the politicians they elect.

Strategies:

- Announce investigations and reports publicly.
- Use all media tools available – traditional and new (use latest technology).
- Document and publicize your work.
- Report newsworthy results in a timely fashion (don't wait for annual report).
- Use plain language – advocate for your recommendations.
- Emphasize the "human interest" angle.
- Engage journalists and public directly.
- Monitor and report on coverage and feedback.