



Queen Margaret University  
CONSUMER INSIGHT CENTRE

## Trusting the ‘middle man’ – impact and legitimacy of Ombudsmen

*Bridging academic, practitioner and policy perspectives in order to identify and respond to challenges and opportunities facing ombudsman schemes in light of the recent ADR directive.*

**30 April, Wolfson College Oxford**

*Supported by:*

**The Foundation for Law, Justice and Society**  
Bridging the gap between academia and policymakers



## Programme

Chair: Richard Thomas CBE

	Session	Speakers & short summary of paper
8.30 – 9.00 am		Registration and refreshments
9.00- 9.20 am	Welcome	Prof Denis Galligan & Richard Thomas
	Context and key issues	Naomi Creutzfeldt, ESRC Research Fellow (University of Oxford) Chris Gill, Lecturer (Queen Margaret University)  Trusting the middle-man: impact and legitimacy of ombudsmen in Europe - <i>Setting the scene</i>
9.20 – 10.00 am	Early resolution	Margaret Doyle (Independent Consultant), Carolyn Hirst (Independent Consultant), and Varda Bondy (Senior Research Fellow, DeMontfort University) Adam Sampson, Chief Ombudsman (Legal Ombudsman)  Ombudsman and ADR schemes have a long standing tradition of promoting informality in their dispute resolution processes. This promotes accessibility and can speed up the process of resolving disputes, although some have argued that it can reduce the certainty that accompanies more formal processes. Ombudsman and ADR schemes have been making increased use of resolution-focused rather than more forensic investigation-focused approaches; this session will look at the benefits of early resolution as well as considering the circumstances in which it may not be appropriate.



<p><b>10.00 – 10.40 am</b></p>	<p><b>Trust in Ombudsman Schemes</b></p>	<p><b>Rob Behrens</b> Chief Executive (Office of the Independent Adjudicator for Higher Education) <b>Chris Gill</b>, Lecturer (Queen Margaret University), <b>Naomi Creutzfeldt</b>, ESRC Research Fellow</p> <p>Ombudsman schemes have often been seen as a mechanism that can help to restore and improve the trust of consumers and citizens in the organisations they oversee. Increasingly, however, with the emergence of more demanding and challenging consumers, the question of whether ombudsman and ADR schemes are themselves trusted to provide fair outcomes to disputes needs to be dealt with. Retaining public trust is a key element of the ombudsman model, particularly where it relies on moral authority rather than enforcement powers. This session identifies the particular areas in which trust may be an issue for ombudsman schemes and suggests ways in which it can be maintained.</p>
<p><b>10.40– 11.10 am</b></p>	<p style="text-align: center;"><b>Coffee break</b></p>	
<p><b>11.10 – 11.50</b></p>	<p><b>Consumer Engagement</b></p>	<p><b>Carol Brennan</b> Senior Lecturer (Queen Margaret University Edinburgh), <b>Richard Simmons</b> Senior Lecturer (University of Stirling) <b>Adrian Dally</b>, Head of Policy (Financial Ombudsman Services)</p> <p>The idea that the administrative justice system should be focused on the user has achieved rhetorical acceptance in recent UK government policy. However, it is not clear that this idea is an empirical reality in all parts of the justice system. Ombudsman and ADR schemes have had more regard to the consumer experience of their services than others, but what is the scope for further improvement in this area? This session will consider existing approaches to engaging consumers in the work of ombudsman and ADR schemes, as well as suggesting how this can be developed in future.</p>
<p><b>11.50 am - 12.30 pm</b></p>	<p><b>Discussion on morning sessions</b></p>	<p>Chair: <b>Professor Michael Adler</b> (University of Edinburgh)</p>
<p><b>12.30 - 1.30 pm</b></p>	<p style="text-align: center;"><b>Lunch</b></p>	
<p><b>1.30 – 2.10 pm</b></p>	<p><b>Business models and benchmarking ADR</b></p>	<p><b>Steve Brooker</b>: Consumer Panel Manager (Legal Services Consumer Panel) <b>Christof Berlin</b>: Head of flight division (German Conciliation Body for Public Transport)</p>



		At present, particularly in the UK, there is significant variation between the business processes of ombudsman schemes all of which have developed independently from each other. There are also different approaches within the consumer ADR field, with some schemes being more clearly adjudicators than ombudsmen. Is it possible to identify a best practice model?
2.10 – 2.50 pm	<b>Evaluating ombudsman schemes</b>	<b>Richard Kirkham</b> , Senior lecturer (University of Sheffield) <b>Mick King</b> , Executive Director (Local government Ombudsman)  Judging the success of ombudsman and ADR schemes is not a straightforward activity. What criteria should they be evaluated against? Are these criteria the same for all schemes? With the Consumer ADR directive putting the spotlight on the effectiveness of ADR mechanisms, how can this be measured and are current approaches developed by individual schemes sufficient? This session tackles the difficult question of how ombudsman and ADR schemes should be evaluated.
2.50 - 3.10 pm	<b>Coffee break</b>	
3.10 – 3.50 pm	<b>Where next for ombudsman schemes?</b>	<b>Nick O’Brien</b> Research fellow (Liverpool University) & special adviser to the Public Administration Select Committee <b>Lewis Shand Smith</b> , Chief Ombudsman (Ombudsman Services)  The Consumer ADR Directive is likely to lead to significant changes in the European and UK ADR landscape and in the way complaints between consumers and businesses are dealt with. In the public service area, the UK’s Public Administration Select Committee has recently conducted two enquiries, one into complaint handling and one into the Parliamentary and Health Services Ombudsman. This session will provide an update on the various policy agendas influencing the ombudsman and ADR landscape and offer suggestions about what is next for ombudsman and ADR schemes.
3.50 – 4.20 pm	<b>Discussion on ADR implementation</b>	Chair: <b>Prof Chris Hodges</b> (University of Oxford)
4:20 - 4.30 pm	<b>Round-up</b>	<b>Richard Thomas</b>