

OMBUDS OFFICES

OVERVIEW

Ombuds is a shortened form of the name “ombudsman,” which comes from Swedish and means “representative.” At a fundamental level, an ombuds is one who independently assists individuals and groups in the resolution of conflicts or concerns within an organization and helps the organization make changes to prevent the issues from recurring. Ombuds work in all types of organizations, including governments, colleges and universities, corporations, non-profits, hospitals and news organizations.

There are different types of ombuds with different roles, functional responsibilities and standards of practice, including: organizational ombuds, classical ombuds and advocate ombuds. As a critical components of its conflict management system, an organization selects the type of ombuds program depending on its specific situation and needs

The **organizational ombuds** is a designated neutral who is appointed by an organization to facilitate informal resolution of concerns within the organization with internal constituents or customers, or both. There are organizational ombuds in the public, private, and non-profit sectors. The organizational ombuds does not play a role in formal process, does not accept notice of claims against the organization, does not investigate problems brought to the office on behalf of the organization, does not make policy, and does not represent any side in a dispute.

The **classical ombuds** may receive and investigate complaints and concerns regarding the administrative acts of the government, and can also help address issues informally. The authority and mandate of classical ombuds are typically provided by statutory language. They are usually appointed by a legislative body. They advocate for fair and efficient processes and policies, not for individuals.

An **advocate ombuds** may be located in either the public or private sector and is authorized to advocate on behalf of individuals or groups found to be aggrieved. Advocate ombuds are often found in organizations such as long-term care facilities.

The following chart summarizes ombuds roles and characteristics; and shows similarities and differences among the three types. Each organization determines which type of ombuds is most appropriate for the resolution of its conflicts or concerns.

Comparing The Three Types of Ombuds



Roles & Characteristics	Organizational Ombuds		Classical Ombuds		Advocate Ombuds	
	Yes/ No	Notes	Yes/ No	Notes	Yes/ No	Notes
Neutral/impartial in receiving and considering complaints	●		●		●	
Independent	●	Operates outside ordinary hierarchy; should report to top management and/or board	●	Often appointed by a legislative body, and has jurisdiction to review the acts of executive administration	●	Operates outside ordinary hierarchy; should report to top management
Informal channel	●	Not an office of notice for the entity; no adjudicative authority; recommendations not binding	●	No adjudicative authority; recommendations not binding	●	No adjudicative authority, but some may initiate judicial proceedings
Confidentiality	●	Protected by Federal Rule of Evidence 501 and terms of office creation	●	Typically protected by enabling legislation	●	Typically protected by enabling legislation
Offers guidance, coaching or options counseling for all levels of hierarchy	●	Typically is a main emphasis of practice	●	May vary depending on office mandate or enabling legislation	●	May vary depending on enabling legislation
Recommends changes to prevent problems from reoccurring	●	Distribution varies depending on organization	●	Recommendations often publicly available	●	May vary depending on enabling legislation
Wide discretion to determine approach to issues or complaints	●	As determined by terms of office creation, including adherence to professional standards	●	As determined by enabling legislation and adherence to professional standards	●	As determined by enabling legislation and adherence to professional standards
Provides early warning to decisionmakers and acts as a proactive change catalyst regarding systemic issues	●	Typically has a significant role in developing and conducting training	●	May engage in training	●	May engage in training
Spots and communicates trends	●	Focus on trends not readily identified via formal channels	●		●	
May handle matters only from employees, external customers/complainants, or both	●	Depending on terms of office creation	●	Depending on enabling legislation	▲	Usually only external

Roles & Characteristics	Organizational Ombuds		Classical Ombuds		Advocate Ombuds	
	Yes/ No	Notes	Yes/ No	Notes	Yes/ No	Notes
Has formal investigative authority	▲	Emphasizes lack of investigative authority in order to build trust among all constituencies	●	Typically has subpoena power; employs discretion whether to formally investigate or attempt informal resolution	●	Degree of investigative authority dependent on enabling legislation
Keeps records of individual cases on behalf of the organization	▲	Does not keep or maintain records on behalf of the organization	●	May be protected by privilege against disclosure to public or in proceedings		May vary depending on enabling legislation
Keeps non-identifying statistical data	●		●		●	
May issue public reports	●	May issue an annual report discussing general issues and trends if provided by terms of office creation	●	Typically issues annual reports and may issue reports of findings in individual cases at ombuds discretion	●	May vary depending on enabling legislation
Mandates changes/makes decisions for the entity	▲		▲		▲	
Advocates for individuals	▲		▲		●	
Advocates for fair process	●		●		●	

Representative Standards of Practice

All types of ombuds: American Bar Association standards, available at, <http://www.americanbar.org/content/dam/aba/migrated/leadership/2004/dj/115.authcheckdam.pdf>.

Organizational ombuds: International Ombudsman Association standards, available at, <http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx>.

Classical ombuds: United States Ombudsman Association standards, available at, <http://www.usombudsman.org/usoa-governmental-ombudsman-standards/>.