**Who is an Ombudsman?**

The definition of the Ombudsman is "an official appointed to investigate individual complaints against maladministration, particularly that of public authority." The term Ombudsman refers to a grievance officer. An Ombudsman is a public official whose job it is to investigate citizen complaints about government mismanagement. In other words, if there are serious flaws in the functioning of the public administration, residents have the right to file complaints against the responsible authority. He is a member of parliament.

They are also entirely independent, confidential, and credible. If an ombudsman discovers systemic flaws, they will make changes inside the organization. A systemic failure impacts the entire organization rather than simply portions of it. Lars Augustine Mannheim was appointed as the first Swedish ombudsman and the world's first ombudsman in 1809.

The functions of the ombudsman which were successful in the other countries inspired the established of Lokpal and Lokayuktas in India also. Lokpal is the Indian Ombudsman and Lokayuktas is the State Ombudsman.

**Responsibilities of an Ombudsman**

**Investigation of Complaints:**

Whether appointed by a legislature, the administration, or an organization, an ombudsman's typical tasks are to investigate complaints and attempt to resolve them, usually through recommendations (binding or nonbinding) or mediation. He investigates complaints from sources other than the offending state entity, avoiding the conflicts of interest inherent in self-policing.

**Impartiality and Fairness:**

The ombudsman's major role is to thoroughly investigate and consider both parties' conditions, points of view, or arguments. **To reach a fair solution,** they must consider all relevant rules, regulations, and circumstances. Contacts and complaints come directly to the Ombudsman and to no other party.

**Discretionary power:**

The discretionary powers are really vast and how to use these powers depend upon the person concerned. Discretionary powers include corruption, negligency, inefficiency, misbehaviour etc.

**Credibility of the Review Process:**

While the decisions and recommendations of the Ombudsman are normally not subject to appeal or review, it is a testament to the whole body of the Ombudsman’s work if the review process undertaken has credibility in the eyes of a third party.

**Confidentiality:**

Confidentiality is the third key element of ombudsmanship. Complaints which are brought to the attention of the ombudsman should be dealt with in private and with a minimum of involvement from parties within the organisation. The Ombudsman should have the privilege and discretion to keep confidential or release any information related to a complaint or investigation. This standard balances the need to protect sensitive information so that a complainant can come forward, and witnesses and subjects can speak openly, with the need to disclose information as a part of an investigation or public report.

**Identify Complaint Patterns and Trends:**

The Seemore case management system enables the Ombudsman to identify trends which affect not only the organisation but also issues of dispute with registrars and country code top-level domains. By monitoring complaint intake information, the Ombudsman can determine any commonalities in the data.

**Benefits of Ombudsman**

There are several benefits of an ombudsman institution that make it desirable for citizens and governments alike. Ombudsmen offices promote and protect individual rights, encourage more efficient public administration, provide a cost effective dispute resolution mechanism, bridge the gap between government and the public, promote cooperation instead of litigation, and allow increased citizen access to dispute resolution.

**1. Expanded Protection of Citizen Rights**

The rise of the modern bureaucratic state has expanded government engagement in citizens' lives, providing increasingly complicated administrative frameworks that individuals must negotiate. It is critical to equip citizens with the ability to contest arbitrary or unfair administrative action. When the government acts unjustly, mishandles a situation, or denies individuals' rights or benefits, the ombudsman gives a platform to voice grievances and possibly vindicate their rights.

**2. More Efficient Public Administration**

Ombudsmen offices not only enhance the protection of individual rights, they also contribute to efficient public administration. Among government institutions, the ombudsman is uniquely positioned to identify and address structural problems within public administration. The technical expertise of the office, which is acquired by investigating and analyzing individual complaints, coupled with its record tracking and classification abilities, enables the ombudsman to identify possible systemic causes of maladministration.

**3. Less Costly Resolution of Disputes**

Ombudsmen offices represent a good public investment. The financial gains for the citizen are significant, since many offices do not charge for their services. Even more savings accrue with the quick and informal resolution of complaints rather than costly and protracted litigation. The cost-benefits to the government are due largely to its unique structure and use of informal problem solving methods, which minimize the need for a large staff and consequently reduce overhead costs.

**4. Bridges the Gap Between the Government and the Public**

The existence of an impartial independent investigator can contribute significantly to the public’s sense of security and trust in government action. This is especially helpful in a transitional society that has recently moved from an authoritarian political system to one that is more open and based on democratic norms. Following an investigation of an individual’s complaint, the ombudsman office is—at a minimum—in a position to explain the government’s actions to the citizen.

**5. Cooperation Rather than Litigation**

The ombudsman office uses investigation and mediation to find a solution to an underlying problem that is acceptable to both citizens and the government. Unlike a legal advocate, the ombudsman office takes a neutral role. For example, an ombudsman office can not impose legally binding obligations like a judge.

**6. Increased Access to Dispute Resolution**

Finally, the ombudsman office provides an inexpensive, speedy, and flexible extra-judicial mechanism for resolving disputes. Ordinary individuals can turn to the ombudsman office as an accessible safeguard against government abuse of power. This is especially important given that legal recourse against administrative mistreatment is often effectively unavailable, either because of the high costs and prolonged duration of adjudication or because there is no legal remedy.

**How an Ombudsman Works**

Ombudsmen offices often seek to resolve complaints informally by discussing the matter under investigation with the agency concerned. Complaint resolution in this manner is the ideal situation. It may have been that the citizen misunderstood the government policy or procedure, or that the agency at fault agrees to solve the problem.

**1. Complaint management:**

If the complaint cannot be resolved informally, the ombudsman office follows a proscribed procedure to gather and articulate detailed investigative findings. These findings may result in a report, but this is not always the case. The office of ombudsman presents a number of options for corrective action that may be taken, including:

* Referring the case to the proper authorities for further review and disciplinary action:
* Requesting that the administrative decision or action be formally explained.
* Changing the practice that underpinned the contentious choice or action.
* Demanding prompt action and an apology from the responsible agency.

**2. System-wide Investigations**

System-wide investigations have ramifications for the ombudsman's influence on society and government. By addressing the system, the office can reduce the amount of individual complaints, as well as its own effort and costs. Introducing a systematic approach, on the other hand, necessitates technical skills and casework knowledge gained from conducting investigations for individuals, which is the office's first focus.

**3. Effective and enforcement mechanism**

Ombudsmen offices have few express powers to impose or enforce binding decisions. Rather, the office’s effectiveness originates from its status or influence as an impartial investigator—by which it is perceived as non-threatening and helpful to both parties.

**4. Extra-Judicial Role**

The role of the ombudsman office is, in effect, that of an extra-judicial body. While the court’s enforcement power is one of its strengths, the adversarial nature of court proceedings can make dispute resolution bitter and protracted.

**5. Improving operational efficiency**

The effectiveness of the ombudsman office is largely measured by how well it is able to deal with individual complaints, the discretion it uses when determining which problems to address, and, to a more limited extent, its ability to influence broader administrative reforms.

**Types of Ombudsmen**

The proliferation of ombudsmen during the latter part of the 20th century, combined with the need to tailor institutions to the political context of each country, has resulted in substantial variation in the functions and nature of ombudsmen offices worldwide. There are generally three types of ombudsmen offices: legislative, executive, and organizational.

**1. Legislative/classical Ombudsman**

Classical or legislative ombudsmen are appointed by a national, state, provincial, or local legislative body to ensure that the administration treats the populace fairly. There are various examples of traditional ombudsmen all around the world. They are placed outside the structure of the agency they supervise and hear complaints from external users of the agency's services. A Classical ombudsman works to address problems for the general public or within an entity, generally regarding “actions or policies of government entities or individuals.” This ombudsman can:

* It holds agencies responsible to the public and aids in parliamentary scrutiny of such agencies.
* Conduct investigations and use subpoena power.
* Issue public reports.
* Advocate for change within the entity and publicly.

**2. Executive Ombudsmen**

Executive ombudsmen are appointed by their agency to serve as an internal dispute resolution resource for complaints received from the public. Executive ombudsmen include bank or insurance ombudsmen, as well as newspaper ombudsmen. An Executive Ombudsman can operate in the corporate or governmental sectors and hear "complaints about the entity, its officials, employees, and contractors' actions and failures to act." Unlike the legislative ombudsman, the executive ombudsman is generally appointed by the leader of an enterprise rather than constituted or confirmed by a legislative body. The local government ombudsman is an example of this type of ombudsman. An Exectutive ombudsmen can-

* Conduct investigations.
* Issue reports.
* Hold the entity accountable or collaborate with it to enhance programmes.
* Have power over a subject matter encompassing multiple organisations, but only over one if located in government.

**3. Organisational ombudsmen**

These are appointed by their respective agencies to receive complaints about fairness issues within the organisation. These internal ombudsmen service a community within an organisation, such as staff, patients, or students. They serve as a resource but do not conduct investigations or issue reports or recommendations. They receive and answer concerns from the general public or internally. They can operate in the commercial or public sectors and mainly handles complaints about a company's practices or policies brought up by its members, workers, or contractors. These ombudsmen frequently assist organisations in resolving problems on an informal basis, employing a variety of techniques ranging from conflict coaching to informal mediation. Ombudsmen in organisations can:

* Make inquiries and follow the informal protocols outlined in an office charter.
* Conduct inquiries impartially and independently.
* Issue reports.
* Advocate for change within the entity.

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| **Advantages** | **Disadvantages** |
| **Parties can select arbitrator with appropriate expertise and experience.**  **Process is private.**  **Aspects of the process can be tailored to dispute.**  **Process can be structured and formal if parties want to be.**  **Can be simple and cost effective if decision is on written only.** | **Will not save costs if a formal, trial like process is used.**  **Parties have no control over the outcome.**  **Arbitrators do not have the power of judges if a party fails to cooperate.**  **Arbitrators need to be carefully selected to make sure they have the confidence of both parties.** |
| **Can be carefully adjusted to meet commercial needs.**  **More flexible and cost effective than arbitration** | **Not necessarily low cost if experts are in dispute.**  **Decisions may not be binding, meaning, that further litigation or arbitration may be necessary.** |
| **Can save cost and time if the dispute would normally require expert witnesses in a litigation.**  **Offers flexibility as the terms of the expert determination can be agreed in advance.** | **Although it should cost less than litigation, it can be costly to appoint an expert to determine a dispute.**  **The determination is normally binding even if flawed(eg. By a mistake of fact).** |
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Ombudsmen provide a channel for people to submit complaints against institutions (e.g., governments, businesses, organizations, news outlets, and schools) without influence from the accused. They conduct fair and unbiased investigations at no cost to the complainant, providing resolutions or mediation services.

Where corruption is present, ombudsmen can investigate, expose, and help correct illegal behaviors. Ombudsmen help prevent governments from abusing their power, such as imposing unfair laws and exerting controls over their citizens without constraints. They also help restore confidence in the system and its ability to fairly address issues.

In addition to investigating and providing resolutions, ombudsmen serve as a source of information about policies and procedures. Serving as an unbiased party, they are able to promote communication between parties and clarify issues that stifle progress.

On the other hand, an ombudsman offers no benefit when their work produces lackluster or no results. A lack of dedication and service erodes the trust of the complainant and the audience they are appointed to serve. If the claim is complex, receiving a quick resolution is unlikely. Investigations take time and may require additional resources. Despite the recommendation or resolution, the institution has the final say on how to resolve the issue.

Unlike lawyers, ombudsmen are impartial—except in cases where they advocate for the rights of others. Some are familiar with or have legal training; however, they cannot provide legal advice. If the complainant disapproves of the resolution, they may pursue other actions, such as suing the institution. An ombudsman cannot, however, investigate a case after it is submitted to a court.

**FAQs:**

**1. Describe the role of an ombudsman?**

An ombudsman may assist parties in resolving disputes through various forms of informal mediation. Identifies new issues and chances for organisational systemic transformation. The ombuds' unique position allows them to share unedited information that can lead to insight into concerns and resolutions.

**2. Who regulate Ombudsman?**

Under section 225 of the Financial Services and Markets Act, the "body corporate" that manages the ombudsman system as the "scheme operator" is a business "limited by guarantee and not having share capital." The Financial Ombudsman Service Limited is the name of this organisation.

**3. Who is appointed as ombudsman in India?**

Lokpal is a national anti-corruption ombudsman who investigates complaints against public personnel as stated by the Lokpal Act of 2013. This body was formed to combat the corruption threat in India.

**4. Can an ombudsman help settle disputes?**

The ombudsman provides conflict coaching through one-on-one talks, particularly to assist people in engaging in difficult conversations or dealing with unpleasant persons, but cannot provide legal advice, act as a negotiating consultant, or represent anyone in any way.

**5. Why is it called an ombudsman?**

Ombudsman is a Swedish phrase that means "people's representative." In 1809, Sweden's legislative Ombudsman was established to serve as "an ear to the people." Since then, the Ombudsman function has taken on numerous shapes and functions.