

Organizational Ombuds Accomplishments Reported in 2016 (With a Focus on Helping to Manage Risk)

Many people ask how ombuds add value to their organizations and how to measure that value. In 2016, organizational ombuds (OOs) reported adding value in many ways. In the first section we discuss one important contribution, namely, helping to manage risk. The second section presents a wider panorama of ombuds accomplishments reported in 2016. Each specific accomplishment adds value in its own right—and also is important in setting the context for risk management and cost control.

I. Helping to Manage Risk

Ombuds contributions are evident in *identifying, assessing and helping to manage* risk¹. Ombuds can help with risk for all their constituents. Their constituents include the organization itself—and its people in their different roles, that is, for supervisors and managers, employees and students, for people in conflict, and for bystanders. We first discuss some ways that the IOA Standards of Practice—and various common functions of the OO—help in risk management, using data from the 2016 IOA survey².

The Standards of Practice Help in Managing Risk

The IOA Standards of Practice (SoP) are the design principles for a “zero barrier” office, as one element of a conflict management system in an organization. The very existence of the SoP can help an organization to reduce risk, by lowering the barriers for someone to present a concern, and by making it safer for a person with questions about possible wrongdoing, and for managers dealing with wrong-doing, to seek help.

By their Standards of Practice³, ombuds are independent, neutral, confidential and “informal” professionals (*informality* meaning that ombuds

¹ “Helping with risk” is used here in the general sense of offering options to the organization and to all the other constituents of the ombuds office: to identify and evaluate options to deal with uncertainty; opportunities to mitigate (or even preclude) negative consequences of actions; and opportunities for achieving goals of all constituents and supporting the mission of an organization.

² Survey responses ranged from 100-200 ombuds depending on the question.

³ By their Standards of Practice, OOs observe a near absolute confidentiality with respect to their constituents. There are eight elements of the IOA Standards of Practice that refer to confidentiality, and there is just one exception to the near-absolute confidentiality in Standard 3.1. That exception occurs when the OO judges that there is an imminent risk of serious harm.

do not have ordinary management decision-making authority.) Ombuds do not formally “represent” their employers, or take sides with any party to a conflict. In part because they are designated neutrals, OOs are often approached by and regularly deal with alleged offenders⁴, and self-described offenders, as well as by people who wish to raise a concern or deal with a concern.

Unless they have permission, OOs do not identify anyone who has come to see them—except in cases where the OO perceives an imminent risk of serious harm. OOs keep no formal case records for their employers and do not make management decisions with respect to concerns.

The Standards of Practice thus lower the risks for constituents who need the chance to talk—and find options—about a serious matter. These discussions may prevent both tangible and intangible costs. As one example of potentially reducing costs, the OO, as a zero-barrier office, can often help to see that concerns are dealt with at the lowest possible level.

Why is a zero barrier office important? Many employees, students, and managers wait too long when serious problems come up. Many people with a concern (including those who feel injured and bystanders) are reluctant to act when they think something unacceptable is happening. Some are reluctant even to talk about a problem. (We know that many people do go talk with trusted line and staff managers, and family and friends—but too many do not. Hence the common recommendation that organizations establish “multiple access points” within a system—preferably including a zero-barrier access point such as an OO—to encourage consultation.)

When unacceptable behavior occurs, numerous anonymous surveys affirm the fact that some people may have a) learned about whatever serious behavior is being discussed, and b) many of them have not reported it⁵. Surveys regularly demonstrate both a lack of communications and lack of “timeliness,” on the part of many observers of serious concerns. This is a non-trivial matter in terms of risk management.

⁴ In recent years ombuds have been approached more often by alleged offenders complaining that they have not received a fair process in an organizational grievance procedure. Helping to prevent and resolve such complaints is now a more salient risk-management service by ombuds.

⁵ Safety issues, security violations, fraud, theft, hate crimes, sexual harassment, domestic violence, child abuse, drug abuse, bullying, and research misconduct are only a few topics that are regularly surveyed with these results.

Constituents need support from conflict management systems if they are to consider acting in a timely and responsible way. It is important for constituents who are afraid or confused to be able to find a “first receiver” in the system, that is safe, accessible and credible. The first way that an OO office helps an organization to manage risk is by being—and being perceived to be—“receptive,” when constituents have a concern⁶.

But how does it work with high-risk issues? Employers and the public sometimes wonder, “If OOs keep the confidence of their constituents, might the OO sometimes just keep silent about serious matters that threaten public welfare or safety? Will managers and compliance offices get the information they need?” This is a fundamental issue for those who design conflict management systems. OOs are not “neutral” with respect to laws and regulations relevant to their organization. OOs must practice with due regard to the values of their constituents—it is a matter of public interest to understand how OOs can actually be a “confidential resource,” and still help to deal with risk.

The first question is whether OOs do, in fact, deal with information relevant to criminal behavior, safety issues, sexual and racial abuse, insider threat, national security, fraud and other very serious concerns. And, second, if so, how do ombuds deal with such issues?

OOs do deal with high-risk cases. In the 2016 IOA survey virtually all OOs reported that they are alert to—and deal with—emergencies. In fact one of the distinctive characteristics of OOs is that they are expected to be on the lookout for “new” issues that might be disruptive to the organization and its people. (Looking for *patterns* is of course important—but serving as an “*early warning structure*” is also a vital role in a conflict management system.)

In the 2016 Survey, almost all OOs reported that they work to find ways to provide “early warning of new issues” to their employers. More than half reported that some of these new issues were “significant.” Nine-tenths of the survey responders reported dealing with “ethics and core values” cases. Four-fifths reported “safety” cases and a similar number reported “legal issue” cases.

⁶ Some organizations ask constituents, in anonymous surveys: “if you have used an ombuds office what would you have done had you not gone to the OO?” Typically, many reply that they would have: gone outside, for example to a regulatory office, or done nothing and let a problem continue, or quit, or found a lawyer or asked for a transfer.

Two fifths of ombuds reported a “high probability of having saved a life” at least once last year.

Only one ombuds in eight reported “no” whistleblowing issues in 2016. Insider threats, national security issues, sexual harassment, waste, fraud and/or abuse, potential suicidal and homicidal behavior, research misconduct, retaliation and a wide variety of other integrity concerns are some of the specific issues handled by OOs.

Of these the most common, high-risk issues reported over the years concern allegations of illegal sexual and racist assault, and retaliation. Insider threat, national security, and high-risk financial and safety cases are less common. However, the savings in costs and organizational reputation in *any* high-risk case—if it is handled timely and effectively—may more than pay for all the costs of an ombuds office. (This benefit-to-cost ratio is sometimes readily apparent after an ombuds office has been added to a conflict management system⁷.)

We analyzed responses relevant to cases that appeared to pose the highest risk of harm. Data from the surveys indicate that about one third of all survey responders faced one or more situations in 2016 where they thought that there was “*imminent* risk of serious harm.”

How were the OOs able to help, within the IOA Standards of Practice? With respect to these cases—and others where the OO faced the most serious issues—ombuds reported the use of many different options in 2016.⁸

- About 5% reported that they had received permission to use information from a constituent, identifying the source. (This might mean that the OO went to an appropriate manager, identifying, with permission, how the information came in. Sometimes, after discussions, a constituent will give permission to be quoted—for example to the CEO or other very senior manager.)

- About 10% reported that they had breached confidentiality, presumably having found no other reasonable option in a very serious case. (This might

⁷ Ombuds typically keep statistics, rather than case records with names, and in many countries this is the only legal way of keeping useful records for a confidential office, because of privacy laws. However the most serious cases are often ones where top-level managers were brought in by the ombuds, either with permission, or with the ombuds shielding the identities of a source. It can therefore be useful for an ombuds office to keep separate, identity-free notes *about high-risk cases where its help has been crucial, and is already known to management*—to use in self-assessment and OO performance evaluations.

⁸ Responses total more than 100% because ombuds were checking “all options that were used in the prior year” for their most serious cases.

mean an OO reported on his or her own, to line or staff managers, in a way where the source may have been identified or identifiable. This could happen where the issue is judged to be an emergency, for example, in a potential suicide or homicide.)

- About 40% reported that they found an effective way for a compliance office to find the information for itself. (This might mean that the OO was able to use a “generic approach,” to alert a compliance office, with sufficient, anonymous information that compliance officers might unobtrusively look for certain kinds of information—for example, in an apparently routine safety inspection, security review, or financial audit.)

- About 55% reported that they had found a specific way for critical information to get where it needed to go that had not been identified on the survey. (For example, the constituent might contact a trusted, former manager or alumnus who could talk off the record with an old friend in senior management who could look into the situation.)

- About 65% reported having received permission from a constituent to use or transmit information, without identifying the source. (This might mean that the ombuds found a way to get information where it needed to go while shielding the source, and also shielding the ombuds from becoming a party to a case. For example a constituent might write a detailed anonymous letter addressed to a top manager, double-sealed, and slip it under the ombuds door. The ombuds could then take such a letter to the designee, saying truthfully that the letter had not been opened or read by the ombuds.)

- About 70% reported that they helped a constituent to act directly—to find and use an acceptable way to get the information where it needed to go. (This might mean helping the constituent to assemble all the needed information, talk with a manager or compliance officer, use a hot line, mail a letter from afar, or perhaps join with other constituents in a responsible letter.)

From analysis of the responses in the 2016 survey, it appears that ombuds are in fact willing to breach confidentiality in the rare cases where the OO judges that a situation warrants this action. As we see, OOs did report an occasional use of this important element of the OO Standards of Practice. However, the survey data also indicate that most ombuds—in most cases—are adept in finding ways to get information where it needs to go, without compromising the confidentiality of their constituents.

Common Functions of an Ombuds Help to Manage Risk

In the 2016 IOA survey we asked in detail about some common ombuds functions. We organized these into categories.

Working to be seen as fair, safe, credible and accessible. Almost all ombuds report that they “work to provide an opportunity for constituents to be heard.” They begin by working to “deliver respect” to constituents—*in a way in which those constituents would perceive respect*—with careful attention to the feelings both of initial visitors and also of responders. (They typically do this face to face, and on-line, as well-known individuals.) Ombuds work to be—and to be seen—as “receptive.”

“Receptivity” may be the most effective contribution of an organizational ombuds in modern times, where many managers and employees feel that “nobody will listen.”

In the 2016 IOA Survey, almost all ombuds reported that they:

- are alert to urgent issues and the possibility of an emergency, with due regard for the other resources in the organization;
- listen to vital information, one-on-one—as from whistleblowers;
- provide and explain information, one-on-one, for example about how rules and regulations, and options, actually work;
- help in reframing issues and helping constituents develop an increased awareness of the perspectives of others;
- help to develop and evaluate responsible and effective options. Some ombuds pride themselves on working hard to offer all the formal and informal options that seem reasonable. (Sometimes, to the surprise of a constituent, there are many responsible options)⁹.

Most ombuds also reported that they monitor their own response times, accessibility to diverse constituents and timeliness of case management. Immediate responsiveness appears to contribute to ombuds being sought out by many different constituents for high-risk issues.

⁹ Bloch, Brian, David Miller and Mary Rowe, Systems for Dealing with Conflict and Learning from Conflict—Options for Complaint Handling: an Illustrative Case, Dec. 2008, HNLR on-line, at <http://lawlib.wlu.edu/CLJC/index.aspx?mainid=500&issuedate=2009-09-09>:

In addition, an ombuds office is usually the only office that deals with all cohorts, about all issues, from all parts of an organization. The function of “receiving information one-on-one” from many different people may permit an ombuds to piece together little bits of data about new or escalating sources of risk. The ability to recognize a potential risk—or to see patterns before the patterns are easily observed by others—is especially useful in dealing with disruptive issues that are new to an individual or to the organization. The fifty-year history of organizational ombuds offices demonstrates dozens of issues—including sexual harassment—that appear to have been raised within an organization (early or first) by ombuds.¹⁰

Helping People Help Themselves. Almost all ombuds reported that they work hard to help their constituents to be able to take appropriate action on their own, effectively and safely, if the constituents choose this option. “Teaching people *how* to fish,” in the words of the proverb, can be more helpful to all stakeholders than just “giving a fish.” It can be surprising to an ombuds how “listening, and discussing and coaching a bit” can help constituents to be willing to report or deal effectively with serious issues on their own. This capability means that ombuds often can help a constituent deal with a problem directly, and, indeed, at “the lowest possible level.”

Almost all ombuds report that they:

- help their constituents to collect, organize and understand their own information; (this often means teaching the skill of answering the questions: *who, what, when, where, why and how*);
- offer the option of referrals to other resources including subject matter experts; (ombuds constantly learn that their constituents, including managers, do not know all the resources available to them);
- help constituents who choose to do so to learn, (perhaps after keeping a diary, and with coaching and role-playing) how to act effectively on their own¹¹;
- teach special skills as relevant to the situation (for example how to prepare for a performance evaluation, or how to maintain self-discipline in dealing with very aggressive people.)

Constituents who learn how to deal directly with concerns, and with the resources of their conflict management system, appear more likely to help

¹⁰ Please see http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/JIOAVolume3No2October2010Final.pdf#p60, for a list of a few topics brought by OOs to their organizations each year over a period of many years.

¹¹ See: Ideas to Consider if You Have Been Harassed, at <http://iwer.mit.edu/2018/03/21/ideas-to-consider-if-you-have-been-harassed/>

prevent future issues, and to help resolve issues at lowest cost. Some become adept and responsible bystanders, in addition to noticing their own concerns.

Some constituents learn how to identify and assess risky behavior effectively. They then may work to modify their own behavior as needed—as well as thinking about the actions of others. Some learn several ways they can report situations of potential risk to authorities, at no cost to themselves. Constituents *may learn for the first time how to report timely, and effectively.* (All these points are true for managers and professionals as well as for supervisees. It is common for ombuds to hear disproportionately more often from managers and professionals, in part because these groups need help in dealing with their supervisees, and also on their own behalf.)

Intervening informally. Almost organizational ombuds reported that they offer options that include informal action by the ombuds. Almost all ombuds can offer to “look into” or explore a problem informally. And almost all reported offering shuttle diplomacy. These options, when chosen, can serve to let others know about issues of concern in a way that may mitigate risk.

In 2016, many ombuds reported that they help to explore a problem, and function as a go-between, with large or small groups, as well as with individuals. Sometimes groups or teams are at odds with each other or with a group or team leader. Sometimes a group is chafing about written or unwritten rules and customs.

Intra-group conflicts can be expensive in terms of wasting work time and losing high value team members, professionals and managers. These conflicts may also pose reputational risks and engender legal costs, and may lead to loss of intellectual property, petty or real sabotage, and safety risks.

An ombuds may be invited to listen to groups or sub-groups, facilitating discussions and searching for root causes, seeking good ideas and overlapping interests among the parties. Many ombuds reported that they help group members to communicate with each other or to the organization with recommendations—or that the ombuds may report back to a relevant group about the concerns and ideas the ombuds has heard from individuals.

Facilitating a generic approach—reportedly offered by virtually every ombuds—is one of the commonest, least costly, and most effective ways of getting risky behavior to the attention of authorities, without revealing the

identity of the source of information. For example, an ombuds can quietly encourage line or staff managers to monitor a certain area or process, or to conduct an apparently routine audit or inspection, or introduce a relevant training program, in a way that prevents or stops unacceptable behavior.

Working with leaders so that they may be perceived as approachable and fair (that is, “receptive to information”) is reported as another, almost universal ombuds function. Helping leaders to learn “receptivity” can be cost-effective, both in managing risk and also in encouraging constituents to offer information to leadership that supports the mission. (Outreach with leaders also helps ombuds to build relationships with these professionals and managers. Since high-level conflicts are among the most costly for an organization, these relationships can help to manage risk both for the individuals and for the organization.)

In a similar vein, the commonly reported function of following up on a specific case is often useful—and occasionally essential—to managers, as well as other constituents, to be sure that serious matters do not fall into cracks.

Offering or providing formal mediation—reported as a common function—can be useful in identifying and managing risk. New information often is shared in such discussions. And sometimes misinformation and misunderstandings get resolved in a way that sharply reduces costs. In addition, it is often the case that an individual mediation can illuminate a systems problem and sometimes also lead to systems improvements that reduce risk.

Reviewing data files, studies or other relevant information to make recommendations about an issue sometimes serves to prevent managers from high-risk mistakes, by offering more or different information. It is frequently the case that a new or overburdened manager overlooks, or fails to integrate, available data or earlier studies sitting on a shelf. This commonly reported function of data review may serve to revive or further illuminate good ideas to support the mission of the organization. In a similar way, assisting with process issues that are discovered in an appeals process may avert mistakes that could damage reputations as well as raising costs.

Working within the Organization. Almost all ombuds reported keeping ephemeral notes for the office, and identity-free statistics. Ombuds analyze their data in order to communicate about patterns of issues—and their root causes—and to provide early warning of issues new to the organization.

Almost all reported working informally to help improve specific policies and procedures. Almost all reported working for mission-related organizational initiatives¹²—and provided training for constituents and groups about policies and procedures.

Ombuds also reported following up on recommendations for improvements—a major task in modern risk management. “Following up,” in today’s world, is essential for systems improvements actually to take place, as managers move throughout an organization, and investigative reports are forgotten. Ombuds are often the *only professionals for whom supporting effective conflict management is their full-time profession and job description*—their skills can help to see that risk mitigation does not fall through cracks.

About 80% of ombuds reported helping informally to “coordinate organizational resources or offices related to conflict.” This (invisible) ombuds function is often important for efficiency and synergy within a conflict management system. It occurs effortlessly as an ombuds office refers—daily or weekly—to virtually every other conflict management resource within a system, including line managers. (Ombuds offices are sometimes inaccurately thought of as “ADR, that is, *alternative* dispute resolution” offices within a conflict management system. Ombuds are more properly viewed as “*appropriate*” dispute resolution structures with a system, since they regularly work with, and support all the formal and informal options with a system—and thereby often serve to help coordinate the system. As with “following up,” this kind of coordination often helps to see that serious issues do not fall into cracks.)

About 80% of ombuds reported helping managers with technological change, and professional development. About 70% reported that they serve as non-voting resource people on policy committees. About 70% reported that they serve senior leaders as facilitators discussing problems, policies and procedures. About 60% said they run focus groups or meet confidentially with groups to prepare oral recommendations to unit leaders and their teams, and some said they occasionally help to bring together task forces to address an emerging or ongoing issue.

II. Accomplishments Reported by Ombuds in 2016

¹² About a tenth of ombuds reported helping informally to help influence legislation or regulations.

“Helping to manage risk” is supported by a much wider platform of service by ombuds. This section presents a panorama of “ombuds accomplishments” as reported in 2016. It is likely that the day-to-day services provided by ombuds not only add value directly, but also contribute to building trust so that constituents may seek help in times of serious need.

Reported “systems accomplishments” are presented here in ascending order of their reported occurrence. (It will be obvious that some achievements of great significance are relatively rare though important.) Many of these accomplishments may have benefited just individuals or groups; in other cases, many or all constituents, including the organization, may have benefitted.

Identifying and assessing important issues. Most ombuds keep (identity-free) statistics about cases and issues. The 2016 survey included ombuds reports about specific issues and the frequency of these issues compared with the previous year.

As seen by top managers, some of the most important communications by ombuds are timely, actionable alerts to managers and others who are overburdened—when the OO can transmit information with permission, or in a way that protects the identity of a constituent. This so-called “upward feedback” often supports systems improvements.

Ombuds have a particular vantage point for gathering data to help an organization in strategic and tactical planning, especially if their purview includes all cohorts, all work-related issues and all geographic areas in the organization. In the 2016 survey, ombuds reported the following actions having occurred at least once a year¹³:

- ~70% reported they had identified a “new issue” for the organization;
- ~85% reported that a timely response was induced for an urgent issue;
- ~90% reported they had identified significant patterns of concerns that were not well-known or were being ignored.

¹³ Percentages are rounded to the nearest 5%. Each entry refers to “one or more cases of this type” in the preceding year.

Supporting improvements in policies, procedures and structures.

Ombuds do not take management action but they support managers to do so:

- ~ 50% reported fostering a change in organizational structure;
- ~ 65% reported fostering a change in a policy;
- ~ 75% reported fostering a specific change in a procedure;
- ~ 80% reported fostering a change in a minor aspect of how a policy works.

Working to prevent serious problems: Ombuds provide focused training and one-on-one coaching:

- ~ 65% reported fostering demonstrable improvement in excellence, integrity and rigor in the thinking and practice of one or more constituents;
- ~ 70% provided training and briefings to help prevent specific problems for constituents.

Supporting cost savings: Ombuds reported many specific cost savings:

- ~35% reported cost savings from reduction in FOIA/EEO complaints or suits.
- ~ 40% reported a high probability of helping to save a life;
- ~ 50% reported significant cost savings from effective handling of an “early warning” or whistleblowing;
- ~ 60% reported significant cost savings from settling a serious dispute;
- ~ 85% reported supporting significant improvement in morale in a work unit.
- ~ 85% reported fostering an important “bridge” between colleagues, units or agencies.

The 2016 IOA survey of organizational ombuds reported many specific accomplishments (in corporate, government, academic and international sectors). These accomplishments are seen to have helped individuals—complainers, responders, bystanders, supervisors, and senior managers—and groups. The receptivity and responsiveness of ombuds support a conflict management system—in supporting improvements, in preventing or limiting costs, and in managing risk for the organization and its people.