



## What Do Organizational Ombuds Do? And Not Do?

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*“Do we actually need an ombuds? We already have HR and Ethics.” “This agency does not need another Inspector General.”* Organizational Ombuds (OO) face constant questions about how, if at all, they differ from—or compete—with other offices concerned with the culture and operation of an organization. Adding to the confusion, *there are many kinds of “ombudsmen”*—and the wide variety creates misconceptions.<sup>1</sup> An additional, unfortunate source of confusion is that some corporations use the title “ombudsman” for staff members who actually are compliance officers or customer complaints staff.

Here we provide a framework for explaining Organizational Ombuds to people who ask: “What are the OOs’ functions? What do they do? What do OOs *not* do?” We present some answers to these questions derived from many discussions with OOs, and from anonymous, self-reported data collected in biennial International Ombudsman Association (IOA) surveys. These discussions and data are the best current source for understanding OO practice.<sup>2</sup>

The OO profession is about fifty years old and is spreading around the world. An OO is a senior manager designated by the employer as an independent neutral who reports to the highest possible level in the given organization. OOs are both conflict management professionals and risk management professionals.<sup>3</sup> They are required by their Standards of Practice<sup>4</sup> (SoP) to maintain confidentiality to the maximum extent consonant with law and to resist testifying in formal procedures inside or outside their organization. OOs work informally; that is, with no management decision-making power. For constituents—who include all managers and employees and often others such as students—working with an OO is voluntary. OOs do not accept notice for their organizations and keep no formal case records for the employer. They do listen to every

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<sup>1</sup> The Brief Taxonomy on the last page of this paper describes seven types of ombudsmen who practice in the US. Many were studied in the 2016 Ombudsman Report of the Administrative Conference of the United States (ACUS). See the Executive Summary of The Nature and Value of Ombudsmen in Federal Agencies, Administrative Conference of the United States, 2016;

[https://www.acus.gov/sites/default/files/documents/PART%201\\_Executive%20Summary%20%28ACUS%29%2011.16.16\\_0.pdf](https://www.acus.gov/sites/default/files/documents/PART%201_Executive%20Summary%20%28ACUS%29%2011.16.16_0.pdf) .

<sup>2</sup> The list of functions in this article also derives in part from an earlier working paper, conference presentations and a list in Mary Rowe and Howard Gadlin, “The Organizational Ombudsman,” in Roche, William K., Teague, Paul, and Colvin, Alexander J. S. (2014) (eds.), *The Oxford Handbook of Conflict Management in Organizations* (Oxford: Oxford University Press), pp. 223-224.

<sup>3</sup> Risk management is an aspect of conflict management—just as conflict management is an aspect of risk management. OOs are senior professionals in each practice.

<sup>4</sup> [https://www.ombudsassociation.org/assets/docs/IOA\\_Standards\\_of\\_Practice\\_Oct09.pdf](https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf). Almost all the *different* types of ombudsmen studied by ACUS share some version of these standards in their work, although ACUS identifies the concept of “informality”—the lack of ordinary management decision-making authority—as a “defining characteristic” of ombudsmen rather than as a “standard,” as IOA does. By contrast, compliance officers and customer service representatives in the US who are called “ombudsmen” do not adhere to the IOA or ACUS Standards of Practice.



kind of workplace issue raised by anyone in the organization. Most practicing OOs endeavor to meet the IOA Standards of Practice and Code of Ethics regarding *independence, neutrality, confidentiality and informality*.

Most OOs work in complex and demanding settings. Most organizations are dynamic communities, frequently adding or losing members and transferring others internally. Few people seem to listen well. Relatively few constituents understand all their options when they have a problem—or even when they have a good idea. Too few managers are able to respond to their staff’s problems and ideas in a timely manner. Within this often turbulent context, OOs serve individual constituents, groups, and the organization as a whole.

The first task for OOs is to build enough trust with all constituents to be generally perceived as *fair, safe, accessible, and credible*. Another task is to help constituents understand and use the organization’s risk management and conflict management systems (CMSs) whenever they need them.

OOs frequently receive referrals from CMS offices and managers outside the CMS. In a function that is nearly unique to the profession, OOs regularly review with constituents *all* formal and informal options and resources in the CMS—and offer impartial guidance for constituents who choose to use these various options. In this process OOs can help, invisibly and informally, to support and coordinate the integration of their organization’s CMS.

### What OOs Do

OOs offer and perform many informal functions, summarized below. OOs:

**Build a reputation for being *safe, fair, accessible and credible*.** Actions to achieve this include:

- **delivering respect**, and good service to all, for example by affirming the *feelings* of each person involved in a concern while they themselves stay explicitly impartial as to the *facts* of a case, responding as quickly as possible when called upon, endeavoring to build trust by exemplifying a commitment to addressing issues in a fair and equitable way.
- **listening actively**, probing respectfully, serving as a sounding board, providing all constituents an “opportunity to be heard,” while always remaining alert to the possibility of an emergency that requires referrals to others.



- **providing and explaining information** one-on-one, for example about policies and rules, and about the *context* of a concern or a good idea, while remaining a voice for fairness.
- **receiving vital information** one-on-one, for example from those discussing unacceptable behavior—criminal, safety, and national security violations, abuse, and the like—to aid in getting that information where it needs to go; and providing an ear for constituents who would like to discuss new ideas that support the organizational mission.
- **helping individuals and groups to make sense of their experiences** at work, illuminating all the aspects of a problem or a good idea, and discussing facts, feelings and rules that might be relevant.
- **reframing issues** as appropriate, to make them more comprehensible, manageable, or constructive.
- **helping individuals and groups to develop options** and then to evaluate the pros and cons of all the formal and informal possibilities available for dealing with the issues at hand.
- **monitoring** the accessibility of the office to diverse constituents, response times, and the duration of cases.

**Help people to help themselves.** In their work with constituents who call upon them, OOs may be able to assist them to develop the skills they need to deal with their issues—or to offer their good ideas—in the given context. OOs can provide “just-in-time” support for learning about effective interactions in a way that is tailored to individual and group needs. These functions include:

- **offering referrals** to other resources in the organization, including “key people” in the relevant department, compliance offices, and all relevant support services.
- **helping people to use a direct approach**, for example, guiding them on how to collect and analyze their own information, helping them to draft a letter describing their issues, ideas and requests; providing coaching and role-playing to help people learn to negotiate and to engage in timely problem-solving.
- **helping people to find responsible affinity groups, mentors, and networks.**

**Offer informal intervention.** Often people who come to an OO do not want or need direct intervention from the OO, at least initially. However, in many situations an OO may also offer, or be asked, to play a role. Except in the rare cases where the OO judges there is imminent risk of serious harm, the OO would only act with permission from the person who asks for support—and of course the OO must also agree to act. These options might include:



- **conducting ‘shuttle diplomacy’** by assisting disputing parties through a managed communication process in which the OO carries information between parties without their meeting face to face, or by helping constituents to consider other options that may solve a problem in a fair way, while facilitating discussions in a back-and-forth process.
- **offering informal mediation inside the organization** by bringing various people together to explore options in a structured conversation.
- **offering referrals for formal mediation by others inside or outside the organization.**
- **“looking into” a problem informally**, for example by checking for new policies or resource constraints, assessing multiple points of view, engaging discreetly with staff offices to learn if colleagues have heard about the issue at hand, and/or talking with relevant offices to understand how a decision or rule or regulation is being applied.
- **reviewing organizational data**, such as annual reports, anonymous survey information, studies of the work environment, or anonymized records of the OO office.
- **facilitating a generic approach** to an individual or group problem, for example: by meeting with members of a unit in turmoil and reflecting back to the unit what is heard while protecting individual identities—and then offering both formal and informal options to resolve concerns; or asking management to communicate, monitor or enforce a relevant rule throughout the whole organization. Generic approaches often lead to a fair and effective outcome for a problem, while protecting the identity of any individual who came forward.
- **assisting informally with process issues in an appeals case.**
- **working with leaders so that they may be seen as approachable.**
- **following up** on a specific case, or with a specific unit, with relevant stakeholders.

**Support the mission of the organization and its CMS.** An OO can serve the whole organization proactively by helping constituents anticipate and manage change, resolve concerns, identify exemplary practices, and foster a just and inclusive organization. Relevant functions include:

- **getting out into the organization** and talking one-on-one with employees on all shifts, while applying all the skills of an OO. In this way OOs can capture some of the key concerns in an organization that leadership may not be aware of, as well as helping also to identify exemplary behavior and spread good ideas that emerge in the organization, in order to provide feedback and options for action to all constituents.



- **keeping non-identifiable notes and statistics.**
- **providing *early warning* of an issue that is “new”** and potentially disruptive or costly for the organization or department. For example, an OO can find effective options for bringing information to the attention of relevant managers in ways that protect the confidentiality of those who have provided information, thus enabling the managers to look into a concern.
- **identifying and communicating about *patterns of issues***, for example by holding regularly scheduled discussions with each senior officer or relevant manager about concerns and ideas that come to the OO office.
- **working for systemic change**, for example by suggesting new policies, procedures, and structures; offering or participating in relevant training about a wide variety of issues in conflict management; serving as a facilitator or resource to units in turmoil and policy committees; and helping to identify exemplary behavior and spread good ideas that emerge in the organization.
- **following up on system change options and informal recommendations** offered by the OO.
- **helping informally, and often invisibly, to connect and coordinate** all the elements of the CMS, in the context of daily communications with employees and managers, as the OOs support all cohorts to understand and use the informal and formal resources and options in the system.

In addition, some OOs: meet confidentially with constituents to help them prepare reports; support a specific policy or systems change or mission-oriented initiative; facilitate meetings for senior leaders; help managers with change management and succession plans; or serve as a non-voting resource person for committees.

### **What OOs Rarely Do**

Few OOs report that they perform formal functions, and those who participate in them say that they do so rarely. Every formal function in which an OO takes part may immediately put the OO and the OO office at risk because these activities might lead to (apparently reasonable) requests from management to break confidentiality or even to subpoenas in a legal case. Taking part in formal functions also may damage the image of an OO office as one that adheres to the IOA Standard of Confidentiality.

In addition, performing formal functions may directly impair some aspects of independence, neutrality, and informality—and may indirectly harm the image of the OO as a “safe” resource for constituents. The functions listed below therefore may not be



consonant with the IOA Standards of Practice—although activities such as these might occasionally be configured in unusual ways that do meet the standards. They include:

- **keeping records for the organization** that capture the settlement/outcome of a complaint, (as distinguished from keeping various statistical records with no identifying detail).
- **keeping OO records for the organization** for compliance purposes, or practicing formal mediation where settlements are retained by the OO.

### What OOs Don't Do

While different kinds of ombuds world-wide may practice differently, OOs who adhere to the IOA standards do not report:

- **participating as a voting member on committees** (as distinguished from acting as a resource person to a committee or an observer).
- **keeping records for an OO office records schedule** (however this function has been configured in a way that is consonant with the SoPs, for record-keeping in the National Archives and Records Administration.)
- **acting as an advocate or witness** for a party in a formal adjudicatory process, (as distinguished from advocating for a fair process.)
- **accompanying a party as part of a formal adjudicatory process.**
- **writing formal investigative reports to serve as the basis for decision making** and administrative action by management.
- **issuing investigative formal reports, as an agent of management, that recommend specific actions in response to a formal grievance.**
- **issuing formal reports, as an agent of management, that recommend specific actions with regard to policies and procedures.** (OO reports often do include options and informal recommendations based on independent and informal systems reviews—for example, in an annual report—but reports written as an agent of management would not be consonant with SoPs.
- **dealing with formal appeals**, (as distinguished from advocating for a fair appeals process or just helping constituents to prepare to express their points).
- **making management decisions about a grievance or conflict**, except in the very rare case of imminent risk of serious harm.
- **acting as an arbitrator or judge.**

The OO profession is still relatively new in the US, and it will no doubt continue to evolve as more organizations create ombuds offices and seek to meet the needs of



stakeholders and constituents. We derived the above list of practices and strategies from the IOA Standards of Practice and Practice Survey Reports, and from personal interviews with other senior ombuds. This report is not comprehensive. Moreover, human behavior and conflict are nuanced, and each organization has its own culture and mission. Effective, ethical OOs employ discretion and professional judgment with each case, always careful to act within the scope and roles of the IOA Standards of Practice.



## A Brief Taxonomy of Seven Types of Ombuds in the US

Timothy Hedeem & Mary Rowe, adapted from the 2016 ACUS Report on Ombuds in the Federal Government

**Internal Ombudsmen** serve internal (or primarily internal) constituents, such as employees and managers, students and faculty, trainees and contractors. They include:

- 1) **Organizational Ombuds:** a designated neutral who: provides confidential, informal, impartial, and independent assistance through dispute resolution and problem-solving methods, reports to the highest possible level within an organization, provides an informal hearing for every individual and group within an organization about any issue, offers options, and helps people to help themselves, intervenes informally, with permission, supports and works within internal conflict and risk management systems. An OO does not serve in any formal grievance-handling role or have ordinary management decision-making authority.
- 2) **Whistleblower Ombudsman:** a designated individual or office whose role is to educate about prohibitions against retaliation for protected disclosures. Does not serve as an agent or advocate.
- 3) **Analytic Ombudsman:** an individual or office responsible for responding to concerns raised by Intelligence Community analysts about adherence to analytic (or tradecraft) standards.

**External Ombudsmen** serve external (or primarily external) constituents, such as citizens, taxpayers, the aged, families and wounded warriors in the armed services, and vendors. They include:

- 1) **Classical Ombudsman:** an independent government office that functions to hold agencies accountable to the public by receiving and investigating complaints through credible review processes that are impartial, fair, and confidential. Found in a few states in the US.
- 2) **Advocate Ombudsman:** an individual appointed to receive, look into or investigate, and attempt to resolve informally concerns about or within an agency or other organization; authorized to act on behalf of those aggrieved. These are by far the most numerous ombuds in the US.
- 3) **Programmatic Ombudsman:** an independent, impartial employee appointed to facilitate informal resolution of concerns about specific program areas, including actions or failures to act.
- 4) **Subject Matter Ombudsman:** an independent, impartial employee with authority and responsibility to receive, investigate or informally address complaints about their organization or its officials.