

# The citizen in chains

Summary

2008 Annual Report of the National Ombudsman  
of the Netherlands

# Preface

This document is a summary of the 2008 Annual Report of the National Ombudsman of the Netherlands. It is divided into two sections: the first contains a thematic discussion, while the second offers an account of the performance of the National Ombudsman over the year and an account of the performance of administrative authorities, based on the 13,000-plus complaints received in 2008.

The title of the thematic section is ‘The Citizen in Chains’. The National Ombudsman’s position gives him a unique overview of the way hundreds of administrative authorities operate. He is often struck by the complexity of the government machine and the compartmentalisation of its operations – now often linked into “service chains”. This poses the danger of citizens getting lost in these chains, sometimes with grave results. Government is increasingly seeing “chain cooperation” between linked agencies and “chain computerisation” of linked databases as a way of achieving more joined-up government. This report focuses on ways to safeguard the interests of individual citizens in the face of this trend. The National Ombudsman’s day-to-day work reveals that decision-making in non-standard cases is getting slower: citizens, businesses and institutions are now having to wait longer for government decisions; indeed, some decisions never arrive at all and others prove to be wrong. Sometimes the situations that result are completely inexplicable, things go seriously awry in individual cases, or thousands of files simply disappear into thin air. Government is relying increasingly on chain cooperation but citizens are also more and more reliant on the quality of coordination and cooperation within government chains. When things go wrong, they discover the complexity of the government system and how difficult it is to get mistakes rectified. They are often sent from pillar to post because no individual administrative authority is prepared to accept responsibility. In this report, the National Ombudsman analyses the situation and makes a number of recommendations.

The National Ombudsman is appointed by the lower house of the Dutch parliament (the House of Representatives) for a term of six years. Each year, he presents a report to the House. Therefore, the Ombudsman has a formal relationship with parliament and not with the government of the day. This enhances the independence of his role within society. In many countries, the institution is in fact known as the ‘parliamentary ombudsman’. In view of his role, the National Ombudsman of the Netherlands regards himself as equally ‘parliamentary’ and feels that it is essential to his work to be on good terms with the House of Representatives and, rather more at arm’s length, with the Senate. In recent years, there has been closer contact between the National Ombudsman and the House of Representatives. In March 2008, the National Ombudsman attended a plenary session of the House of Representatives to present his 2007 Annual Report to the President of the House; it was the first time he had done so in person. Starting in 2008, there is also an annual meeting with the House of Representatives behind closed doors to discuss the way the National Ombudsman is functioning as an institution.

Since the chief purpose of the institution is to preserve good relations between citizens and government, the National Ombudsman’s main goals are to protect human rights and promote proper government conduct. It is appropriate, therefore, that new developments in the field of human

rights and good governance should prompt an examination of the potential role of the National Ombudsman in relation to them.

In one such development, the government has informed the House of Representatives that it is considering linking the planned Dutch National Institute for Human Rights (NIRM) to some existing institution. It has had consultations on this subject with the National Ombudsman, the Equal Treatment Commission, the Data Protection Authority and the University of Utrecht’s National Institute of Human Rights (SIM).

Another hot topic in 2008 was the establishment of a Dutch Ombudsman for Children. The purpose of this new institution is to protect the rights of minors as established in the Convention on the Rights of the Child. In late 2008, MP Khadija Arib tabled a private member’s bill in the House of Representatives integrating the Ombudsman for Children into the National Ombudsman institution. The Council of State is currently deliberating on the bill.

Each year, the National Ombudsman is approached by a number of whistleblowers. The government is now considering taking measures to strengthen the position of whistleblowers and may give the National Ombudsman a role in this respect.

Finally, thought is being given to the organisation of ombudsman services for three islands in the Netherlands Antilles: Bonaire, St. Eustatius and Saba. The State of the Netherlands Antilles is being dissolved and these three islands will become part of the State of the Netherlands. Under current proposals, the three islands are to be given the choice either of establishing a shared ombudsman service for themselves or of placing themselves within the jurisdiction of the National Ombudsman of the Netherlands for actions by local public authorities. The National Ombudsman will have jurisdiction over the actions of public authorities of the State of the Netherlands in these three islands.

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# The citizen in chains

- A driver was stopped by the police and held for a considerable time at a police station because various bodies had made administrative errors in relation to the details of his address. The person concerned was also given no chance to put his case to the courts.
- An entrepreneur proved to have been the victim of identity fraud over a period of thirteen years. Following a string of disturbing incidents, he finally discovered that the police believed him to be a dangerous drug trafficker. It was extremely difficult to get his criminal record cleared and impossible to obtain any guarantee that the same thing would not occur again. He filed for bankruptcy.
- A boy of sixteen got mixed up with drugs. His father laid information with the police in the hope of forcing him to accept treatment but so many government agencies were involved that nothing was done. The boy reverted to drug-taking and was murdered.

These are just three of the cases that the National Ombudsman has investigated over the past year. The common factor in all three cases is that the citizen had to rely on concerted action by a number of government agencies and that there was a breakdown in coordination or communication between those bodies. There is clearly a need to focus attention on the extent to which citizens are reliant on effective cooperation between different administrative authorities.

In our complex society, government takes many forms: there are hundreds of different administrative authorities. With increasing specialisation, government is becoming increasingly compartmentalised and has therefore itself become over-complex. Coordination and cooperation between the different parts of the government machine are often seen as the solution. The commercial idea of supply chain management (chain cooperation, chain management and chain computerisation) has been introduced in an attempt to achieve this. But cooperation does not always prove easy in practice. An additional problem is that government systems often reduce individual citizens to numbers or codes so that government policy can be applied to them in a standardised way. But this is to ignore the unique circumstances of each individual. Moreover, mistakes are made. Chain cooperation and – more especially – chain computerisation put individual citizens at risk.

## Chain cooperation

Chain cooperation serves various purposes. More effective government, improved service to individual citizens and greater efficiency are often mentioned as aims. Chain cooperation can be said to work well when all sections of the chain have distinct, clearly defined tasks and responsibilities within the chain, coordinate their work with each other, routinely exchange all relevant information, ensure that the whole chain acts as one, prevent duplication of effort, maximise their efficiency, and monitor the performance of the entire chain.

The cases considered by the National Ombudsman in 2008 show once again that citizens' problems are primarily connected with their weakness in the face of an apparently all-powerful government machine: an individual's good name was destroyed, important documents concerning a citizen were mislaid, an entrepreneur was subjected to a stream of unjustified fines, and an old age pensioner was forced to pay for care that was not provided. In each of these cases, lack of chain cooperation caused considerable problems for an individual citizen. Government tends to be unmoved by such cases. Often, the authorities fail even to notice that someone is being crushed in the government machine. In general, moreover, each of the individual organisations involved has done its duty in accordance with the relevant laws and regulations.

In cases like this, the heart of the matter is frequently the lack of higher or supreme political control (even a government minister cannot simply intervene and change the system). The powers and responsibilities of each of the various administrative authorities give it a part to play in tackling the particular problem, but nobody is in overall control.

## Chain computerisation

Policy often focuses on particular sections of the population: people with children under the age of 18, minors, people with an illness or disability, people with no job or income, etc. The effect is to reduce the citizen to a member of a particular group: a sort of standard unit. This takes ever more extreme forms. The trend is associated with the growing use of computerised information systems and the linkage of databases which they make possible. The tax and social security number has been upgraded and turned into a 'citizen service number': a personal identification code with far broader applications. The new codes make it easy for citizens to identify themselves in their dealings with administrative authorities, but then those bodies tend to see them simply as numbers. There are also linkages with personal records databases like those maintained by municipalities, with the vehicle number registration database kept by the Government Road Transport Agency (RDW) and with the land title register. Government is now also demanding digital identification via DigiD<sup>1)</sup>. There are undeniable advantages for citizens in terms of ease of communication with government and computerisation certainly makes it easier for government to manage its records on the country's sixteen million inhabitants. But there are many sub-systems and not all of them are linked. Even when they are, that linkage is seldom problem-free. Moreover, chain computerisation seems to be turning into an end in itself, with all the concomitant disadvantages for the general public.

## Problems identified

The day-to-day work of the National Ombudsman has produced the following lengthy list of reasons why citizens are increasingly reliant on the quality of chain cooperation and chain computerisation and experience problems as a result:

- incorrect information in a system: the quality of the whole system depends on the weakest link in the chain;

1) DigiD stands for Digital Identity and is a system shared between cooperating governmental agencies, allowing them to digitally authenticate the identity of a person who applies for a transaction service via internet.



- ▶ ‘inflexible’ systems which are slow to resolve problems;
- ▶ ‘automatic’ use of data;
- ▶ unexpected knock-on effects of single errors;
- ▶ gaps and problems resulting from the system development phase;
- ▶ delayed availability of information down the chain;
- ▶ information that is not passed on quickly or not recognised as important;
- ▶ the absence of a system or non-inclusion in a system;
- ▶ mistaken identity and identity fraud;
- ▶ increasing government reliance on systems, not all of which are linked, to fulfil its responsibilities;
- ▶ the development of extremely long chains;
- ▶ large caseloads, which can be dealt with only via computerised systems;
- ▶ the need for call centres, which are not always helpful to the citizen;
- ▶ the inability to resolve problems of individuals, but only for “members of recognised categories”;
- ▶ attacks that can paralyse systems, including the internet, and misuse of such systems.

A major source of problems for individual citizens is *incorrect information in a system* which may be linked to other systems for the implementation of statutory schemes. For example, the Government Road Transport Agency (RDW) links its vehicle number registration database to the vehicle roadworthiness testing (APK) database and the Municipal Personal Records Database supplies the name and address of a citizen. The RDW communicates these details digitally to the Public Prosecution Service via the latter’s Central Processing Unit (CVOM) and the Central Judicial Collection Agency levies a fine for failing to have the particular vehicle tested for roadworthiness. This is effective chain computerisation and cooperation – so long as all the relevant data is accurate. In an example like this, the quality of government action depends on the weakest link in the chain.



In many cases, the data in the Municipal Personal Records Database is all-important and the only way to correct it is via a set, time-consuming procedure. *This system can be described as ‘inflexible’.*

The *systems lead to ‘automatic use’, reducing alertness to mistakes*, and the individual citizen suffers the consequences. Linkage to European systems can also produce inflexible situations which are difficult to resolve. This is partly connected with the nature of Community law, which is binding on Member States. A citizen confronted with an unfounded European arrest warrant is in a very difficult position indeed.

Also, *the linkage of systems means that single errors often have an unexpected number of knock-on effects*. A good example is the case in which the Employee Insurance Schemes Implementing Body (UWV) wrongly refused invalidity benefits to a young disabled person and then corrected its mistake by making a one-off back-payment. Although its action was correct, it had unfortunate consequences for tax allowances and benefits paid by the local social services department: the sudden increase in income caused by the back-payment led to these being refused or reimbursement of past payments being demanded. All three government agencies acted in full accordance with the law but the law provided no way of resolving this unfortunate case of system interference.

*The system development phase* also places citizens at risk. Because tax allowances were introduced before some of the relevant ICT modules became available, it was initially impossible to update files in certain important respects (for example, to record the death of a spouse) and incorrect payments continued.

Another risk to the citizen is *delayed availability of information down the chain*. Various administrative authorities need details of aggregate incomes in order to calculate personal contributions. In 2008, backlogs at the Tax Department meant that data was still not available on aggregate incomes for 2006 (let alone 2007), causing knock-on delays in the work of the Care Insurance Board and the Central Administrative Office for Exceptional Medical Insurance. In this way, problems at the Tax Department impact on the rest of the chain.

*If information is not passed on quickly or not recognised as important*, the consequences can be dramatic. The case of the mother who killed her daughter Kelly is a sad example. Action which might have saved the child was not taken because the relevant information was not passed down the chain.

Another danger to the citizen is *the absence of a system or non-inclusion in a system*. Records kept in the past were often incomplete and information may be lost during the conversion to new systems.

A danger of a different order is presented by *mistaken identity and identity fraud*. System linkage based on the reduction of the citizen to a set of data entries creates the risk of one citizen being mistaken for another. Identity fraud is a more serious problem still. At present, there is no guarantee that it will not occur. As citizens are increasingly at the mercy of data in automated systems, antisocial citizens may seek ways to gain advantages for themselves or disadvantage others via identity theft.

This is related with another major risk to the citizen: *increasing government reliance on systems, not all of which are linked, to fulfil its responsibilities*. Chain computerisation will eventually form the backbone of integrated government records systems. Moreover, *linkage can lead to the development of extremely long chains*, with all the risks associated with them.

Another related risk is *the large numbers of cases processed by computerised systems*. The routine work of the Tax Department (both fiscal and in relation to allowances) shows that computerisation is the only possible way to deal with its thousands, if not millions, of cases. In vast government operations like this, call centres are often used to answer the many telephone calls from citizens with queries or complaints. *But experience shows that call centres are not always helpful to the citizen.*

Moreover, organisations like the Tax Department have operational problems due to *the large numbers of cases and the impossibility of dealing with them at an individual level*. In this situation, there is inevitably a conscious acceptance that the necessarily standardised approach will produce a certain percentage of incorrect decisions. Citizens suffer the consequences (such as subsequent demands for repayments).

Little is known about *the consequences of attacks on systems*, including the internet as a whole. Every computer user is familiar with problems like servers being down, spam, viruses, Trojan horses and, more seriously still, systems being hacked for nefarious purposes.

## Recommendations

To deal with these adverse consequences of chain cooperation and chain computerisation, the National Ombudsman has drawn up six recommendations on the management of chains and four recommendations on the right of complaint.

### Recommendations on management of chains

#### 1 *Put the citizen first and evaluate performance*

The main solution is implicit in the aims of chain cooperation and chain computerisation: to put citizens, businesses and institutions first and to improve both the quality of the data in the systems and the consistent use of that data. It is also important to find ways of evaluating performance in these respects.

#### 2 *Increase overall direction and commitment*

The administrative authorities concerned are unanimous in calling for strong overall direction in the development of chain cooperation and chain computerisation. Within the existing legal, administrative and financial frameworks, the specific interests of the various administrative authorities involved are paramount and cannot be transcended. There is a need to formulate higher interests to be served by their concerted efforts. This means that authorities need to change the way they work with each other, focusing cooperation on shared interests and recognising (not ignoring) dilemmas. Political rivalry, political ambitions and inter-ministerial competition, institutional in-fighting and the differing administrative cultures of decentralised government authorities can stand in the way of good chain cooperation. The core issue for government is not ‘overall direction’ but ‘commitment’: whether bodies feel committed to achieving a common goal

#### 3 *Have one personal contact point*

Chain cooperation and chain computerisation can produce painful confrontations between individual citizens and the government machine. Good communication between man and machine requires a good interface. This means, first and foremost, that the system is designed in such a way (via chain cooperation, chain computerisation, etc.) that the citizen does not need to delve into the workings of the government machine: there should be one telephone number, *one* contact point and one website. Moreover, if things go wrong there should be some way of making personal contact. To achieve this, staff training in good communication skills is also required. Government must not hide behind systems.

#### 4 *Practical and accessible method of problem resolution*

The digitisation of personal records within government increases the risk of erroneous data spreading quickly within the government machine. At present, the citizen has to rely on his right to inspect and correct his/her personal data and to object to disclosure, as established in the Personal Data Protection Act or in sector-specific legislation like the Municipal Database (Personal Records) Act. This statutory system is no longer adequate and should be supplemented by quick, practical, widely publicised methods of problem resolution.

#### 5 *Harmonise legislation and regulations*

Because of the compartmentalised way in which legislation and regulations have been produced in the past, there is often a lack of coherence. Legislation and regulations need to be harmonised (particularly of terms and definitions).

#### 6 *Focus more on vulnerable citizens*

Many problems are more prevalent among weaker members of society. For example, particular sections of society may tend to give up when faced with systems featuring chain cooperation and chain computerisation. The Ministry of Justice’s Research and Documentation Centre (WODC) and the Netherlands Institute for Social Research (SCP) should research this risk. Which groups give up and why? Once we know the answer to this question, the search for specific solutions can begin.

### Recommendations on the organisation of the right of complaint

#### 1 *Dejuridify complaints procedures*

Under the General Administrative Law Act, the only way for a citizen to seek a solution to a problem caused by chain cooperation and/or chain computerisation is to launch objection and review proceedings in relation to an administrative decision by a particular administrative authority. The only other alternative is to lodge a complaint with a particular administrative authority. Where problems are the result of events within a chain, these remedies are insufficient. Government should make vigorous efforts to move away from “procedures” and into “problem resolution”. This can be achieved by the use of conflict management and mediation techniques to dejuridify non-standard cases. The question should not be whether the problem can be addressed within the framework of a particular legal procedure, but how direct action can be taken to tackle the problem itself.

#### 2 *Address the core problem by conferring with all those concerned*

Sometimes, the only way to resolve a problem is to sit down with the citizen and the various authorities involved and sort it out. The usual – statutory – solutions will not generally get to the heart of non-standard cases

#### 3 *Use the intervention method*

The National Ombudsman has developed a highly effective intervention method for resolving citizens’ problems via direct consultation with administrative authorities. The intervention method



is a tried-and-tested approach to problem resolution and should be more widely used in relation to the executive work of administrative authorities and chains.

#### **4 Review of the General Administrative Law Act**

It would also be advisable to review the General Administrative Law Act, not only because of the heavy emphasis it places on the term ‘administrative authority’ (now decreasingly relevant to the everyday reality of government), but also in the light of the requisite change from legal proceedings to practical problem resolution

### **Consequences for the role of the National Ombudsman**

#### **1 Cross-institutional approach with ‘good cooperation’ as a general standard of proper conduct**

To date, the work of assessing whether the actions of government have been proper has tended to focus on individual administrative authorities. But problems arising from chain cooperation and chain computerisation cut across institutional boundaries and call for the application of a new principle of proper conduct: the principle of good cooperation. ‘Good cooperation’ means cooperation in which the primary consideration is not the interests and goals of the administrative authorities concerned, but the interests of citizens, businesses and institutions (even if there are adverse consequences for the organisations themselves).

#### **2 Executive tasks of government cutting across public-private divide**

The growing complexity of government includes an increase in links and ties between the public and the private sector. As more and more of the executive tasks of government are handed to private agencies or public-private partnerships, chain cooperation also cuts across the dividing line between the public and the private sector.

#### **3 Overall direction and cutting through knots**

Complex problems are often impossible to resolve if each authority insists on simply acting in accordance with its own statutory powers and procedures. For that reason, it is sometimes necessary to cut through the tangles of red tape and propose a workable practical solution in an individual case. Authorities often hesitate to do this themselves because none of the parties involved is in an obviously leading position and the financial consequences are problematic. The National Ombudsman could well take on the role of knot-cutter in such situations.

#### **4 Incentives**

Thought needs to be given to the provision of incentives for authorities to come up with their own practical solutions to complex problems. At present, administrative authorities can frequently wait until citizens launch complaint, objection or review procedures. Where chain computerisation creates widespread problems, the National Ombudsman is often forced to act as a safety net for hundreds of cases at a time, risking delays in other on-going areas of work.

#### **5 Easy-access problem resolution/complaints procedures, especially for vulnerable groups in society**

It is important to create well-recognised easy-access problem resolution procedures. The pattern of complaints shows that many people simply lose their way in the government machine. Weaker citizens tend to just give up. But even highly educated citizens are often uncertain about where to go, have difficulty finding out, or have to be extremely persistent to get anywhere. Objection and review procedures are available in relation to many kinds of official decisions. But such legal proceedings are not the best way to resolve problems in practice, particularly when they result from chain cooperation. There should be easily accessible ways of resolving problems without resorting to legal proceedings. Publicity and more effective referral to the National Ombudsman are both required to help citizens solve their problems.

# Statistical overview

## Frontoffice

People who phone the National Ombudsman or walk in off the street are served by front office staff. The front office has a free telephone number (0800 – 33 55555) and is open throughout the working week. People who adopt this approach often do so because they are unable to find their way around the government machine or because they have consumer issues. The most notable problems they raised in 2008 concerned the Central Administrative Office for Exceptional Medical Insurance (CAK), the credit crisis (IceSave personal savings accounts and how to contact De Nederlandsche Bank for information), and the Electronic Patient Database (EPD). The main role of the front office is to tell people about possible ways to resolve their problems and to use its expertise to refer them to the right body. In the latter respect, front office staff maintain close contact with a wide range of public bodies, including the free legal advice service. An initial contact with the front office sometimes leads to the submission of a written complaint.

Table I Numbers of contacts with the front office

Contacts	2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%
Telephone calls	24,652		26,730		24,271		20,621	
Visits	120		132		83		71	
Total, of which	24,772		26,862		24,354		20,692	
government		58		65		63		62
non-government		42		35		37		38

The largest numbers of enquiries about government related to dissatisfaction with the quality of service received from government bodies (4,929), substantive decisions (2,979) and the speed of government bodies’ internal complaints procedures (1,215).

## Written complaints

The number of written complaints received by the National Ombudsman in 2008 was much the same as in 2007: 13,073 compared with 13,242. The proportion of complaints submitted digitally is increasing year on year: up from 25% in 2004 to 45% in 2008.

Table 2 Volume of written complaints

Complaints	2004	2005	2006	2007	2008
Digital	2,836	3,257	5,166	5,340	5,828
By post	8,319	8,595	9,491	7,902	7,245
Total received	11,156	11,852	14,607	13,242	13,073
Closed	11,347	11,451	14,910	13,096	13,102
Pending at 31/12	1,602	2,006	1,704	1,850	1,831

Figure 1 Volume of written complaints

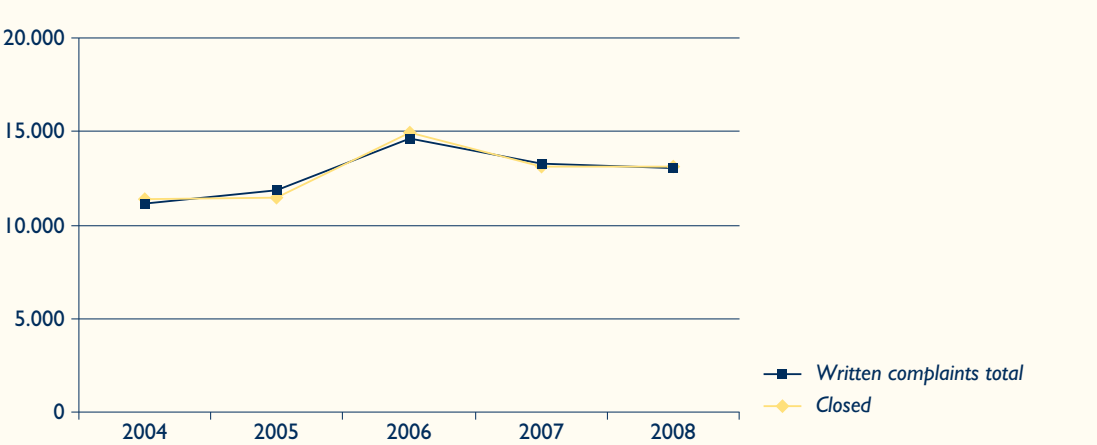


Table 3 shows the volume of complaints broken down into the various areas of government policy.

**Table 3 Complaints received about government in 2005-2008**

Complaints received	2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%
<b>Ministries<sup>1)</sup></b>								
General Affairs	23	0.2	9	0.1	10	0.1	14	0.1
Foreign Affairs	380	3.7	355	2.7	219	2.0	175	1.6
Justice	875	8.6	819	6.3	978	8.8	1,230	11.0
Immigration and Integration <sup>2)</sup>	1,149	13.9	987	7.6	439	4.0	-	-
Interior and Kingdom Relations	49	0.5	73	0.6	83	0.7	87	0.8
Education, Culture and Science	317	3.1	270	2.1	364	3.3	392	3.5
Finance	1,332	13.0	3,331	25.6	3,439	31.0	2,778	24.9
Defence	55	0.5	74	0.6	71	0.6	73	0.7
Housing, Spatial Planning and the Environment	717	7.0	572	4.4	229	2.0	101	0.9
Housing, Communities and Integration	-	-	-	-	-	-	2	≈0
Transport, Public Works and Water Management	185	1.8	325	2.5	324	2.9	395	3.5
Economic Affairs	32	0.3	39	0.3	35	0.3	39	0.3
Agriculture, Nature and Food Quality	46	0.5	45	0.3	43	0.4	56	0.5
Social Affairs and Employment	2,129	20.8	2,717	20.9	1,728	15.6	1,238	11.1
Health, Welfare and Sport	410	4.0	773	6.0	472	4.3	1,757	15.8
Youth and Families	-	-	-	-	1	0.1	9	0.1
Development Cooperation	2	0.1	1	0.1	-	-	-	-
<b>Regulatory industrial organisations</b>								
	6	0.1	5	0.1	9	0.1	4	≈0
<b>Police</b>								
	930	9.1	974	7.5	918	8.3	956	8.6
<b>Sub-national government</b>								
Mayors	7	0.1	6	0.1	3	0.1	3	≈0
Water boards	141	1.4	162	1.2	140	1.3	120	1.1
Municipalities	1,093	10.7	1,324	10.2	1,431	12.9	1,570	14.1
Provinces	49	0.5	43	0.3	59	0.5	63	0.6
Joint bodies	9	0.1	64	0.5	76	0.7	89	0.8
<b>Total</b>	<b>10,206</b>	<b>100</b>	<b>12,968</b>	<b>100</b>	<b>11,071</b>	<b>100</b>	<b>11,151</b>	<b>100</b>

<sup>1)</sup>Including autonomous administrative bodies.

<sup>2)</sup>Since 22 February 2007, the fourth Balkenende government no longer has a separate minister with this portfolio; the majority of the complaints previously listed under Immigration and Integration now fall under Justice.

Table 3 reflects a number of trends: a decline in the volume of complaints about the Tax Department, the Employee Insurance Schemes Implementing Body (UWV), the Central Organisation for Work and Income (CWI), the Immigration and Naturalisation Service (IND) and the National Maintenance Collection Agency (LBIO), but an increase in the volume of complaints about the Central Administrative Office for Exceptional Medical Insurance (CAK) and the Government Road Transport Agency (RDW).

## Methods

The first step is to find out what the complainant really wants to achieve; this is done by discussing the complaint with him or her, either by telephone or face-to-face. The approach likely to be most effective is then decided, depending on the nature of the complaint. Table 4 shows that intervention is the most frequently preferred method and that its use has increased rapidly over recent years.

**Table 4 Method of resolving complaints accepted for investigation 2005-2008**

Complaints	2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%
Resolution via intervention	1,638	52	3,952	73	2,899	75	4,120	89
Investigation with proper conduct decision	421	13	401	8	339	9	324	7
Discontinued/resolved	213	7	329	6	240	6	134	3
Referred back to administrative authority	861	28	719	13	399	10	36	1
<b>Total</b>	<b>3,133</b>	<b>100</b>	<b>5,401</b>	<b>100</b>	<b>3,877</b>	<b>100</b>	<b>4,614</b>	<b>100</b>

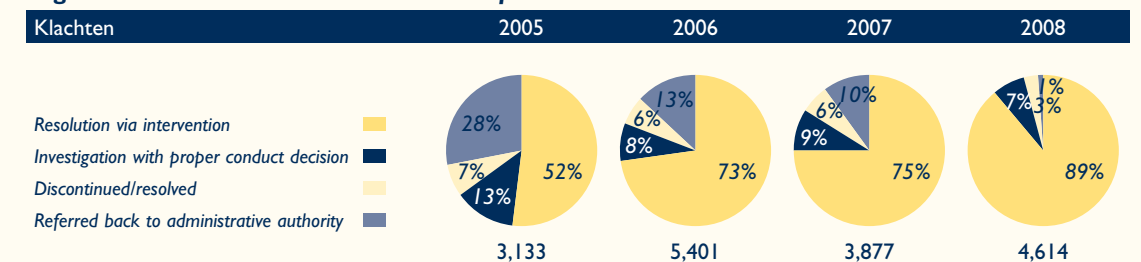
N.B. In 2005 417 reports were issued related to 421 complaints.

In 2006 400 reports were issued related to 401 complaints.

In 2007 334 reports were issued related to 339 complaints.

In 2008 322 reports were issued related to 324 complaints.

**Figure 2 Methods used to resolve complaints 2005-2008**





### *1 Resolution via intervention*

Staff contact the administrative authority directly in the hope of achieving a quick solution to the complainant's (often urgent, financial) problem. This frequently successful method is effective if a mistake can be corrected or if the real subject of the complaint is the authority's failure to act. Staff of the National Ombudsman's Office can often persuade the authority to speed things up. Intervention is the most frequently preferred method, its use having increased greatly over recent years. In addition, 34 mediation meetings were held between complainants and staff from the administrative authorities concerned at the National Ombudsman's office in 2008; these were mediated by a trained member of the National Ombudsman's support staff.

### *2 Investigation with proper conduct decision*

This approach entails an investigation of the conduct of an administrative authority, culminating in the issue of a written decision on its propriety.

### *3 Discontinued/resolved*

In some cases, an investigation is launched but then discontinued without reaching a decision. There are various reasons for this: the complainant may not wish the investigation to continue or may have ceased to respond to all efforts to communicate with him or her, the investigation may have revealed that the case is actually outside the National Ombudsman's jurisdiction, or the complaint may have proved to be unfounded.

### *4 Referred back to administrative authority*

Sometimes, the citizen may already have submitted a complaint to the administrative authority concerned and that body has simply failed to recognise the expression of dissatisfaction as a complaint and deal with it as such. In such cases, the National Ombudsman asks the administrative authority to handle the complaint itself.

## **Reports**

When investigations lead to a proper conduct decision, that decision is sometimes communicated in a letter to the complainant and the administrative authority concerned, but is more usually published in a report. In 2008, 322 reports were published. In 259 of them (= 80%) the complaint was found to be justified on at least one count.

In 2008, the average duration of an investigation culminating in a report containing a proper conduct decision was reduced to eleven months (compared with 13.5 in 2007). The average duration of intervention procedures increased to 62 days (compared with 52 in 2007). The new office-wide approach of phoning complainants soon after receiving their complaints proved to be effective. The approach is time-consuming but frequently leads to the complainant being offered a more appropriate solution

## **Investigations undertaken on the Ombudsman's own initiative**

In 2008, the National Ombudsman launched ten investigations on his own initiative. The results of seven of them were published within the calendar year. The Ombudsman uses this procedure to expose structural problems in public administration and help to resolve them, for example by issuing recommendations.

The method enables the National Ombudsman to investigate wider issues. For example, a stream of individual complaints about a particular issue may make it obvious that something is structurally wrong in the work of a given administrative authority. There is then little point in simply investigating each new complaint in isolation. It will be more effective to examine the cause of the complaints and recommend the authority to take appropriate structural measures.

The reports published on such investigations in the course of 2008 related to the way government ministries handle letters from the public, the preventive detention of eight hundred Feyenoord supporters at the end of a Feyenoord-Ajax football match, the mislaying of documents in immigration cases, the treatment of vexatious complainants, the severance pay of a lecturer at a tertiary education college in Utrecht, government transparency, and letters from the Ministry of Housing, Spatial Planning and the Environment and its Directorate-General for Housing, Communities and Integration (at the ministry's own request). Investigations still continuing at the end of 2008 related to government compensation payments, the care of serving or former members of the military suffering from post-traumatic stress syndrome, and public participation procedures in the sub-national government field

## **Handling of complaints about the National Ombudsman or his staff**

In 2008 the National Ombudsman received 28 complaints about himself and his staff. This constituted a return to the 2006 level, after an increase of 42 complaints in 2007. The allegations concerned matters such as careless or ineffective investigations, delays, staff partiality, and administrative errors leading to invalid decisions by the National Ombudsman. These complaints were handled with particular care because the complainants concerned have no recourse beyond the National Ombudsman himself. It is therefore especially important that the complaints of people who are disappointed with the treatment they receive from the National Ombudsman are treated by him with the utmost seriousness.

In 2008, 29 applications were received for the review of decisions by the National Ombudsman. Three of them were granted.

# Management

This was a year of change in the management of the National Ombudsman’s Office. A great deal of energy was devoted to equipping the organisation to adopt a new, less standardised and more personal, resolution-oriented approach. In addition, a new office culture was introduced with a view to making the organisation more efficient and task-oriented. At the same time, the complaints submitted to the Ombudsman became more complex. This trend is partly due to the chain-related problems underlying increasing numbers of complaints and partly due to the improved performance of administrative authorities’ own internal complaints management systems. This means that the mass of fairly straightforward complaints are now being dealt with by the bodies themselves and only the more complex cases end up in the hands of the Ombudsman.

## Financial affairs

Table 5 shows the budgeted and actual figures for the income and expenditure of the National Ombudsman’s Office in 2006, 2007 and 2008.

Table 5 Budgeted and actual figures 2006-2008

Figures x € 1.000	2006		2007		2008	
	Expenditure	Income	Expenditure	Income	Expenditure	Income
Finalised draft budget	8,477	39	9,675	39	10,931	39
Supplementary budget	1,769	39	2,729	39	1,494	39
Total budget	10,246	39	12,404	39	12,425	39
Actual figures	11,519	139	12,467	231	12,325	144
Difference	-1,273	100	-63	192	100	105

In 2008, 76% of total expenditure (€12.325 million) related to staff and 24% to non-staff costs.

## Staff

The table below shows the maximum authorised staffing levels and average actual staffing levels at the National Ombudsman’s Office in 2007 and 2008.

Table 6 Maximum authorised and average staffing levels (not including office-bearers)

Figures in FTEs	2007	2008
Maximum authorised staffing levels	152	150
Average actual staffing levels	141	134

Table 6 shows the considerable difference between the maximum staffing level authorised by law and the average actual staffing level in 2008. This was caused by a large outflow of staff in the course of the year.

### **Production credits**

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