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Office of the Ombudsman

SIX RULES FOR GETTING IT RIGHT



THE OMBUDSMAN'S GUIDE TO GOOD ADMINISTRATION



**Issued by the Office of the Ombudsman,
6 Earlsfort Terrace, Dublin 2. D02 W773**

Telephone: **01 639 5600**
Email: **info@ombudsman.ie**
Website: **www.ombudsman.ie**
Twitter: **[@officeombudsman](https://twitter.com/officeombudsman)**



INTRODUCTION

"The purpose of this guide is to help service providers to provide a first-class service to their customers. The guide draws on my Office's experience of examining complaints against the public service, and highlights the key elements of good administration."

This guide sets out six basic rules:

1. Get it right
2. Be customer oriented
3. Be open and accountable
4. Act fairly and proportionately
5. Deal with errors effectively
6. Seek continuous improvement



In doing so, it:

- proposes a clear framework within which service providers should operate;
- describes the standards against which services may be judged;
- clarifies the grounds on which the Ombudsman will judge the performance of a service provider.

The guide should be read in conjunction with **Redress: Getting it wrong and putting it right** which is available online at www.ombudsman.ie and through the Office of the Ombudsman.

Peter Tyndall
Ombudsman

THE SIX RULES - SUMMARY

These rules are not a checklist to be applied mechanically. Service providers should use their judgement in applying the rules to produce reasonable, fair and proportionate results in each circumstance. The Ombudsman will adopt a similar approach in deciding whether maladministration or service failure, causing adverse effect, has occurred.



RULE 1 **GET IT RIGHT**

This can be achieved by:

- (i) Acting in accordance with the law and with due regard for the rights of those concerned
- (ii) Acting in accordance with the service provider's policy and guidance
- (iii) Taking proper account of established good practice
- (iv) Providing effective services, using appropriately trained and competent staff
- (v) Making reasonable decisions, based on all relevant considerations
- (vi) Avoiding undue delay



RULE 2 **BE CUSTOMER ORIENTED**

This can be achieved by:

- (i) Ensuring people can access services easily, including those with a disability or special needs
- (ii) Informing customers what they can expect and what the service provider expects of them
- (iii) Keeping to commitments, including any published service standards
- (iv) Dealing with people helpfully, promptly and sensitively, bearing in mind their particular individual circumstances
- (v) Responding to customers' needs flexibly including, where appropriate, co-ordinating a response with other service providers



RULE 3 **BE OPEN AND ACCOUNTABLE**

This can be achieved by:

- (i) Being open and clear about policies and procedures, and ensuring that information and any advice provided is clear, accurate and complete
 - (ii) Stating the criteria for decision making and giving reasons for decisions
 - (iii) Handling information properly and appropriately
 - (iv) Keeping proper and appropriate records
 - (v) Taking responsibility for your actions
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RULE 4
ACT FAIRLY AND
PROPORTIONATELY

This can be achieved by:

- (i) Treating people impartially, with respect and courtesy
- (ii) Avoiding unfair discrimination or prejudice, and ensuring no conflict of interests
- (iii) Dealing with people and issues objectively and consistently
- (iv) Ensuring that decisions and actions are proportionate, appropriate and fair
- (v) Ensuring that rules are applied equitably



RULE 5
DEAL WITH ERRORS
EFFECTIVELY

This can be achieved by:

- (i) Acknowledging mistakes and apologising where appropriate
- (ii) Putting mistakes right quickly and effectively
- (iii) Providing clear and timely information on how and when to appeal or complain
- (iv) Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld



RULE 6
SEEK CONTINUOUS
IMPROVEMENT

This can be achieved by:

- (i) Reviewing policies and procedures regularly to ensure they are effective
- (ii) Asking for feedback and using it to improve services and performance
- (iii) Ensuring that the service provider learns lessons from complaints and uses these to improve services and performance
- (iv) Identifying systemic problems and correcting them

SIX RULES FOR GETTING IT RIGHT



THE SIX RULES – IN DETAIL



RULE 1 GET IT RIGHT

(i) Acting in accordance with the law and with due regard for the rights of those concerned

Service providers should:

- comply with the law and have regard for the rights of those concerned
- act according to their statutory powers and duties and any other rules governing the service they provide
- follow their own policy and procedural guidance, whether published or internal
- use their powers only for the specific purpose for which they are given
- apply their powers with objectivity and impartiality
- disregard factors which are not relevant to a particular case

(ii) Acting in accordance with the service provider's policy and guidance

Service providers should:

- act in accordance with relevant codes of practice and established good practice
- ensure that decision making criteria are clear and relevant and can be applied objectively so that decisions are not made on an inconsistent, ad hoc or subjective basis

(iii) Taking proper account of established good practice

Service providers should:

- take proper account of recognised quality standards, established good practice and their own guidance
- record the reason(s) when they decide to depart from these standards

(iv) Providing effective services, using appropriately trained and competent staff

Service providers should:

- provide effective services with appropriately trained and competent staff who understand and fulfil the legal requirements relevant to their area of activity
- plan carefully when introducing new policies and procedures
- plan and prioritise their resources to meet their statutory duties, published service standards or both

(v) Taking reasonable decisions, based on all relevant considerations

Service providers should:

- take account of all relevant considerations, ignore irrelevant ones and balance the evidence appropriately when making decisions
- ensure that discretionary powers are exercised in a reasonable manner
- operate fairly and reasonably when assessing risk

(vi) Avoiding undue delay

Service providers should avoid undue delay - particularly in cases where practical difficulties may arise for the individual as a result or where uncertainty may be created.



RULE 2 **BE CUSTOMER ORIENTED**

(i) Ensuring people can access services easily, including those with a disability or special needs

Service providers should:

- provide services and information that are easily accessible to their customers
- have policies and procedures which are clear
- provide accurate, complete and understandable information about their services
- communicate effectively, using language that people can understand and that is appropriate to them and their circumstances

(ii) Informing customers what they can expect and what the service provider expects of them

Service providers should:

- inform customers about their entitlements
- ensure that clients understand what they can and cannot expect from the organisation
- ensure that customers understand their own responsibilities

(iii) Keeping to commitments, including any published service standards

Service providers should:

- do what they say they are going to do
- keep a commitment or explain why they cannot, if that is the case
- meet their published service standards, or let customers know if they cannot

(iv) Dealing with people helpfully, promptly and sensitively, bearing in mind their particular individual circumstances

Service providers should:

- behave helpfully, dealing with people promptly, within reasonable timescales and within any published time limits (Under the Ombudsman Amendment Act 1980 as amended, there is an obligation on service providers to give reasonable assistance and guidance to people, and provide information to people on any rights of appeal or review)
- avoid undue delay
- tell people if things may take longer than originally stated
- treat people with sensitivity, bearing in mind their individual needs
- respond flexibly to the circumstances of a case, by having regard to the individual's age, to their capacity to understand often complex rules, to any disability they may have and to their feelings, their privacy and convenience

(v) Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers

Service providers should:

- where appropriate, deal with customers in a co-ordinated way with other service providers to ensure their needs are met
- refer them to any other sources of assistance, if they are unable to help



RULE 3

BE OPEN AND ACCOUNTABLE

(i) Being open and clear about policies and procedures and ensuring that information, and any advice provided is clear, accurate and complete

Service providers should:

- handle information as openly and transparently as the law allows
- give people information and, if appropriate, advice. This should be clear, accurate, complete, relevant and timely
- simplify procedures and forms

(ii) Stating the criteria for decision making and giving reasons for decisions

Service providers should be open and truthful when accounting for their decisions and actions

(iii) Handling information properly and appropriately

Service providers should:

- handle and process information properly and appropriately in line with the law
- respect the privacy of personal and confidential information, as the law requires (See the provisions of the Data Protection Act for example)

(iv) Keeping proper and appropriate records

Service providers should:

- create and maintain reliable and usable records as evidence of their activities
- manage records in line with recognised standards to ensure that they can be retrieved
- retain records for as long as there is a statutory duty and / or business need

(v) Taking responsibility for actions

Service providers should take responsibility for the administrative and business related actions of their staff.



RULE 4 ACT FAIRLY AND PROPORTIONATELY

(i) Treating people impartially, with respect and courtesy

Service providers should:

- deal with people fairly and with respect
- be prepared to listen to their customers
- avoid being defensive when things go wrong
- understand and respect the diversity of their customers
- ensure equal access to services and treatment regardless of background or circumstance

(ii) Avoiding unfair discrimination or prejudice, and ensuring no conflict of interest

Service providers should:

- ensure that actions and decisions are free from any personal bias or interests that could prejudice those actions and decisions
- declare any conflict of interest
- not act in a way that unlawfully discriminates against or unjustifiably favours particular individuals or interests

(iii) Dealing with people and issues objectively and consistently

Service providers should:

- treat people fairly and consistently, so that those in similar circumstances are dealt with in a similar way
- justify any difference in treatment by the individual circumstances of the case

(iv) Ensuring that decisions and actions are proportionate, appropriate and fair

Service providers should:

- ensure that the measures taken are proportionate to the objectives being pursued, appropriate in the circumstances and fair to the individuals concerned
- avoid penalties which are out of proportion to what is necessary to ensure compliance with the rules

(v) Ensuring that rules are applied equitably

Service providers should:

- accept that rules and regulations, while important in ensuring fairness, should not be applied so rigidly or inflexibly as to create an inequity
- address any unfairness, if, in applying (a) the law, (b) regulations or (c) procedures strictly would lead to an unfair result for an individual



RULE 5 DEAL WITH ERRORS EFFECTIVELY

(i) Acknowledging mistakes and apologising where appropriate

Service providers should acknowledge when mistakes happen, apologise, explain what went wrong and put things right quickly and effectively.

(ii) Putting mistakes right quickly and effectively

Service providers should:

- correct any decisions found to be incorrect
- review and amend any policies and procedures found to be ineffective, unworkable or unfair
- give appropriate notice before changing rules.

(iii) Providing clear and timely information on how and when to appeal or complain

- Service providers should:
- provide clear and timely information about methods by which people can appeal or complain (Under the Ombudsman Act there is a duty on service providers to provide information to people on any rights of appeal or review)
- provide information about appropriate organisational or independent ways of resolving complaints
- consider providing information about possible sources of help for the customer, particularly for people who may find the complaints process daunting

(iv) Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld

Service providers should:

- operate effective complaints procedures which investigate complaints thoroughly, quickly impartially and meet the principles of fair procedure and natural justice
- provide an appropriate range of remedies to the complainant and any others similarly affected when a complaint is upheld. A remedy might include:
 1. an explanation and apology,
 2. remedial action by the service provider,
 3. financial compensation for the complainant, or
 4. a combination of these.

The remedy offered should seek to put the complainant back in the position they would have been in if nothing had gone wrong. Where this is not possible, as will sometimes be the case, the remedy offered should fairly reflect the harm the complainant has suffered.



RULE 6 **SEEK CONTINUOUS IMPROVEMENT**

(i) Reviewing policies and procedures regularly to ensure they are effective

Service providers should review their policies and procedures regularly to ensure they are effective.

(ii) Asking for feedback and using it to improve services and performance

Service providers should actively seek and welcome all feedback, both compliments and complaints.

(iii) Ensuring that the service provider learns lessons from complaints and uses these to improve services and performance

Service providers should use feedback to improve their service delivery and performance. They should capture and review lessons learned from complaints so that they contribute to developing services. Service providers should also provide the necessary follow-up and guidance to staff where appropriate.

(iv) Identifying systemic problems and correcting them

Where systemic problems are identified, they should be corrected. Other service providers who provide similar services and who would benefit from a similar correction should also be alerted.
