



## **A Reappraisal: The Nature and Value of Ombudsmen in Federal Agencies**

A Primer prepared for the International Ombudsman Association's April 2017 Annual Conference  
Workshop: *Navigating the Unknown: The Rise and Expansion of the Federal Ombuds*

### **Overview**

Twenty-six years ago, Recommendation 90-2 of the Administrative Conference of the United States (ACUS or the Conference) played a pivotal role in encouraging support for the use of ombuds in the federal government and providing guidance for the establishment and operations of federal ombuds offices. Since that time, the number, prominence and diversity of federal ombuds offices have grown significantly. However, due to a lack of comprehensive information available about this promising, if at times confusing, new landscape, fundamental questions about the current shape and purposes of federal ombuds remained unanswered.

In response to this marked growth and development, ACUS contracted with chiResolutions, LLC to conduct a study in order to reevaluate the 1990 recommendation and examine what is happening today among federal ombuds in terms of who they are, what they do, why they do it, how they do it, and the value they bring. Our 2016 report provided an empirical basis for examining the shape and development of federal ombudsmen in the ensuing years, and more importantly, informed the Conference's new Recommendation that aims to improve practice, drive policy, build theory, and ensure the success of the field.

The 600-page report is divided into 4 sections: 1) an *Executive Summary*; 2) a *Research Report* containing an analysis of both quantitative and qualitative survey data from practicing federal ombuds (phase 1) as well as case studies and profiles (phase 2); 3) an analysis of the *Legal Issues* affecting federal ombuds; and 4) a proposed *Recommendation* for ACUS' consideration.

ACUS' final Recommendation, 2016-5, *The Use of Ombuds in Federal Agencies*, adopted December 14, 2016 (81 Fed. Reg. 94,316, Dec. 23, 2016) by the full Conference, is a direct response to the exponential growth, as well as the need to redefine, standardize, and organize that follows. In addition to urging Congress and the President to create, fund, and otherwise support ombuds offices across the federal government, it provides detailed suggestions to agencies and Congress regarding how the offices should be established and run, as well as supported by agency leadership.

The Recommendation advises that all current and future ombuds offices, should have the ability and be expected to adhere to the three core standards of independence, confidentiality, and impartiality, and goes on to offer several procedural suggestions for doing so. Notably, the Conference recommends that existing offices with the ombuds title that do not adhere to these standards should consider modifying their title, where permitted, to avoid any confusion. The Recommendation addresses staffing, training, office evaluation, outreach and education, records management, legal issues, and designation of a central federal ombuds entity, and emphasizes the necessity of the



ombuds to have access to counsel for matters within the ombuds' purview, without conflicts of interest.

What follows is a summary of highlights from our report to include our original Taxonomy, information on ombuds functions and value gleaned from our quantitative and qualitative surveys, numerous interviews, case studies and profiles, as well as policy considerations, legal guidance, and finally a quick overview of the Recommendation. If you are interested in reading the complete report and ACUS' Recommendation, and we hope you do, please visit <https://www.acus.gov/research-projects/use-ombuds-federal-agencies> for the entire text and history of the project.

## **Who Are the Federal Ombuds? The Federal Ombuds Taxonomy**

The foundation of our study was to capture an accurate and up-to-date picture of the current federal ombuds landscape. To do so required an organizing structure to describe and understand what we were finding. We quickly realized, however, that none of the existing ombuds typology worked in a precise way for all federal ombuds. Attempts to differentiate ombuds offices—by origin (legislative or executive), by constituents (external or internal), by standards of practice and definitional characteristics, or generalist vs. specialist focus—all lead to finding many ombuds offices of mixed characteristics which defy easy categorization. We believe this is partially because several major federal ombuds functions are unique to the federal government and previous attempts to classify ombuds did not fully account for federal ombuds. It is also a byproduct of the recent proliferation in the use of ombuds within the federal government.

Not surprisingly, the increased use of ombuds has led to an increase in the permutations of the types, functions, and characteristics of ombuds. Today, the variety of federal ombuds can be bewildering to the ombuds themselves, much less the casual observer, critic, or legislator. Indeed, the very term 'ombuds' itself has been stretched to its limit, to the extent that the term now refers to a wider range of positions than those that comply with accepted Standards of Practice.

In the interest of including the widest range of federal offices with the ombuds title, and for purposes of clarity in our report, we developed a nomenclature that refers to constituents rather than issues. We recognize that the lines are not hard and fast, and some ombuds offices fall into more than one classification, which is why we began with two very general primary types:

**Internally-Facing** – Ombuds who serve internal, or predominantly internal constituents, including employees, managers, leaders, individual contractors and subcontractors and grantees. Within this classification, we created three primary sub-groups: *Organizational Ombuds*, *Analytic Ombuds*, and *Whistleblower Protection Ombuds*. The first subtype serves all agency employees. The second two specialty/subject matter serve specific populations within an agency.



**Externally-Facing** – Ombuds who serve external, or predominantly external constituents, including the public, regulated entities and federal contractors. Within this classification, we created three primary sub-groups: *Programmatic Ombuds*, *Subject Matter/Agency-wide Ombuds*, and *Advocate Ombudsmen*.

The subtypes account for the variations among both internals and externals with regard to a) the genesis of their offices (legislative or executive action or both), b) what the ombuds are authorized to do, and c) their standards of practice.

We realize that there are some federal ombuds offices that serve both internal and external constituents and welcome refinement of our taxonomy in the future. We offer it as a starting (and hopefully organizing) point in the discussion of federal ombuds. However, given the rapid growth of the profession of late, the need for a universally recognized definition of the term 'ombuds' has never been more critical. Without it, we risk diluting the profession and ultimately, limiting the ombuds' ability to be of value.

Please note: the authors did not identify any traditional classical ombuds in the Federal Government. Classical ombudsmen are ombuds created by law or appointed by a national, state, or other legislative body to ensure the fair treatment of the population regarding actions by government agencies or officials.

For more information, please see the full **Taxonomy** at the end of this document.

<b>Internals</b> Primarily serves constituents internal to the agency	<b>Organizational Ombuds</b> Designated neutral who provides confidential, informal, independent, and impartial assistance through dispute resolution and problem-solving methods E.g. Dept. of Energy, Dept. of State, Dept. of the Interior, National Institutes of Health
	<b>Whistleblower Protection Ombuds</b> Designated individual or office whose role is to educate about prohibitions on retaliation for protected disclosures. Does not serve as an agent or advocate. E.g. Found in all IG Offices
	<b>Analytic Ombuds</b> Individual or office responsible for responding to concerns raised by intelligence community analysts about adherence to analytic (or tradecraft) standards. E.g. Defense Intelligence Agency, Office of the Director of National Intelligence, & NSA
<b>Externals</b> Primarily serves constituents external to the agency	<b>Programmatic External Ombuds</b> Independent, impartial employee appointed to facilitate informal resolution of concerns about specific program areas E.g. FDA's Center for Biologics Evaluation and Research, USDA Humane Handling Ombuds, FCC Open Internet Ombudsperson, FAA's Aviation Noise Ombudsman
	<b>Subject Matter/Agency-Wide Ombuds</b> Independent, impartial employee with authority and responsibility to receive, investigate or informally address complaints about their agency or agency officials. E.g. Consumer Financial Protection Bureau, US Citizenship and Immigration Services Ombudsman, GSA's Task Order and Delivery Order Ombuds, NASA Procurement Ombuds
	<b>Advocate Ombuds</b> An individual appointed to receive, investigate, and attempt to resolve informally concerns about or within an agency; authorized to act on behalf of those aggrieved. E.g. IRS's National Taxpayer Advocate, Long-Term Care Ombuds, DoD's Wounded Warriors Ombuds & Navy Family Ombuds



## The Value of Federal Ombuds

One way to understand the breadth – and depth - of value of federal ombudsmen is to glance at the lengthy list of functions performed by ombuds professionals, as well as the accomplishments they report. Another is to listen to constituents, visitors, stakeholders, and senior leaders about the value their agency's ombuds have added—as we did in dozens of interviews and in our case studies. Taken together, our research revealed a wide range of tangible benefits of ombuds services, including reduction of legal costs, enhancement of employee morale and customer satisfaction, increased employee and customer engagement, improved products and/or services that ultimately advance the agency mission, and significant contributions to systemic changes in agency policy or procedure through effective handling of an “early warning” issue or serious dispute.

### Functions and Self-Reported Accomplishments

There are many commonalities among the functions performed by federal ombuds. Almost all the ombuds in our survey report working—in many ways—to be seen as fair, accessible, and credible. Almost all report that they do not have management decision-making functions. Most report working to develop responsible, ethical and effective options for their constituents and to provide relevant referrals. Importantly, these are functions and characteristics of ombuds across the U.S. both in the public and private sectors. They also provide the platform of greatest unanimity among the ombuds who responded to the survey. At the same time, we observed some variation in functions from ombuds who primarily serve constituents internal to their agency and those who primarily serve constituents external to their agency.

*Externally-facing ombuds* were more likely to report supporting their agency with specific mission-related initiatives; helping the agency to improve specific policies, procedures, or structures; making administrative decisions to resolve specific issues; providing support within the agency to keep its organizational processes coordinated; and advocating on behalf of individuals. In many ways, the external's role is that of an agency ambassador who provides a bridge between the concerns of those outside of the government and the government itself. This is especially valuable in instances where the ombuds provides a voice for populations that would otherwise be ignored or have limited options. The overall impact is an increase in the public's trust and approval in the federal government.

*Internally-facing ombuds* (and many externally facing ones as well) were more likely to report helping constituents by providing a safe way to discuss perceptions of unsafe or illegal behavior; promoting the use of fair and helpful options; helping to prevent problems by coaching one-on-one; and providing group training and briefings to constituents. As a result, morale and productivity increase, employees are more committed to the agency's mission, and the overall work environment is more positive.

*Whistleblower ombuds and procurement ombuds*, consonant with their focus on more narrowly defined responsibilities, described their accomplishments as providing specific



information and education, as well as guidance about very specific matters of concern to their constituents.

The following tables highlight the broad range of functions that ombuds reported they perform and the percentage of respondents who reported performing them:

<b>Percentage of ombuds who report conducting the following functions:</b> <i>Working to be seen as fair, safe, accessible, and credible.</i>		
	<b>Internal</b>	<b>External</b>
Delivering respect, with careful attention to the feelings of visitors and responders	90%	95%
Providing an "opportunity to be heard"	90%	95%
Providing and explaining information, one-on-one	95%	95%
Listening to vital information, one-on-one	90%	90%
Being alert to urgent issues, and the possibility of an emergency	60%	80%
Reframing issues, and developing increased awareness of others' perspectives	80%	95%
Helping to develop and evaluate responsible, ethical, and effective options	75%	80%
Monitoring the accessibility of the ombuds office, and use by diverse constituents	75%	65%
Monitoring the ombuds office response time	75%	75%

<b>Percentage of ombuds who report conducting the following functions:</b> <i>Helping people to help themselves.</i>		
	<b>Internal</b>	<b>External</b>
Offering the option of referrals to other resources including subject matter experts	90%	95%
Helping visitors to collect, organize and understand their own information	80%	75%
Helping visitors (if they choose to do so) to use a direct approach	70%	50%
Teaching special skills as relevant	30%	40%
Educating constituents about their legal rights	65%	65%

<b>Percentage of ombuds who report conducting the following functions:</b> <i>Working within the agency and with all relevant organizational systems.</i>		
	<b>Internal</b>	<b>External</b>
Providing early warning of "new" issues consonant with the orgs's Standing Operating Procedures	60%	80%
Keeping ephemeral notes for the ombuds office, and identity-free statistics	70%	70%
Identifying and communicating about patterns of issues, and their root causes	60%	85%
Serving as neutral facilitators for senior leader meetings	40%	35%
Working for specific systems change	35%	60%
Serving as a non-voting resource person for policy committees	15%	20%
Helping managers with technological change, professional development, and change management	40%	15%
Working to support specific, mission-related, agency initiatives	20%	55%
Following up on organizational change recommendations made by ombuds	35%	45%
Helping informally to coordinate services across the agency	30%	50%
Working informally to influence policies and procedures	45%	70%
Working informally to influence legislation and regulations	10%	30%



Frequency with which ombuds conduct the following functions: <i>Informal intervention to work for a fair process.</i>		
	Internal	External
Working with leaders to assuage concerns about retaliation, helping leaders to be seen as approachable and fair	75%	55%
Offering shuttle diplomacy, inside and outside	55%	65%
Offering mediation with people inside and/or outside the agency or department, bringing various people together, occasionally using the power of moral persuasion to get people to consider doing the right thing	55%	45%
"Looking into" a problem informally	75%	85%
Reviewing data files, studies, or other relevant information to make recommendations about a concern	40%	80%
Facilitating a generic approach to an individual problem	70%	65%
Providing training and briefings for constituents and groups	50%	65%
Bringing together task forces	20%	25%
Running focus groups	30%	15%
Assisting with process issues involved in an appeals process	15%	50%
Following up on a specific case with relevant additional stakeholders	60%	65%

Percentage of ombuds who report conducting the following functions: <i>Other organizational functions.</i>		
	Internal	External
Participating as a voting member on committees	0%	10%
Advocating within the agency on behalf of injured persons or parties	10%	35%
Keeping records for the office, to record the settlement/outcome	25%	65%
Keeping records for compliance purposes	20%	50%
Maintaining agency records under a record retention schedule under FRA*	45%	65%
Conducting formal mediation where recorded settlements are kept by the agency	10%	10%
Writing official investigatory reports to inform management decision-making and administrative action	10%	5%
Issuing official or public reports that recommend specific actions about a case	10%	5%
Issuing official or public reports that recommend specific actions about policies and procedures	5%	15%
Officially providing input to influence regs or legis	5%	25%
Acting as an advocate or witness in the legislative process	0%	15%
Issuing decisions on appeals that are part of a formal appeals process	0%	0%
Making binding decisions about a grievance or conflict	0%	0%

\*Federal Records Act



## Case Studies and Profiles

Interviews with multiple stakeholders involved in a federal ombuds function (e.g., key leadership, ethics counselors, counsel's office, equal employment opportunity office, and constituents who have utilized the ombuds' services) corroborated the self-reported data.

We received numerous examples of how internally-facing ombuds assist employees by modeling an organizational culture of respect, caring, fair process, problem-solving, and an ardent desire for continuous improvement. The ombuds role is viewed as a critical point of initial contact and "sounding board" for many employee issues and conflicts, providing a place for employees "to be heard, an opportunity to vent and/or learn about their rights, and gain a reality check." Furthermore, through their coaching and training efforts, stakeholders found that ombuds have enhanced the "conflict competency" of employees and "helped to evolve the agency culture so that the norm is now for disgruntled employees to sit down and try to work through conflicts first instead of filing grievances." Agency leaders shared that they view internally-facing ombuds as necessary to address "conflict resolution gaps" unmet by traditional alternative dispute resolution (ADR) which tends to focus on the resolution of specific conflicts. Ombuds, on the other hand, were felt to be better able to address the larger systemic issues in a more preventative fashion.

Stakeholders of externally-facing ombuds offices praised the ombuds' risk management function. One senior leader portrayed the ombuds office as a "safety-valve", offering consumers another option to connect with the agency. Senior leaders appreciated the access they provide to the public, as well as their role in "encouraging another line of input", which often leads to constructive criticisms. Similarly, externally-facing ombuds were praised for their ability to reinforce or verify a problem from a totally independent source. Their role was described as "holding a mirror up to our [agency]...and [being able to] elevate our visibility into certain issues."

A critical and unique contribution of all observed ombuds is their role and function in working with systemic issues. By developing rapport, trust, and credibility with clients, employees, managers and top agency officials, ombuds are a conduit to change through their ability to bring repetitive and/or significant topics to management's attention in a safe, confidential way—particularly with controversial issues that might not come forward without confidentiality—and "raising issues others cannot or will not discuss . . . such as barriers in governance structures."

These are just a few of the many comments by ombuds and critical stakeholders contained in the report regarding positive benefits and impacts of federal ombuds. Overall, ombuds are seen to be significant actors in attempts to restore faith, trust, and a sense of fairness and decency to constituents, whether they are internal or external to the organization. One agency Chief of Staff summed up his high regard for the work and value of the ombuds in his own agency by stating "the ombuds and their contributions are one of the best ideas in government."



In summary, ombuds offices are a powerful representation of government institutions being accessible and responsive to the needs and concerns of both external and internal stakeholders. Among the key ways they do this is by “humanizing government” (especially important in today’s political climate); helping folks “navigate through the agency, fellow employees, industry, and the public”, and being involved in continuous system and policy reviews (this might be the function that gives the greatest “return on investment”). In many ways, they serve as “your voice” both to and within government institutions.

### **What Makes a Federal Ombuds an Ombuds? Standards of Practice and Definitional Characteristics**

As the value of the federal ombuds continues to be recognized, we expect the profession to continue on a path of growth. However, if the nation is to fully benefit from federal ombuds, we must understand what ombuds need to be successful. Our research affirms what the ombuds community in both the private and public sectors has understood for many years, both domestically and abroad: the value of the ombuds is predicated on appropriate professional standards of practice and definitional characteristics that allow the ombuds to develop trust and maintain credibility with constituents and key stakeholders. In effect, the standards of practice and definitional characteristics of an ombuds define a unique profession.

Many major professions—for example, surgeons, lawyers, engineers, scientists, and accountants— have standards of practice, and often various kinds of defining characteristics, codes of ethics and guidelines. These principles define the concept of a profession. They help create a community of practice as well as consistency in practice. These principles provide a platform to design new offices and for education and training. They raise awareness about excellence in practice, inform the citizenry and help to manage constituent expectations.

The subjects of our report— as well as the researchers and ultimately the members of the Conference — believe that professional Standards of Practice are essential for ombuds both within and outside of the federal government. To fully understand the importance of the standards to the effectiveness of the ombuds function, we look at them individually although, in fact, they are mutually dependent.

#### Standards of Practice:

#### *Independence, Neutrality and Impartiality, and Confidentiality*

##### Independence

- Promotes the neutrality and impartiality of the ombuds by removing or limiting the possibility of coercion and undue influence from any stakeholder, including senior leadership. This is especially true for those whose existence is dependent on leadership support.
- Enables flexibility. Ombuds must be able to use their expertise and ability to gather facts.



- Ensures access throughout the organization to gather sufficient information about an issue.

#### Neutrality and Impartiality

- Allows all stakeholders to trust the ombuds professional to approach all issues without conflicts of interest, treating all parties fairly while protecting the ombuds' commitment to confidentiality.
- Encourages complainants to feel safe in seeking the ombuds' assistance.
- Helps ensure that any criticism or recommendation made by the ombuds is viewed as credible.

#### Confidentiality

- Enables the ombuds to create a safe space for visitors to speak freely and honestly and to pursue options without the fear of negative consequences.
- Confidentiality does not prevent an ombuds from providing valuable feedback to management. Ombuds will often use non-identifiable data to report on new issues and patterns or get permission from visitors to speak.

#### Definitional Characteristics:

#### *Credible Review Process, Informality, and Fairness*

#### Credible Review

- For the ombuds to be trusted to review and address conflicts and disputes, they must have a high degree of expertise and training, as well as be of appropriate status and authorization. A credible review process enables ombuds to build trust with their constituencies and organizational leadership.

#### Informality

- Reinforces the perception of the ombuds office as a safe, confidential resource.
- Constituents are more likely to speak with the ombuds "off the record" about topics that elicit fears of retaliation and loss of relationships.
- Supplements formal procedures, filling a "missing link" in a conflict management system.
- Functions with no formal management decision-making power.

#### Fairness

- A commitment to fairness reinforces to ombuds and stakeholders alike that all are to be treated equitably and with respect—by the ombuds and with respect to implementation of management policy. Fairness is the *raison d'être* for many ombuds professionals, both as a quality that ombuds should exemplify and one that they foster for their agencies.

Taken together, the core standards and definitional characteristics encourage all parties to a dispute or problem to work with the ombuds office, especially those who are reluctant to approach the government with an issue or may be afraid of management, or those within the agency who are wary of complainants. They encourage constituents to explore effective options. By creating a safe space, they position the ombuds to receive unvarnished feedback about an agency's programs



and processes. In turn, this feedback informs the recommendations ombuds make to the agency as to how to better serve their internal and external constituents—a benefit to all taxpayers.

### **Legal Issues Relevant to Federal Ombuds**

The Report offers a separate **Legal Analysis** that discusses in detail the full range of legal issues that are relevant to federal ombuds, including the application of the Administrative Dispute Resolution Act of 1996 (ADRA) to ombuds as well as ombuds confidentiality in conjunction with the Federal Records, Freedom of Information, and Privacy Acts.

This critical part of the report presents for the first time and in one document the entire spectrum of law in the respective areas of inquiry from settled to uncertain, and addresses key legal questions raised by commentators. Given the limited case law interpreting ADRA in any context, or specifically addressing the legal status of federal ombuds, the broader legal context of alternative dispute resolution and analogous case law have been considered. Where relevant, some developments in case law regarding ombuds in the private sector are also discussed.

Specifically, the following issues are covered:

- To what extent and how the functions of federal ombuds are covered by ADRA, including its prohibitions and requirements, in particular those in § 574 on confidentiality;
- How case law and commentary on the law of privilege and the inherent authority of judges to manage discovery might further illuminate the scope of federal ombuds confidentiality; and
- How adherence to ombuds professional standards and the rights and obligations under ADRA are affected by other statutes, regulations and management directives.

Detailed recommendations are then offered as to how federal ombuds might best position themselves, practically and legally, to protect the commitments they make to constituents about office standards, given the current legal environment. These include the following:

Federal ombuds should consider potential conflicts in the following areas:

- (a) The relationships among their statutory duties to report information, the requirements of ADRA § 574(a)(3) on confidentiality, their agency's mission, and the professional standards to which they adhere.
- (b) The requirements and interrelationship of the Federal Records, Freedom of Information, and Privacy Acts, with regard to agency records and other documentation.
- (c) The effect on confidentiality of the provision in the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7114, where applicable, pursuant



to which the union may be entitled to notice and an opportunity to be present at meetings with bargaining unit employees.

The authors believe that this section of our report provides the information necessary for Agency or independent Counsel to understand both the breadth of issues affecting federal ombuds as well as the protections necessary to ensure a strong and viable program.

### **Administrative Conference Recommendation 2016-5**

81 Fed. Reg. 94,316 (Dec. 23, 2016)

After nearly 18 months of extensive research, the result is a Recommendation that explicitly acknowledges the unique value ombuds provide to constituents both internal and external to the federal government. At the same time, it is a response to the exponential growth of a relatively unknown profession, and the critical need to define, standardize, and promote best practices. In addition to urging Congress and the President to create, fund, and otherwise support ombuds offices across the federal government, it provides detailed suggestions to agencies and Congress regarding how ombuds offices should be established and managed.

Specifically, the Conference's Recommendation advises that all current and future ombuds offices should have the ability to, and be expected to, adhere to the three core ombuds standards of independence, confidentiality, and impartiality, and offers several procedural suggestions for doing so with regard to:

- **Reporting structure:** Ombuds offices should report to the highest level of senior leadership.
- **Job security:** Ombuds should not be subject to retaliation based on their looking into and assisting with the resolution of any issues within the ombuds' areas of jurisdiction.
- **ADRA:** Agencies should understand and support that ADRA's requirements for confidentiality attach to communications that occur at intake and continue until the issue has been resolved or is otherwise no longer being handled by the ombuds.
- **Impartiality:** Ombuds should conduct inquiries and investigations in an impartial manner, free from conflicts of interest.
- **Access to counsel:** Ombuds should have access to legal counsel without conflicts of interest for matters within the purview of the ombuds, whether provided internally, by the hiring of outside counsel, or sharing resources across agencies.
- **Records management:** Ombuds offices should work with agency records officials to ensure appropriate confidentiality protections for the records created during the office's work and to ensure that ombuds records are included in appropriate records schedules.



- **Physical office:** Agencies should ensure that the physical ombuds office and telephonic and online communications systems and documentation enable discreet meetings and conversations.
- And more.

As such, Recommendation 2016-5 considers the critical role leadership support plays in the success of the ombuds and strongly encourages leadership to provide visible support, renewed as leadership changes, for the role of ombuds offices in the agency and their standards.

It goes on to urge that ombuds offices created by executive action should be established or governed by a charter or other agency-wide directive specifying the office's mandate, standards, and operational requirements, so that others in the agency and the public are aware of the office's responsibilities. In a similar fashion, any action by Congress creating or affecting the operations of agency ombuds offices, whether through amendment of ADRA or other legislative action, should reinforce the core standards and maintain clarity and uniformity of definitions and purpose for federal agency ombuds, while allowing for differences in constituencies, type of office, and agency missions. As a testament to the importance of the core standards, ACUS recommended that existing offices with the ombuds title that do not adhere to these standards should consider modifying their title, where permitted, to avoid any confusion.

In response to the difficulty the researchers encountered when trying to identify and contact ombuds offices for the study, the Recommendation specifically suggests that information about the office, including contact information, should be made available on the agency's public website.

To foster continual improvement and accountability of individual ombuds offices, the Recommendation advises that each ombuds office arrange for periodic evaluation of its management and program effectiveness. Evaluation of ombuds by colleagues within the office can be useful if the office is of sufficient size to make this feasible. Otherwise, any external evaluation should be conducted by individuals knowledgeable about the roles, functions, and standards of practice of federal ombuds. For example, peer evaluation using the expertise of similar types of ombuds in other offices or agencies, or by outside ombuds professionals, may be suitable.

Finally, the Conference's Recommendation urges the designation of a central entity as a resource for federal ombuds to serve as a government-wide resource to address certain issues of common concern among agency ombuds that transcend organizational boundaries. It also emphasizes the necessity of the ombuds to have access to counsel for matters within the ombuds' purview, without conflicts of interest.

In the decades since the 1990 ACUS Recommendation on federal ombuds was adopted, the milieu in which government operates has, by all accounts, become more polarized, with government itself often the target of suspicion and hostility. In a challenging environment in which many federal agencies struggle to maintain the trust



of the public they serve and even of their own employees, the ombuds is uniquely situated to provide both pertinent information and assistance in resolving issues to constituents and the agency alike. The ability of the ombuds to provide a place perceived as safe — which can offer a ready, responsive, and respectful hearing and credible options — in itself builds trust. And trust is a commodity without which government in a democratic society cannot function effectively.

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