

Trusting the middle-man: impact and legitimacy of Ombudsmen in Europe

Researcher name and institution:	Dr Naomi Creutzfeldt University of Oxford	
Funding mode/funder:	ESRC FRL Scheme	
Start and End date:	Oct 2013 – Sept 2016	
1. Brief summary of what the research is about.	How do ombudsmen fit into our justice landscape? What do we think about them, and are they used a lot? These are some questions that my research project seeks to answer. A customer satisfaction survey designed by me was sent out by 14 ombudsmen (ADR bodies) to their customers in three countries (Germany, UK and France). The response rate was great - over 3,500 overall responses. Some interesting findings: The answer to the question '<i>do you think the ombudsman is acting according to the law?</i>' was generally answered with yes, if the outcome was what the customer expected. This means that in the UK sample, for example, of the 421 Ombudsman Services: Energy respondents, 324 thought the ADR body acted according to the law. In this sample, 303 got the outcome they expected from the ombudsman procedure. Whereas in the LGO sample (316), 102 respondents thought the ombudsman acted according to the law. For 181 respondents of the sample, the outcome was not at all what they expected.	

The survey asked a range of questions about the consumers' complaint journey and perceptions of fairness of that process. I have produced individual ombudsman reports and am working on a comparative report. There is more information on my project website:

<https://www.law.ox.ac.uk/trusting-middle-man-impact-and-legitimacy-ombudsmen-europe>

I will put the reports up soon here:

<https://www.law.ox.ac.uk/trusting-middle-man-impact-and-legitimacy-ombudsmen-europe/project-reports>

The research objective of this project is to seek to compare levels of engagement and trust in ombudsman systems in France, Germany, and the United Kingdom. With that objective in mind, research questions will aim to elicit data that will:

- (1) show what citizens expect from the ombudsman process, and to understand their level of engagement in the ombudsman complaints processes in each country;
- (2) demonstrate the extent to which ombudsmen explain their decisions and thereby engage in the process; and
- (3) consider the role the individual ombudsman plays, measured by media profile and public exposure, in order to understand better the place and status of the ombudsman within society and understand the levels of engagement and trust by users as reflected in the media.



2. What are the research questions?

1. What explains user's perceptions of fairness & trust vis-à-vis ombudsmen institutions in Europe?

	2. How do cultural frameworks influence citizens' use of ombudsman institutions?
3. What, if any, outputs so far?	<i>Policy brief, reports, articles, for example:</i> • Designing Consumer Redress: Making Redress Accessible for Consumer-Citizens (Edinburgh 11/12 June 2015) • Independent Ombudsmen and ADR providers: building bridges in the energy market • Third Oxford Consumer ADR conference, 30 & 31 October 2014 report here: http://www.fljs.org/content/reforming-eu-consumer-adr-landscape-implementation-and-its-issues • Trusting the 'middle man': Impact and Legitimacy of Ombudsmen. Conference held on the 30 April at Wolfson College: http://www.fljs.org/content/impact-and-legitimacy-ombudsman-and-adr-schemes-uk • Alternative Dispute Resolution for Consumers, in 'The Role of Consumer ADR in the Administration of Justice - New Trends in Access to Justice under EU Directive 2013/11', edited by Professor Stürner, Professor Gascón and Professor Caponi (Sellier 2014). • ADR in aviation: European and national perspectives (with C. Berlin) (Civil Justice Quarterly 2015, <i>forthcoming</i>). • Ausblick nach Europa: Beispiele aus den Mitgliedstaaten, in Option Schlichtung – Eine neue Kultur der Konfliktlösung, Schriftenreihe Verbraucherrecht, Verbraucherpolitik, Band 45, Herausgeber: Pirker-Hoernmann, B und Gabrieltl, T., 2014 pp19-27. • How important is procedural justice for Consumer Dispute Resolution? A case study of an ombudsman model for European Consumers, Journal of Consumer Policy: Volume 37, Issue 4 (2014), Page 527-546. • Consumer Dispute Resolution (CDR) in Europe (with Hodges, C) in Nederlands-Vlaams Tijdschrift voor Mediation en Conflictmanagement (Dutch-Flemish Review for Mediation and Conflictmanagement)- issue 2, 2013. • Individual ombudsman reports have been produced for 5 so far. They will be available on the project website as of October 2016.

	Some more information is on my staff website: https://www.law.ox.ac.uk/people/naomi-creutzfeldt
4. What outputs are planned?	• More academic articles in peer-reviewed journals • Policy reports • Individual country & ombudsman reports on findings of project for ombudsmen • Overall project report
5. What is the anticipated impact?	I'm hoping that my research will help ADR bodies to get a better idea of what their users expect from them and make changes accordingly. I have had feedback from Germany and UK schemes that my research has been valuable in informing the implementation process of the consumer ADR directive, as well as their internal processes.
6. Comments / additional information / requests for data or input from the broader administrative justice community	