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Expectations of a Leading Ombudsman Service- Insights From The Academic Literature.

A briefing paper for the Energy and Water Ombudsman New South Wales

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Introduction

This briefing provides a selective overview of the international academic literature on the role and functions of ombudsman offices and the challenges they face now and in the future. It was produced at the same time as the authors conducted the 2024 five-year independent review of EWON with the intention of considering how EWON performed against external Australian and international expectations of services provided by leading ombudsman offices. The aim was that this paper would aid EWON plan for its development in response to these external trends and expectations both now and as they continue to evolve. The particular focus in this paper is on ombudsman offices working in the private sector (from herein industry ombudsman offices) although the paper also draws on literature in relation to public sector ombudsman offices where relevant. The following issues are considered:

1. Expectations of the ombudsman's role
2. Accessibility and access to justice
3. Addressing consumer vulnerability
4. Consumer expectations and behaviour
5. Changing working practices and digitalisation
6. Independence and relationships with industry
7. Standards and oversight

1. Expectations of the ombudsman's role

The role that the ombudsman is expected to play remains a dominant theme of discussion and debate in the academic literature. A recent analysis, using text mining, of the way in which the Austrian Ombudsman Board (AOB) presents itself in annual reports, found at least nine roles being put forward (Davhlvik and Pohn-Weidinger, 2023). Traditionally, the two major roles highlighted in the literature have been those of "fire-fighting" and "fire-watching" (Harlow and Rawlings, 2021), also sometimes referred to as "swatting flies" and "hunting lions" (Senate Standing Committee on Finance and Public Administration, 1992). The basic distinction is between an emphasis on handling large numbers of cases with a view to providing individual remedies and between handling a smaller number of big cases that have the potential for systemic impact. Much of the academic literature is concerned, in one way or another, with discussing the extent to which these roles are or should be being performed by particular ombudsman offices.

While these twin roles remain central to understanding the function of the ombudsman, Stuhmcke (2012) has noted that over time a number of additional roles have been either developed by, or imposed on, ombudsman offices. For example, Abrahams (2012) offers a further function of ombudsman offices being "fire-prevention", whereby the aim of the office is not only to deal with individual cases or bring about systemic change, but to work proactively with service providers to avoid problems arising in the first instance. Gill and Hirst (2016), specifically discussing industry ombudsman offices, argue that a number of additional functions are now expected, including:

- The provision of advice and support to consumers in relation to making complaints and successfully accessing justice
- Identifying and providing additional support to vulnerable consumers, recognising the need to equalise power imbalances between consumers and service providers

- Helping consumers whose complaints are not valid gain insight and understanding into the way in which industries operate and the standards they are expected to meet
- Raising standards in, and enhancing the legitimacy of, the industries being overseen by ombudsman offices

While ombudsman offices are distinct from proactive regulators (Stuhmcke, 1998), they are a key regulatory mechanism for enhancing consumer protection and their role within broader regulatory systems is increasingly important. Gilad (2008) draws on the concept of "domain perception" to explain how ombudsman offices carve out a legitimate domain of action in relation to other institutional actors such as courts and regulators. She suggests, looking at the Financial Ombudsman Service (FOS) in the UK, that the FOS emphasises its role as a "fire-fighter" to avoid suggesting that it sought to develop the law (a matter for common law courts) or prospectively raise standards (a matter for regulators). Hodges (2018) and Creutzfeldt et al (2021) meanwhile argue that central to the operation of leading ombudsman offices is their close integration into wider regulatory frameworks, while Stuhmcke (2002) has noted that "the role of the ombudsman in industry regulation is imbued with ambiguity." For Stuhmcke (2002) the key contribution of ombudsman offices as a regulatory mechanism is that (a) complaint resolution gives ombudsman offices unique insights into issues for industry to address and (b) these insights can be fed back to industry and government regulators to be acted upon. In the UK, public ombudsman offices in Scotland, Wales, and Northern Ireland now have a quasi-regulatory function to set standards for and monitor the operation of complaint handling processes by public service providers (Gill, 2020). This is reflected in the ambitions of some industry ombudsman offices, whose strategy increasingly involves "moving downstream" by seeking to help service providers improve their own complaint handling and thereby reduce complaint escalation (Creutzfeldt, 2021).

The increasingly complex and wide-ranging nature of the ombudsman's role reflects the institution's continuing adaptation to the varied contexts in which it now operates. At the same time, as Stuhmcke (2018) identifies, the lack of clarity over the role that ombudsman offices, and the precise parameters of their functions, leads to uncertainty for stakeholders, as well as fundamental problems in relation to evaluation the success of the institution.

2. Accessibility and access to justice

A perennial concern of the ombudsman literature has been the extent to which the institution is accessible to those for whom it is designed. A key aim of the introduction of ombudsman offices has been to expand the reach of access to justice, in recognition of the fact that courts are ill-equipped to deal with high volume disputes about cases that often have a relatively low financial value and which are brought by unrepresented consumers (Creutzfeldt et al, 2021). Hubeau (2018) has noted that the existing literature provides a rather mixed picture of the extent to which users of ombudsman offices are representative of the population as a whole. His findings point to a number of groups being under-represented albeit this varies depending on the institution. Generally, Hubeau makes the point that there are serious consequences to ombudsman offices having user demographic profiles that are not representative. Most obviously, this suggests that certain demographics feel excluded and do not complain. It also means that, as a consequence, complaints specific to certain groups will not be raised and, therefore, that the potential usefulness of complaints as a source of data for learning and improvement will be limited. Importantly, there is also the potential for a "Matthew effect" to develop, whereby ombudsman offices end up prioritising the needs of certain consumers (who already have significant social resources), at the expense of consumers who do not complain

(who are more likely to already suffer from social exclusion and disadvantage). A risk for ombudsman offices is that they unwittingly end up reproducing social disadvantage.

While each ombudsman office has a unique demographic of users, the available research (both in relation to the ombudsman and the broader civil justice system) suggests that the demographic of ombudsman users is restricted to those who are more educated, white, middle class, and elderly (Creutzfeldt, 2018). It has become common for ombudsman services to emphasise providing good customer service and providing a service that is "user-focused". While this is clearly crucial, Gill et al (2015) and Creutzfeldt (2020) point to the importance of ensuring that the perspective of non-users is factored into the delivery of ombudsman services. Focusing only on servicing existing customers carries with it the risk that minorities may be excluded. Dahvlik and Pohn-Weidinger (2021) have recently conducted research into users of the Austrian Ombudsman Board which is notable for its large sample size and which provides a robust insight into the users of this particular office. They found the following:

- 36% of ombudsman service users are women (compared with 51% of women in the population)
- 5% of ombudsman service users are under 30 (compared with 20% in the population)
- 37% of ombudsman service users attended higher education (compared with 14% in the population)

Dahvlik and Pohn-Weidinger (2021) conclude: "The results of our survey among users of the AOB confirm the inequalities in access to the ombuds – and thereby to administrative justice – found in other national contexts: whereas men, academics and Austrian nationals are overrepresented, women, salaried workers, people with lower education levels and foreign nationals are underrepresented." While these findings are context specific, they are of particular interest in light of the fact that the Austian Ombudsman Board has a very high public profile (including the Board having its own prime time television show highlighting cases and findings).

3. Addressing consumer vulnerability

One of the increasing challenges that is faced by ombudsman offices is working with vulnerable and disadvantaged groups. A recent project (Gill et al, 2024) conducted in Scotland and Northern Ireland has highlighted the challenges around defining, identifying, and providing support for people who are in vulnerable circumstances. Meanwhile, Consumer Scotland (2023) has recently published a major review on consumer vulnerability. This work demonstrates the difficulty of making provision for consumers who find themselves in vulnerable circumstances, particularly when the definition of vulnerability is extended to include transient characteristics, such as illness, job loss, difficult life events (such as divorce), and so on. The challenges for complaint handlers that arise as a result of this focus on vulnerability are significant (Brennan et al, 2017) with many organisations not yet having the capability to recognise vulnerable complainants and decide how best to work with them during the complaints process. Creutzfeldt (2020) highlights the fact that providing special attention to consumers in vulnerable circumstances is essential if ombudsman offices wish to ensure procedural fairness (ensuring that processes are appropriately tailored to meet a range of needs). However, such particularisation of processes is costly in terms of time and resources and requires significant investment in training and institutional designs that meet the needs of diverse consumers.

There are many definitions of vulnerability, but the UK Competitions and Markets Authority (2019) defines consumer vulnerability as 'any situation in which an individual may be unable to engage effectively in a market and, as a result, is at a particularly high risk of getting a poor deal'. Meanwhile, the UK energy regulator, Ofgem (2019), adds to this definition by noting that: "We recognise that whether a customer is vulnerable in the energy market, and the likelihood of them suffering detriment, depends not only on personal characteristics such as age, or disability, but also the situation or scenario they are in, and how the market responds to their needs." This points to the fact that it is not only static categories relating to a person (such as ethnicity) that may render a person vulnerable, but also aspects of their situation (such as whether they are ill, whether they are undergoing a traumatic experience, whether they are in debt, or whether have other justice problems), and the nature of the market they are engaging with (some markets which are particularly complex and technical, may render ordinarily confident consumers vulnerable). In research for the Australian Energy Regulator, O'Neill (2020, p.5) found that one in five national helpline users were experiencing mental health problems (a problem which seems to be increasing), one in five people in Australia speak a language other than English at home, one in five Australians have a disability, 44% of Australians have low levels of literacy, and two in three Australians experience some level of financial stress. These figures highlight that a large proportion of Australians are disadvantaged and may be vulnerable at any point in time.

However, the categories described by O'Neill simply describe people who are disadvantaged and, as a result, can be vulnerable in specific situations. But disadvantage is not necessarily the same as vulnerability. Vulnerability is often about the situation which an individual faces at any particular time and not about the individual. For example, in relation to legal services, a very specialist, technically complex area, people with no or minimal disadvantages may, nonetheless, still be vulnerable. Rapid changes in technology may create vulnerability in an otherwise non-disadvantaged individual. Therefore, there is a need for ombudsman offices to consider both vulnerabilities arising from disadvantage and situational vulnerability (Brennan et al. 2017). In this regard, Vivian et al (2018) have identified good practice to ensure that complaints can be submitted and considered in a manner that meets the needs of complainants, including:

- Complainants being able to make contact with the ombudsman through as many different channels as possible such as over the phone, in person, in writing by letter, email, fax or online form or web-chats
- Complaint literature being provided in plain language, and other relevant commonly used languages and other accessible formats
- Translation services being readily available
- Providing support to people making a complaint being available either by the organisation itself or by an independent advocate

Ombudsman offices need to be aware of the additional challenges that vulnerable and disadvantaged groups face and put in place systems which can quickly identify such people and are able to provide a service which makes any necessary reasonable adjustments. In her report, O'Neill (2020) identifies a range of tools which could be used by ombudsman offices to assist them in this element of their work and include, but are not limited to, organisations undertaking vulnerability impact assessments, focusing on inclusive service design, the proactive identification of vulnerable and disadvantaged customers, and the provision of accessible, flexible, tailored services responsive to their needs.

4. Consumer expectations and behaviours

Gill et al (2013) have highlighted a number of issues facing ombudsman offices in relation to consumer behaviour and expectations. A key issue for ombudsman offices is the variable level of demand for services. While many ombudsman offices around the world report increasing levels of complaint, there is recognition that complaints are often unpredictable and that large peaks and troughs in complaint numbers can be caused by particular problems experienced by service providers or issues suddenly gaining political and social salience. Although it has been noted above that the demographics of ombudsman users remain unrepresentative of the broader population, Gill et al (2013) found that this was slowly changing, with more consumers experiencing aspects of disadvantage and vulnerability beginning to access ombudsman offices. As noted above, this requires ombudsman offices to invest more time and effort in meeting a broader range of need. Generally, Gill et al's (2013) research also found that consumers were becoming more demanding and often approached ombudsman offices with very high expectations with regard to the speed and quality of the service they would be provided.

A frequent point raised in the literature is that consumers do not precisely know what to expect from ombudsman offices and often have unrealistic expectations. Creutzfeldt (2020) notes that those who approach an ombudsman have already been pursuing their complaint for some time and will have experienced not only a grievance but also a failure to resolve their complaint with the service provider. The costs to individuals in terms of time, energy, and emotional distress are very significant and provide the context in which expectations of the ombudsman's role are formed. While uncertainty is a frequent expectation experienced by consumers, where they have expectations, these are generally very high (Creutzfeldt, 2020). For example, consumers often expect ombudsman offices to advocate on their behalf or act as consumer champions (Gill et al, 2017).

Gilad (2008) has gone as far as to suggest that "expectations management" is a major and under-theorised aspect of the ombudsman's role. In her research, she found that caseworkers found that investigating complaints and providing technically correct resolutions was considered to be relatively unproblematic. A far greater amount of time and effort was spent by caseworkers on seeking to adjust the expectations of consumers (both of the ombudsman and of the standards they could expect from industry). This is not surprising given what we know about the biases that complainants often bring with them to a complaint. Work by Jespersen (2018) suggests that complainants tend to exhibit three biases. These are optimism bias (unreasonable expectation about the final outcome), over-confidence bias (unreasonable expectations about how third parties will view a complaint) and self-serving bias (looking more positively on evidence which supports their complaint and minimising contrary evidence). The result of these biases is that complainants may have expectations (arguably unreasonable) that the ombudsman will support them. Where the complaint, subsequently, is not upheld then they become very unhappy.

This points to a further theme in the literature, which has identified a growing challenge for ombudsman offices in relation to dealing with difficult behaviour on the part of consumers. Gill and Creutzfeldt (2018), for instance, have studied groups of dissatisfied ombudsman service users in the UK who conduct online campaigns critical of ombudsman offices and seeking their reform. This research suggests that, for some complainants, the act of complaining can become obsessive and harmful (both to themselves and to the organisations they interact with), as well as highlighting the essentially misconceived critiques that some consumers have

with regard to the role that ombudsman's offices should play. Other research, from a psychological perspective, has sought to understand the phenomenon of vexatious or unreasonably persistent complaining (Lester et al, 2004). Generally, this literature has suggested a growth in this type of behaviour which, while it comes from a very small minority of consumers, has a disproportionate effect on the time and energy of ombudsman offices (Skilling et al, 2009). At the same time, Brennan et al (2017) and Millward (2016) have recognised the potential crossover between complainants considered "difficult" and those who are in fact in a vulnerable position. This adds to the challenge of dealing effectively and fairly with those displaying behaviours that are challenging to deal with. Research has also increasingly focused on the impact that complaints can have on members of staff who are complained about, with important negative effects on working practice and individual psychology (Bourne et al, 2016; Gill et al, 2019). The ethic of care that ombudsman offices owe both to complainants and their employees remains a key challenge.

5. Changing working practices and digitalisation

The working practices of ombudsman offices have widely been seen as having shifted from a traditional emphasis on investigation and reporting, to new strategies of complaint management (Seneviratne, 2002), involving the early resolution of complaints using techniques drawn from alternative dispute resolution (such as negotiation and conciliation). Gill et al (2014) highlight the range of different techniques adopted by ombudsman offices including the use of online dispute resolution platforms, mediation, shuttle negotiation, expert determination, and adjudication. Generally, the trend for ombudsman offices has been to reserve more formal and more expensive dispute resolution procedures for a small number of significant cases, with more routine matters being dealt with by way of informal resolution. Bondy et al (2014) investigated the use of informal resolution by ombudsman offices in the UK and found growing evidence of its use across the public and private sectors. At the same time, they found that ombudsman offices often did not have a very clear definition of the types of processes that were being used and that consumers did not have a clear understanding of what they could expect from them. This highlights the fact that, while more agile and nimble processes of dispute resolution are clearly required to meet consumer demand for speedy and responsive complaint handling (Gill et al, 2013), there is a continued need to ensure that all processes are fair and operated transparently. The Covid-19 pandemic has had the effect of accelerating some of the pre-existing trends in relation to working practices in ombudsman offices, particularly with regard to remote working, the use of technology in complaint resolution, and the centralisation of office space (in response to demands for greater efficiency).

Indeed, even prior to the pandemic, the digitalisation of ombudsman offices has been driven in part by consumer demand, as consumers become accustomed to accessing services digitally and to the speed and convenience of using email, web-chat, online video calls, and online portals for accessing consumer services. Ombudsman offices, in both the public and private sector, are also often required to continually demonstrate their value for money (Tyndall et al, 2018) and to ensure they are providing an efficient and cost-effective service. The potential of digitalisation to reduce costs as well as potentially enhance consumer experiences, has meant that "online dispute resolution" has become a cross-cutting theme in civil justice systems across the world (Cortes 2010). Dahvlik (2022) has been examining the impact of digitalisation on ombudsman offices, particularly in the context of access to justice and the need to ensure that certain consumers are not digitally excluded. While access to the internet and technology is improving, there remain sizeable minorities without consistent access. Even where consumers do have access to technology, the importance of the

ombudsman having face-to-face contact with consumers has been stressed. The psycho-social value of personal encounters between consumers and ombudsman staff can be significant when, as noted above, consumers often arrive to the ombudsman after a fraught process of complaint to the service provider (Dahvlik 2022). Recognising the value of personal encounters in the context of the increasing push to provide services remotely and digitally is therefore a key challenge for ombudsman offices.

6. Independence and relationships with industry

The question of the independence of ombudsman applies to all ombudsman offices. The independence of industry ombudsman offices in Australia has in the past been subject to some criticism, with Dee et al (2009) highlighting a plethora of issues that they argue require to be addressed: unclear procedures for recruiting people to boards (especially consumer representatives), fixed term appointments for the ombudsman either lacking or not being honoured, external reviewers not being independently appointed, lack of evidence regarding the quality of ombudsman processes, and unclear costs and value for money. Stuhmcke (2002) meanwhile has commented on the difficult position that industry ombudsman offices find themselves with ombudsman offices seen as not sufficiently independent by consumers and as too consumer-focused by industry. This paradox shows the dilemma for ombudsman offices, especially when they are funded by industry (regardless of the safeguards in place to ensure that funding does not influence operational matters).

Carl (2018) describes three elements which are critical to independence, structural, personal, and functional independence, of which structural independence is the most important. By structural independence Carl means that an ombudsman office should have the strongest 'statutory footing' that it can have. Public sector ombudsman offices should be protected, ideally, within the constitution and industry ombudsman offices should be both industry wide and statutorily based. The weaker the element of structural independence, the greater the importance that is assumed by the personal and functional independence elements. Personal independence relates to issues concerning the ombudsman him or herself. What are the qualifications required by an ombudsman? Should they come from the sector concerned or be a lawyer? What should be their salary? How long can they be in office? Can they serve multiple terms? These are all subjective issues but how they are answered may indicate the degree of personal independence held by the office holder. Functional independence is where the ombudsman has financial independence, in other words an agreed annual budget under their total control but for which they are accountable. In addition, does the Ombudsman have control over which cases are considered and how they are considered? Can they set institutional priorities?

In this regard public sector ombudsman offices appear more strongly independent than industry ombudsman offices. Public sector ombudsman offices will have budgets set by their parliament while industry ombudsman offices need to gain approval from their Boards. Even where Boards agree funding, the Board may try to influence how the ombudsman should spend their money. In addition, unlike with public ombudsman offices, with their corporation sole status, for industry ombudsman offices it will be Boards which set the institutional priorities. In light of this, one can reasonably assume that industry ombudsman offices do not have the same degree of structural independence as public sector ombudsman offices but, rather, need to negotiate a set of constraints in order to maximise their independence.

However, it would be fair to make the point that industry ombudsman offices have been able to increase their degree of independence over time. It is now rare that members vote on the

budget. Boards increasingly have independent board members, reducing the control and influence of industry members (in some cases, such as with New Zealand's ADR provider for utilities complaints, Utilities Disputes Ltd, the Board consists solely of independent members). In addition, Dahlvik et al (2020) have recently noted that it is important to distinguish between de jure and de facto independence in relation to the work of ombudsman offices. While structure independence is clearly an important objective for all ombudsman offices to achieve in order to establish legitimacy, it does not guarantee independence in practice. Often the personalities involved as well as other contingent factors may be more important than the legal and institutional design of an ombudsman office. Connected to the question of de facto independence is the nature of the relationship between ombudsman offices and the industry bodies they oversee. Gilad (2008) has shown the need for ombudsman offices to engage in exchange with industry with regard to the proper boundaries of their role, without becoming captured by agency interests. In practice, as we shall we below, the work of ombudsman offices requires both high levels of independence and distance from industry, at the same time as close collaborative and cooperative relationships.

Indeed, ombudsman offices need to tread a fine line in maintaining their independence and avoiding any suggestion of regulatory capture. However, research suggests that this is particularly challenging for ombudsman offices, because the development of close and cooperative relationships with those they investigate is often seen as key to their effectiveness and impact (Hertogh, 2001). Indeed, it is essential that public sector ombudsman maintain their legitimacy in the eyes of bodies in jurisdiction if they are intending to secure improvements in the system. One way of assessing their legitimacy is through a concept known as motivational postures, which are 'outward displays [by bodies in jurisdiction] of approval or deference' (Braithwaite 2014, p.195). Braithwaite (2014) suggests that these motivational postures provide an important insight into an organisation's attitude towards its controller [ombudsman] and its willingness to accept their rules and processes (Braithwaite 2014, p. 915). Five motivational postures have been identified and include: (1) commitment, which exists when a body respects the authority of its ombudsman, (2) capitulation, which is where bodies comply with their ombudsman without necessarily agreeing and reflects submission, (3) disengagement, where bodies are unconcerned about their relationship with their ombudsman and takes little notice of what it says or does, (4) gameplaying, where bodies attempt to get their own way while appearing to comply with the ombudsman, and, (5) resistance, where bodies display opposition towards the ombudsman, often not because of the ombudsman's existence *per se* but because of the way that the ombudsman is using its authority (Braithwaite 2014).

Australian research by Smith-Merry et al. (2017) into the motivational postures adopted by hospital complaints managers towards their health care complaints commission or ombudsman demonstrated that the dominant motivational postures were those of commitment, disengagement and resistance. McBurnie's research (2022, 2023) into the responses by Scottish health boards towards the Scottish Public Services Ombudsman found that the dominant motivational postures were those of capitulation and commitment, although the motivational posture of disengagement is probably widespread among clinicians. The importance of this research is that the postures of commitment and capitulation are said to demonstrate alignment between the body and its ombudsman while the motivational postures of disengagement, game-playing and resistance are held to demonstrate a lack of alignment (Braithwaite 2014). Ombudsman offices are able to work with bodies demonstrating the motivational postures of commitment, capitulation and even resistance, as all three recognise the authority of the ombudsman. However, demonstration of the motivational postures of game-playing or disengagement is more difficult for ombudsman offices, as they indicate that

the bodies question the authority and existence of their ombudsman (Braithwaite 2014). McBurnie (2022, 2023) and Hertogh (2001) suggest that it is the nature of the relationship that exists between ombudsman offices and the body in jurisdiction that matters, what Hertogh describes as cooperative or coercive control (Hertogh 2001). Where ombudsman offices work cooperatively with industry it is more likely that the resulting motivational postures will enable ombudsman offices to influence bodies in jurisdiction while a coercive control approach to their relationship will result in a less impactful and influential institution.

7. Standards and oversight

While the growth of ombudsman offices (both in government and industry) is broadly considered to have been a positive development in securing access to justice, it is nevertheless the case that ombudsman offices have been subjected to some criticism. Common criticisms identified by Carl's (2018) review of the literature are that:

- There is a lack of objective evaluation of the ombudsman's work and the quality of their processes may be opaque to outsiders
- Ombudsman offices represent a fig leaf or smokescreen, to give the appearance of action while doing very little for people in practice
- Ombudsman offices are a way to pacify the public and provide a placebo, offering a poor man's court that amounts to a "dustbin for complaints"

Another example of such criticisms can be seen in Li's (2016) work where she uses a case study of the Telecommunications Industry Ombudsman to make a series of criticisms of industry ombudsman offices in general. She highlights the following criticisms:

- Provision of different outcomes for consumers compared with those that are available in court
- Inconsistent decision-making and fairness of procedures insufficiently tested by the courts
- Lack of authoritative and standardised quality control mechanism

As noted above, these criticisms point to the fact that ombudsman offices are not immune to criticism and, indeed, need to ensure that they are able to demonstrate their value and fairness in order to pre-empt misconceived critiques. However, as Stuhmcke (2018) has discussed, the evaluation of ombudsman offices is a very challenging endeavour with no agreed methodology. Generally, the standards applicable to industry ombudsman offices are not always clear and the maintenance of standards has largely been seen as a matter for self-regulation (with professional bodies such as ANZOA developing standards and guidance). The role of government in regulating industry ombudsman offices is minimal and questions around oversight and evaluation require continued attention to ensure that ombudsman offices can both deflect unfair criticism and maintain their legitimacy.

Conclusion

This appendix has only considered existing academic literature on the ombudsman and has sought to provide some selective insights into the key issues affecting current ombudsman practice. Looking ahead, the work of ombudsman offices and the environment they operate will be impacted by developing global trends including the rise of artificial intelligence, declining levels of trust in public institutions, growing global insecurity and conflict, climate change, and increased migratory flows. While the implications of these trends are beyond the scope of this

annex, there is a need for ombudsman offices to begin thinking through their potential impact and planning to meet the challenges they will inevitably bring.

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