



COALITION OF FEDERAL OMBUDSMAN

Scott M. Deyo
Chair

William Maurer
Vice Chair

Noreen Kinnavy
Co-Secretary

Andrea Brown
Co-Secretary

Guy Weber
Coordinator

MEETING MINUTES

Meeting Date/Time: July 9, 2014, 1:30pm – 3:00pm

Location: Environmental Protection Agency (EPA), William Jefferson Clinton Building North, Conference Room 6013

Agenda/Topics at a Glance:

1. Federal Ombudsman Peer Review – Pros / Cons
2. OMB Max
3. Ombuds Value Project
4. Ombudsman Job Announcements
5. Upcoming Training

Discussion Topics:

1. Federal Ombudsman Peer Review

Scott Deyo opened up the discussion by explaining that the idea for peer reviews arose from the 2013 COFO conference; he then led the group in a discussion on Pros/Cons of a proposed Ombudsman Peer Review Program. The goal is to assist programs in assessing whether they are “doing what they have set out to do” and to strengthen the professionalism of federal government ombuds programs. The peer review process is set up to be flexible and voluntary.

Pros:

- Share Best Practices within COFO / Ombudsman community.
- Mutually beneficial for all participants involved in the review process. Reviewers and reviewees can learn from each other.
- Peer review team could serve as mentors.
- Serve as a checks and balances for new and established programs alike.
- Check-list - internal assessment tool
- Used to “make-a-case” or generate buy-in and support from agency stakeholders when considering development or expansion of an Ombuds program.
- Used during initial consultation calls from new Ombuds offices to provide structured approach and recommendations.

Cons:

- Resources--a limited capacity to do the work and questions about appropriateness of using government resources of one agency to evaluate an office of another. Demands on one’s time, human resources, and coordinating logistics can pose

issues when conducting the peer review process. Small offices/ solo practitioners may find it difficult to serve on a peer review team.

- Peer review report used for purposes other than what was intended. The intent behind this program is to “do no harm” to an Ombuds program. There were concerns from the group about possible misinterpretations of the results by agency administrators or perhaps the results would be used to justify punitive behavior towards the ombudsman program.
- Generates written reports which are subject to Freedom of Information Act (FOIA) requests or possibly ignite a review by other authorities.
- Process Questions - At what stage would it be helpful to an office to request a peer review?
- Ombudsman peer review program appears to be too formal (i.e. generates written reports); one of the tenets of an internal ombudsman is informality.

The Ombudsman Peer Review Program draft is available in *Attachment A*.

2. OMB MAX as a collaboration tool for CoFO. You can learn more about OMB MAX at: <https://max.omb.gov/maxportal/home.do>

COFO is currently awaiting approval for the requested OMB MAX page. CoFO would like to have a readily accessible repository of shared resource material for federal ombudsman.

3. Ombuds Value Project

Mr. Deyo highlighted a recent request inviting CoFO members to participate in the Ombuds Value Project by submitting one example (or more) of a success story demonstrating the value of the ombudsman role by **Friday, July 18, 2014**. The narratives, written in a way that protects the identity of the agency and individuals involved will be compiled into a reference tool available to the ombudsman and conflict resolution community. This project follows a suggestion raised at the 2013 CoFO conference.

4. COFO “Annual Meeting” Conference

COFO is in the process of finalizing the venue for the 2014 COFO Annual Meeting at the U.S. Patent and Trademark Office Headquarters in Alexandria, VA.

5. Other Announcements/Requests:

- a. Ombudsman Job Announcements - 3 USAJOBS Postings: FDIC, Education & SEC *Upcoming professional development and networking opportunities:*
- b. International Ombudsman Association (IOA) Training Courses, July 21-25, 2014, New Orleans, Louisiana: <http://www.ombudsassociation.org/home.aspx>.
- c. United States Ombudsman Association (USOA) Annual Conference – October 13-17, 2014, Lincoln, Nebraska: <http://www.usombudsman.org/usoa-events/annual-conference/>

Attendees:

In Person

Andrea Brown, Department of State
Albert Conerly, Department of Health and Human Services - FDA
Joanne Dea, Department of Agriculture
Scott Deyo, Department of Defense
Janet Freimuth, Department of Energy
Victoria Gilner, Department of Defense
Wendy Kamenshine, Consumer Financial Protection Bureau
William Mauer, Department of Energy
Sigal Shoham, Department of Interior

By Phone:

Emily Albertson, Federal Reserve Board
Sharon Asar, Consumer Financial Protection Bureau
Cathy Barchi, Department of Energy
Neal Cohen, Consumer Product Safety Commission
Tangita Daramola, Department of Health and Human Services
Melody Fopma, U.S. Nuclear Regulatory Commission
Robert Harris, Federal Deposit Insurance Corporation
Noreen Kinnavy, International Broadcasting Bureau
Laurie Lenkel, Department of Health and Human Services
Celeste Merrix, Department of Homeland Security
Pamela Pontillo, Department of Energy
Paul Sotoudeh, Consumer Financial Protection Bureau
King Stablein, U.S. Nuclear Regulatory Commission
Roberta Valdez, Federal Deposit Insurance Corporation
Guy Weber, Department of Defense
Lisa Witzler, Department of Health and Human Services
Ella Yeargin, Department of Health and Human Services
Tom Zrubek, Department of Defense

Minutes prepared by: Andrea Brown / Noreen Kinnavy



COALITION OF FEDERAL OMBUDSMAN

Scott M. Deyo
Chair

William Maurer
Vice Chair

Noreen Kinnavy
Co-Secretary

Andrea Brown
Co-Secretary

Guy Weber
Coordinator

July 1, 2014

Framework for Federal Ombudsman Peer Reviews

Coalition Overview. The Coalition of Federal Ombudsman (COFO) is the principal interagency forum that provides collaboration, advice, and guidance on professional Ombuds standards, skills development, program development, and effectiveness. COFO comprises 80 members from 43 departments and agencies; 267 individuals receive electronic communications from COFO. There are both statutory ombudsman programs and those established administratively. Coalition member charters range from having an internal, organizational focus to ombudsman programs that serve the public. COFO members and committees work to increase the professionalism and effectiveness of Ombuds serving United States government agencies by sharing experiences, ideas, policies, standards, best practices, and innovative approaches to providing world-class Ombudsman services. We strive for objectivity and fairness when assisting those involved with and impacted by the Federal Government Agencies. We strive toward a leadership style based on cross-agency collaboration and interdisciplinary experience. We recognize and honor the widely divergent constituents we serve, practices we use, and people we are. This breadth of activity and experience provide for valuable exchanges.

Elements. We believe Ombuds to have four major program components: independence, neutrality and impartiality, confidentiality, and informality.

What is a Peer Review? At its core, peer review is an evaluation method used in many different fields to improve quality, uphold standards, and provide reasonable assurance of conformity with applicable professional standards. It is a way to review progress toward its own goals and objectives.

Why a Peer Review? Significant trust is placed in the ombudsman, who must act with the highest degree of integrity and professionalism. Because Federal ombuds serve a wide variety of internal constituents and beneficiaries of U.S. government agency programs, there is a public interest in the quality of Federal ombudsman programs and services. Peer review enhances the quality of the profession, thereby its credibility, and contributes to the public's confidence in the profession.

Peer review is based on the concept that an evaluation by an impartial, independent professional team (with experience and subject matter expertise) is better able to identify weaknesses, errors, and potential improvements than the person or group responsible for

creating the work or performance. In some cases reviewers are anonymous to discourage favoritism and obtain an unbiased evaluation. This can be especially helpful in establishing the credibility of a new program; addressing especially sensitive issues, or issues which are the subject of disagreement within the organization; providing expertise with respect to particular roles or functions within the system, or with respect to the design, implementation or evaluation of the system; or in offering new or different perspectives to supplement the views of those normally responsible for reviewing the performance of the system¹.

Peer review provides an opportunity to take a detailed look at the design and implementation of an agency's ombudsman program. It is an opportunity for continuous improvement that identifies recommendations for changes and improvements in a positive and constructive manner.

Objective. To create a culture that values peer reviews as an important means to discover subtle indicators of potential future errors, risks, and as a catalyst for positive change. A peer review program will strengthen quality control and encourage Federal ombuds to improve processes, programs, and correct any shortcomings as needed.

Mutual Benefits. Peer review provides an opportunity not only for the program being reviewed, but also for the reviewers to learn and grow. Peer reviewers are able to identify growth areas as well as best practices that may help inform changes in their own organizations. Specifically, the ombudsman office under review receives feedback on its work products and obtains validation of its work processes, which can help the ombuds office withstand any challenges to credibility by establishing the unit's objectivity and independence. The peer reviewers also benefit by being exposed to different approaches for conducting ombudsman work that they can share within their own office, potentially leading to more robust ombudsman approaches across the Federal ombudsman community.

¹ Slaikeu, K.A. and Hasson, R.H. *Controlling The Costs Of Conflict: How to Design a System for Your Organization*. San Francisco: Jossey-Bass, 1998, pp. 64-66, 68, 90. Determining when independent evaluators can be helpful, as well as the external evaluator's role in the process, are key questions in planning an evaluation. Rossi, P.H., Freeman, H.E. and Lipsey, M.W. *Evaluation: A Systematic Approach*. Thousand Oaks: Sage Publications, 1999, pp.54-62.

Sample Standards Checklist

“Although there is variation across ombudsman functions, there are certain critical elements shared by all federal ombudsman programs².” The essential characteristics of a federal Ombuds are independence, neutrality and impartiality, and confidentiality³. In addition to these, many ombuds have a standard of informality. The following represents sample questions the peer review team may review based on these standards.

Independence

- Is the Ombudsman authorized to receive concerns and questions about problems within the Ombuds’ jurisdiction? Does the Ombudsman have the authority to decline or accept/act on their own discretion?
- To whom does the ombudsman report? What is the nature of that reporting line?
 - Does the Ombudsman operate independent of ordinary line and staff structures?
 - Is the Ombudsman independent in structure, function, and appearance?
 - Is the Ombudsman aligned to the highest possible level of the organization? If not, does the Ombudsman 1) have unfettered access to the agency head, and 2) have a reporting relationship that does not present a conflict (e.g. not reporting to the Director of Human Resources, even as the designee of an agency head)?
- Does the Ombudsman hold any other position within the organization which might compromise independence?
- Does the Ombudsman exercise sole discretion over whether or how to act regarding an individual’s concern, a trend or concerns of multiple individuals over time?
- Can anyone who may be affected by the actions of the Ombuds office control or limit the Ombuds’ performance of assigned duties, eliminate the office, reduce the budget, or remove the ombudsman for retaliatory purposes?
- Does the Ombudsman have access to all information and all individuals in the organization, as permitted by law?
- Does the Ombudsman have authority to select Ombudsman Office staff and manage Ombudsman office budget and operations?

² Coalition of Federal Ombudsman. *A Unified Model for Developing an Ombudsman Function*. May 9, 2006. Available online at <http://federalombuds.ed.gov> > Resources

³ Coalition of Federal Ombudsman, Interagency Alternative Dispute Resolution Working Group, and American Bar Association. *A Guide for Federal Employee Ombuds: A Supplement To and Annotation of the Standards for the Establishment and Operations of Ombuds Offices*. May 9, 2006.

Neutrality and Impartiality

- Is the Ombudsman officially designated as a neutral entity?
- Does the Ombudsman hold any other role within the organization which would compromise neutrality?
- Does the Ombudsman consider the legitimate concerns and interests of all individuals affected by the matter under consideration?
- Is the Ombuds able to address issues in an impartial manner, free from initial bias and conflicts of interest?
- How does the ombudsman measure this?
- Are there steps the peer review team may need to take to measure this (e.g. survey, focus groups)?

Confidentiality

- Barring imminent harm, is the Ombudsman precluded from disclosing, and being required to disclose, any information provided in confidence?
- How are records kept confidential?
- Does the Ombudsman protect the identities of visitors?
- What other measures does the Ombudsman take to protect confidentiality? Are they effective?

Informality

- Does the Ombudsman function by informal means (e.g. does not make binding decisions, mandate policies, or formally adjudicate issues)?
- Do policy and marketing materials specify that contact with the Ombudsman does not constitute notice to the agency?
- Is the office fully disassociated with formal, rights-based resources and oversight mechanisms within the agency?

Sample Process Checklist⁴

1. Overall preparations for the peer review team:
 - Review the joint COFO, IADRWG, and ABA *Guide for Federal Employee Ombuds* and COFO's *Unified Model for Developing an Ombudsman Function* as the basis of the review. If applicable to the program being peer reviewed, also see the International Ombudsman Association *Code of Ethics, Standards of Practice, and Best Practices* documents.
 - Identify a review team leader
 - Work with the agency under review to determine time period of review
 - As a team, develop a work plan to agree on a general approach and timeframes for completing the peer review.
2. Request information from agency to be reviewed, such as all relevant policies, procedures, guidelines, manuals, planning documents, internal controls or other quality assurance processes, working papers, annual report(s), etc. Determine what materials can be shared electronically or only reviewed on-site.
3. Assess and reach a conclusion about whether the office's policies and procedures address the four federal ombudsman standards.
4. Prepare draft memorandum report for the agency reviewed that includes:
 - Standards reviewed
 - How the agency defines the standard (as explained in its policies and procedures, etc.)
 - Process used by the review team to determine adherence/application of standards
 - An assessment of whether
 - the unit's policies and/or procedures address the standards
 - the unit meets its own policies and/or procedures
 - the unit meets the standard
 - Noteworthy practices, conclusions, and recommendations
 - Names of all peer review team members
5. Meet with agency to discuss draft report; provide opportunity to comment
6. Finalize the report in a timely fashion by attaching written comments, making any necessary changes, and having all team members sign the report; deliver the final report to the unit head
7. Participate in an after-action meeting to discuss lessons learned and process improvements

⁴ Adopted from Council of the Inspectors General on Integrity & Efficiency, Inspection & Evaluation Committee peer review documents dated 5/23/2013.