

Report

Client: National Ombudsman

Speaking of effectiveness

Research into the effectiveness of own initiative investigations by the National Ombudsman

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Contents

1	INTRODUCTION	4
1.1	Background and research questions	4
1.2	Study design	4
1.3	Structure of this report.....	7
2	THE CONCEPT OF EFFECTIVENESS AND INFLUENCING FACTORS	8
3	TEN OWN INITIATIVE INVESTIGATIONS	12
4	ANALYSIS OF TEN OWN INITIATIVE INVESTIGATIONS.....	19
4.1	Internal influencing factors	19
4.1.1	The decision to launch a own initiative investigation.....	19
4.1.2	Systematic working	20
4.1.3	The human factor.....	21
4.1.4	The standards of proper conduct	21
4.1.5	Quality of the investigation and report	22
4.1.6	Degree and manner of the involvement of the investigated governmental body before, during and after the investigation.....	22
4.1.7	NO's relationship with the governmental body: style, tone, treatment, attitude and position	23
4.1.8	External communications concerning the investigation and publication of the investigation report	24
4.1.9	Monitoring implementation of the investigation report's recommendations	24
4.2	External influencing factors.....	24
4.3	Effectiveness and added value	25
5	OBSERVATIONS AND RECOMMENDATIONS	27
5.1	Main observations.....	27
5.2	Strategic choices.....	28
5.3	Opportunities for improving effectiveness	29
5.3.1	Standards of proper conduct	29
5.3.2	Strategic agenda	29
5.3.3	Role and task demarcation	29
5.3.4	Issue identification	29
5.3.5	The 'whether to' question.....	30
5.3.6	The 'how to' question	30

5.3.7 Involvement of governmental bodies..... 32

5.3.8 Interim review..... 32

5.3.9 Completion of the investigation 33

5.3.10 Post-investigation follow-up..... 33

5.4 What next..... 34

APPENDIX 1 - THE NATIONAL OMBUDSMAN'S TOOLSET 36

1 INTRODUCTION

1.1 Background and research questions

At the National Ombudsman's request, Van de Bunt Adviseurs has undertaken a qualitative study of the effectiveness of own initiative investigations by the National Ombudsman. The National Ombudsman defined the research aims and research questions as follows:

Aims and research questions	
Aims	<ol style="list-style-type: none"> 1. To obtain insight into the actions and tools that support and diminish the effectiveness of own initiative investigations by the National Ombudsman and into the means of controlling them 2. To increase the effectiveness of future own initiative investigations
Primary research question	What actions and elements support and diminish the effectiveness of own initiative investigations by the National Ombudsman, and how may they be controlled?
Secondary research questions	<ol style="list-style-type: none"> 1. In the context of own initiative investigations, how should effectiveness be defined? 2. What actions or elements before, during and following such investigations generally determine their effectiveness? 3. What effects should we be seeking to achieve with own initiative investigations? 4. What choices were made in the own initiative investigations examined in this study? What resources were used and what effects were achieved? 5. Are own initiative investigations by the National Ombudsman generally effective? If so, why? If not, why not?

1.2 Study design

The study began by seeking to examine and define the concept of effectiveness (secondary research questions 1 and 3) and the factors that influence it (secondary research question 2).

The outcomes of that exercise formed a methodological framework for the case studies, in which ten completed own initiative investigations were examined to determine their effectiveness and the role played by the identified influencing factors.

The observations made in the case studies were then analyzed collectively in order to answer the primary research question and secondary research questions 4 and 5. Finally, a number of substantive possibilities for increasing the effectiveness of own initiative investigations were identified.

1. Examine and define the concept of effectiveness and influencing factors



2. Set up case studies



3. Perform case studies

1	2	3	4	5
6	7	8	9	10



4. Analyse findings and responses



5. Prepare and review draft report/recommendations



6. Prepare final report/recommendations

Defining the concept of effectiveness and identifying influencing factors

The concept of effectiveness and the factors that may influence effectiveness were initially surveyed by means of desk research into the parliamentary background to formation of the office of the National Ombudsman, previous (academic) research into (the effects of investigations by) the National Ombudsman and communication and publicity regarding own initiative investigations. In addition, various personnel from the National Ombudsman's Office and the present incumbent Reinier van Zutphen were interviewed.

The survey findings formed input for an in-depth working meeting with people selected for their ability to comment on the basis of experience from various perspectives. In preparation for the working meeting, the tools used by the National Ombudsman were inventoried and illustrated in an overview diagram (see Appendix 1).

The working meeting participants were:

- Representatives of the National Ombudsman
- Representatives of governmental bodies regularly involved in own initiative investigations
- Representatives of other bodies that undertake own initiative investigations

- A representative of an organization that lobbies for the interests of (a particular group of) citizens

The purpose of the working meeting was to test and supplement the analysis made by the study team. The working meeting resulted in a finalized definition of the concept of effectiveness and a comprehensive list of influencing factors that determine the degree of goal attainment (see section 2).

The case studies

For the case study phase of the research, an assessment framework was developed on the basis of the defined concept of effectiveness and the identified influencing factors. At the same time, ten cases were selected to reflect the range of own initiative investigations completed and reported in the period from the start of 2013 to summer 2016. Selection was guided by the desire to arrive at a cross-section that was representative in terms of the governmental bodies (and types) involved, the investigative methods employed, the split between Project Leader own initiative investigations and Investigator own initiative investigations and the influencing factors at work.

In order to gain an impression of the effectiveness of each of the ten selected own initiative investigations and of the factors that supported or diminished effectiveness, a desk study was performed for each investigation. To that end, the written documentation available for each investigation was obtained. In addition to the final report, the documentation consisted of:

- National Ombudsman process documents, such as plans of action and discussion reports
- Publications, presentations and radio/TV clips used for communication relating to the investigation
- Responses to investigations, including direct responses to the National Ombudsman and responses in the media
- Documents recording the consequences of the investigation

To supplement the desk studies, a questionnaire was developed, which was sent for completion to the people and organizations involved in each own initiative investigation, namely:

- National Ombudsman investigators
- Representatives of the governmental body
- Organizations representing the citizens and citizen groups whose complaints/interests formed the background to the investigation

The questionnaire included questions relating to the course of the investigation, the respondents' views on the effectiveness of the investigation and the effects of the influencing factors.

The respondents in each case were subsequently invited to a roundtable discussion to describe their experiences and review the effectiveness of the investigation. The discussions reflected particularly upon the choices made by the National Ombudsman and the interaction between the National Ombudsman and the relevant organizations.

Analysis

The case study findings were then compared and analyzed collectively. The aim of the analysis was to determine the effectiveness of the own initiative investigations studied and to identify the factors that influenced their effectiveness. The analysis enabled the research team to arrive at preliminary answers, both to secondary research questions 4 and 5 and to the primary research question regarding the actions and elements that support or diminish the effectiveness of own initiative investigations and the means of controlling them.

An in depth meeting was then held, at which the preliminary answers to the research questions were presented to the same group that was involved in defining the concept of effectiveness and identifying the main actions and elements that support or diminish effectiveness. As well as testing and enriching the analysis, the in depth meeting yielded substantive ideas as to how the National Ombudsman might increase the effectiveness of its own initiative investigations.

Finally, on the basis of the analysis, recommendations were formulated to enable the National Ombudsman to increase the effectiveness of future own initiative investigations. The substance of the recommendations was then discussed at a meeting with the National Ombudsman. The purpose of the meeting was to establish whether the research had yielded clear findings and whether those findings were of operational value to the National Ombudsman.

The in depth meeting participants, the questionnaire respondents and the roundtable discussion participants are listed in Appendix 2.

1.3 Structure of this report

Section 2 of this report considers the concept of effectiveness and the factors that influence the degree of goal attainment. The adopted definition of effectiveness and list of influencing factors served as the assessment framework for the ten own initiative investigation case studies.

Section 3 briefly introduces the ten own initiative investigations selected for the case studies. Section 4 describes the common characteristics of the studied cases. The observations and recommendations made to enable the National Ombudsman to increase the effectiveness of own initiative investigations are presented in section 5. The final section of the report also considers how the National Ombudsman can make use of the research findings and integrate them within the existing organization.

2 THE CONCEPT OF EFFECTIVENESS AND INFLUENCING FACTORS

As a basis for the own initiative investigation case studies, the research team first needed to define the concept of effectiveness and identify the influencing factors that determine how successful an investigation is. The diagram on page 11 illustrates how the various elements relate to one another. The main elements are considered below.

The concept of effectiveness

Effectiveness is determined by levels of achievement and the *added value* of the investigation. The degree of goal attainment is an expression of the extent to which an investigation has led to resolution of the detected problem. That may range from merely highlighting an issue to fully eliminating a problem experienced by citizens.

The degree of goal attainment is not, however, the sole determinant of an investigation's effectiveness. Effectiveness is also determined by added value. The added value of an investigation is a product of the number of citizens that benefit from improved government conduct, the seriousness of the harm or disadvantage to the citizen(s) affected by the perceived problem, and the degree of influence exerted by the National Ombudsman's investigation. The latter element is included so that the effect of an investigation can be distinguished from, for example, the effect of a development outside the National Ombudsman's sphere of influence. Such a development can also have an influence on the resolution of the detected problem.

Internal and external influencing factors

The degree of goal attainment is the consequence of choices made by and action undertaken by the National Ombudsman, in combination with developments outside the National Ombudsman's sphere of influence. Distinction is therefore made between influencing factors under the National Ombudsman's direct control and external influencing factors that the National Ombudsman can at best merely anticipate or respond to.

It is not possible to exhaustively identify external influencing factors, which often relate to social or political developments and the willingness of governmental bodies to address perceived problems. Nevertheless, external developments may give the National Ombudsman reason to make different choices or to review choices already made.

Internal influencing factors relate to choices made by the National Ombudsman before, during and following an investigation. The choices open to the National Ombudsman (NO) have been categorized in the form of nine influencing factors, which are listed below along with a number of questions associated with each factor:

- 1 *Whether to launch an own initiative investigation*
 - Do the complaints/indications justify an investigation?

- Is a own initiative investigation the most appropriate tool?
- Is an investigation by the NO likely to have added value?
- Is an investigation liable to be aided or hindered by external factors?
- Is it a good time for an investigation?
- Should an investigation form part of a series of tools used over a period of time?

2 *Systematic working*

- Has the intended outcome of the investigation been specified?
- Are the issue under investigation and the approach of the investigation aligned with its aims?
- Does the approach take account of the anticipated external factors?
- Has provision been made for adjustments to be made in line with the course of the investigation and external factors?

3 *The human factor*

- To what extent do NO investigators have the scope for action and the support that they require?
- How motivated are the NO investigators to realize the envisaged structural changes?
- To what extent are the investigators sufficiently knowledgeable about the issue under investigation?
- Are the investigators impartial?

4 *Standards of proper conduct*

- Have the standards been (explicitly) applied?
- Have the standards been made available to the governmental body?

5 *Quality of the investigation and report*

- Is the analysis adequate?
- Are the recommendations SMART (specific, measurable, acceptable, realistic and time-bound) and aligned with the working practices of the governmental body?
- Are the contents and form of the investigation report appropriate for the target group(s)?

6 *Degree and manner of the involvement of the investigated governmental body before, during and after the investigation*

- Has the governmental body been consulted regarding the aims and approach of the investigation?
- In what phases is the governmental body involved in the investigation?
- In what way is the governmental body involved in the investigation?

7 *NO's relationship with the governmental body: style, tone, treatment, attitude and position*

- Is the (control) style of the investigation and investigation report judgemental or development-focused?

- Does the position adopted by the NO allow for the issue under investigation to be considered from the perspectives of both the citizen and the governmental body?

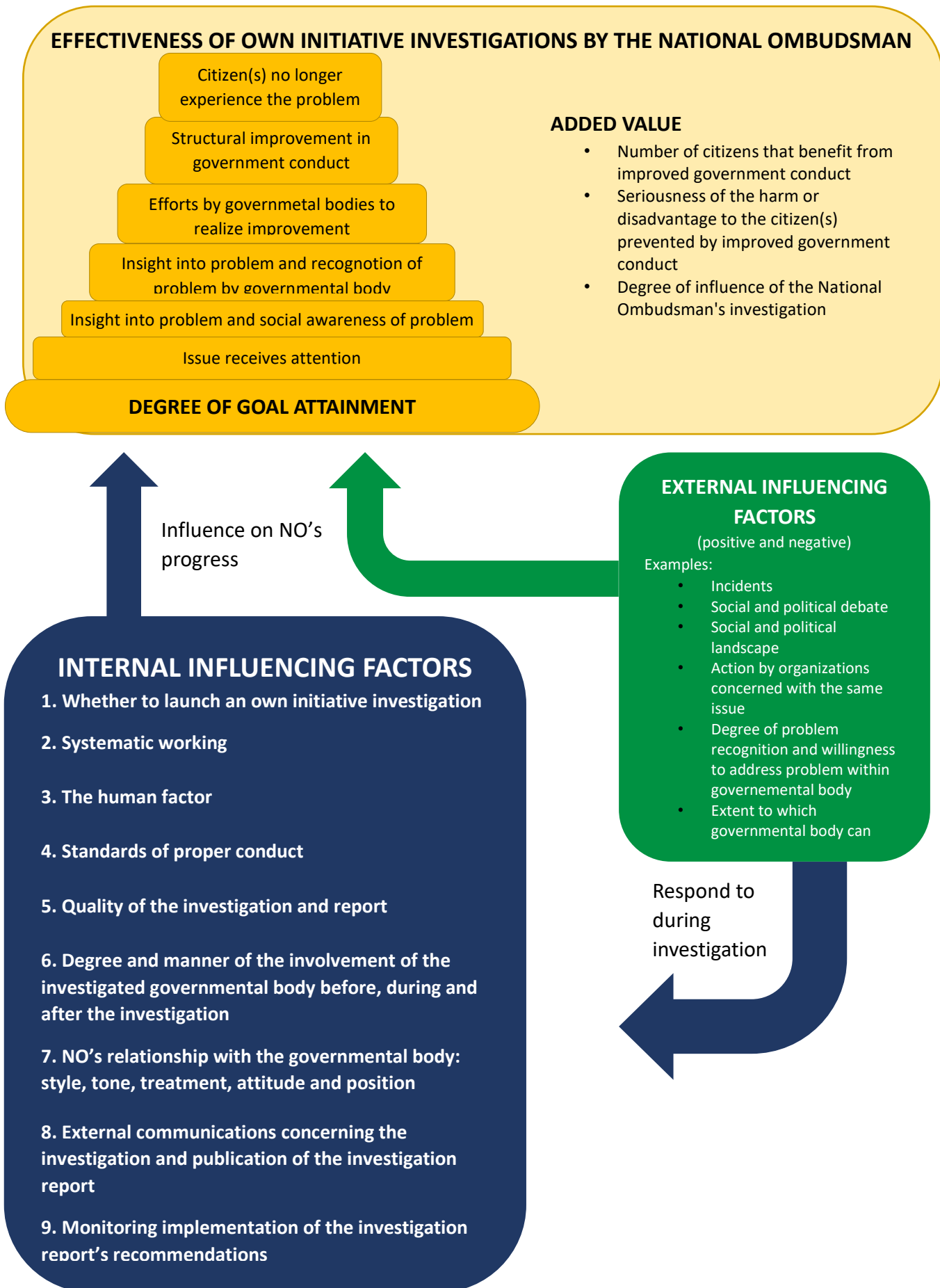
8 *External communications concerning the investigation and publication of the investigation report*

- Is the manner of the investigation report's publication appropriate, in view of the target group(s) and the effects sought?

9 *Monitoring implementation of the investigation report's recommendations*

- What are the arrangements for monitoring of implementation of the recommendations?
- How is the NO involved in monitoring implementation of the recommendations?

The concept of effectiveness and the (external) influencing factors may be visualized as follows:



3 TEN OWN INITIATIVE INVESTIGATIONS

The ten cases selected for analysis are briefly introduced below.

In debt to the state (2013/003)

The issue

This investigation addressed the government's role as a creditor and the way in which it collects debts. The central questions addressed by the investigation were: How can the government prudently and properly collect debts while taking account of the social implications? What can the citizen reasonably expect of the government in its capacity as a creditor?

Details

- Initially, the focus was on a roundtable discussion with a small number of governmental bodies that collect debts, but later the decision was made to issue a report.
- A vision and a code of conduct for responsible debt collection were developed. However, the standards of proper conduct were not explicitly applied.
- A large number of governmental bodies (all those that collect debts) are expected to follow the code of conduct.
- Recommendations were made to the ministers for: Housing and the Civil Service, Social Affairs and Employment (SZW), Security and Justice (V&J), Health, Welfare and Sport (VWS), and Finance.
- One of the recommendations was made also on behalf of the Health Care Insurance Board, the Central Judicial Collection Agency and the Tax Authority.
- The National Ombudsman appeared on TV in connection with publication of the report.
- The report stated that complaints would be monitored.

Justified use of force by the police (2013/055)

The issue

The purpose of this investigation was to shed light on the dilemmas associated with the use of force by police officers. By examining the issue, the NO wished to help clarify the basic principles governing the use of force by the police.

Details

- The principles set out in the report were incorporated into police guidance on the use of force.
- The problems observed by the NO were already recognized by senior police officers. Policy initiatives and developments were already in progress within the police, with a view to improving training and guidance on the use of force.
- The structure of the National Police, with one person responsible, made addressing the issue of the use of force easier than with a variety of individual police forces.

- The experiences of police officers formed the basis of the investigation.
- The police were closely involved before and during the investigation, from preparation of the investigation plan to definition of the principles and formulation of the recommendations.
- No judgement was made regarding proper conduct. However, the principles were defined on the basis of prior cases (particularly rulings made in response to individual complaints). The standards of proper conduct are closely related to the police's professional code. However, no link was made between the two.
- The tone of the report's foreword was not initially well received by the police.
- The police appreciated being given sight of the report prior to publication, enabling them to prepare their response.

Digital citizenship (2013/170)

The issue

This investigation was intended to provide information for use by the Secretary of State for the Home Department and all other governmental bodies that are intensifying digital service delivery; in particular, information about what citizens consider important in the further development of on-line public services. The NO sought to clarify what citizens come up against in practice and what they may reasonably expect from the government.

Details

- The investigation was aligned with the Digital 2017 programme, in which the government formulated its digitization ambition.
- Presentation of the citizens' viewpoint was central to the investigation.
- For the investigation, the NO collaborated with a TV programme, whose viewers were invited to fill in a questionnaire.
- The standards of proper conduct were not explicitly applied, but the recommendations did lay down specific standards for on-line service delivery.
- The recommendations were aimed at all governmental bodies that are intensifying digital service delivery, in particular the BZK.
- The recommendations were used as a reference framework for the consideration of individual citizens' complaints.

Fraud penalties for innocent mistakes (2014/159)

The issue

The purpose of this investigation was to assess the standard of proportionality for application of the Fraud Act -- particularly the imposition of fines -- by the Employee Insurance Scheme Executive Body, the Social Insurance Bank and the municipal authorities. The investigation also considered the effectiveness of the Act. The investigation was prompted by indications that, since the Act came into force, some people were receiving penalties for innocent mistakes, where no fraud was involved.

Details

- The governmental bodies concerned believed that there were flaws in the Act. In addition, a new minister had taken office, who was open to the idea of change.
- Consideration was given to discussing the problems with the minister, but that route was not taken, because it is difficult for the NO to pass comment on legislation and regulations. The investigators also felt that a report would be more likely to bring about change.
- A ruling by the Central Appeals Tribunal shortly before the report was published had the effect of precluding further application of the Act, and the executive bodies modified their working methods accordingly.
- The investigation sought to establish whether the penalties conformed to the standard of proportionality. The report also considered the effectiveness of the Act. The NO therefore went very close to or even crossed the boundary into the appraisal of legislation, as opposed to the investigation of conduct.
- The recommendations were specific, practical and addressed to the appropriate party.
- The investigators were aware that the governmental bodies operated within tightly defined statutory parameters and therefore had little scope for adapting their penalty policies. The wording of the report reflected that situation by exposing the problem with the Act, without levelling accusations at the executive bodies.

Use of client-linked budgets and the (non-) learning government (2015/123)*The issue*

This investigation was intended first to establish the extent to which citizens' interests influenced the decision to introduce the right to draw on client-linked budgets, with effect from 1 January 2015. While the investigation was still in progress, it was acknowledged that introduction of the right had been flawed. The focus of the investigation was therefore shifted to the question of how, in the event of any comparable future transition, adequate consideration of citizens' interests can be assured. In other words: what may citizens reasonably expect of the government in the preparation and implementation of such major system changes?

Details

- The investigation was prompted by a detailed report by the Netherlands Court of Audit (AR).
- During the course of the investigation, it was repeatedly necessary to respond to ongoing developments.
- A roundtable discussion with the relevant governmental bodies was held to consider the recommendations.
- The report contained propriety standards defining what citizens may expect of the government in the context of (major) system changes. The standards in question were based partly on the standards of proper conduct, but the NO also added standards.
- The recommendations focused on future system changes and were addressed to any governmental bodies that might be concerned with such changes in the future. Consequently, the recommendations were inevitably very general and not substantive.

- Following the investigation, the NO explained the findings to the Social Insurance Bank. That helped to promote internal movement.

Disappearance of the blue tax envelope (2016/030)

The issue

The investigation was undertaken in response to numerous complaints prompted by the announcement that correspondence with the Tax Authority was to be digitized. The questions addressed were: How does the Tax Authority deal with people who are unwilling or unable to receive Tax Authority correspondence in digital form? Does the Tax Authority give such people appropriate consideration?

Details

- This investigation was prompted by the receipt of numerous complaints in a short period of time, concerns within the community, and political interest in the topic.
- Before undertaking the investigation, the NO wrote to the State Secretary expressing concern and indicating that an investigation might be initiated, depending on the State Secretary's response.
- The investigation did not involve assessment against the standards of proper conduct. However, the earlier report entitled *De burger gaat digitaal* ('The citizen goes digital') was used as a basis for assessment.
- By the time that the report appeared, most of its recommendations had already been adopted by the Tax Authority or the ministry.
- Recommendations were made to the Tax Authority, with a comment to the effect that some of the recommendations implied action by the Ministry of BZK.

Debt support services from the citizen's viewpoint (2016/050)

The issue

In response to complaints and the evaluation of the Municipal Debt Support Service Act announced by the Ministry of Social Affairs and Employment, the National Ombudsman wished to ensure that citizens' perceptions received proper consideration. The investigation was intended to clarify what a citizen may reasonably expect from the government in the field of municipal debt support services. On the basis of the findings, recommendations were formulated.

Details

- The investigation was timed to coincide with the evaluation of the Municipal Debt Support Service Act. The report was published shortly before the ministry completed its evaluation.
- The investigation focused on the citizens' perspective, since that was not considered in the ministry's technical evaluation of the Act or the simultaneous investigations by the Netherlands Court of Audit and the Scientific Council for Government Policy (WRR). The focus of the investigation and the report publication date were agreed beforehand with the AR and the WRR.
- Exploratory roundtable discussions were held at an early stage in order to secure expert input.

- The investigation did not involve assessment against the standards of proper conduct. However, the government's duty to act on a citizen-focused basis was identified as a guiding principle.
- The report sought to take account of the complexity of debt support services, the limited financial means of the municipal authorities, the diversity of approaches in use by municipal authorities and the citizen's personal responsibility for debt.
- The report was addressed to the State Secretary for SZW (as the minister responsible for the system), although the problems encountered by citizens derived from the fragmented approach of the municipal authorities.
- In addition to the report, the NO produced an infographic, which was distributed to all municipal authorities. The infographic showed what problems citizens encountered and what municipal authorities could do to help.
- The findings of the NO, AR and WRR were jointly presented to the parliamentary standing committee.

A tax rule on minimum income (2013/150)

The issue

In response to an increasing flow of complaints asserting that a tax rule on minimum income was not properly applied, the NO undertook an investigation to address the following question: what may a debtor reasonably expect from a bailiff in the event of a seizure on the debtor's periodic income? In the context of the earlier 'In debt to the state' investigation, the NO defined a standard of proper conduct for responsible debt collection by court bailiffs and others. In the investigation described here, the NO formulated additional assurances to protect minimum income and made recommendations to the minister and state secretary regarding the clarification of legislation and the supervision of compliance.

Details

- The decision to start an investigation was based on the following considerations: a) the number of complaints had risen, b) 'In debt to the state' provided a viable point of departure, and c) no rulings had been made for ten years regarding the practices of court bailiffs.
- The investigation was not expected by the KBvG (the court bailiffs' professional body), particularly in view of the KBvG's intensive focus on debtor protection in recent years.
- The investigation explicitly used the standards of proper conduct. Additional detail was also added to the code of conduct developed in the context of 'In debt to the state'.
- The recommendations were addressed primarily to the ministry. Nevertheless, the KBvG felt that court bailiffs were being held responsible for the observed problems.
- The KBvG criticized the NO for failing to appreciate the unique position and (working) circumstances of court bailiffs, failing to take account of developments already in progress, portraying court bailiffs in a negative light in the report (particularly the title and subtitle), presenting a one-sided picture as a result of not including court bailiffs in the investigation, and reinforcing the negative image of court bailiffs by contributing to a TV programme.

- The ministry was critical of the NO for acting on a small number of complaints, relative to the large number of seizures.
- The KBvG was not involved in the investigation, although their cooperation would be required in order to implement the recommendations.

Contrasting images (2014/078)

The issue

In response to media reports and complaints by an action committee, the NO investigated the conduct of police officers from the De Heemstraat station in the Schilderswijk district of The Hague. The impression of the police officers' conduct that the NO gained during the investigation did not match that presented to the NO beforehand. Partly for that reason, the NO decided to publish a reflective report indicating what citizens and the police may reasonably expect of one another.

Details

- Before the investigation, the NO made statements on a TV political interview programme regarding 'racist conduct' by police officers in the Schilderswijk district. The statements prompted a neighbourhood action committee to make sixty complaints to the NO.
- The NO made a pragmatic tactical decision to group the complaints and address them by means of a own initiative investigation.
- The complaints were almost all found to be unfounded, prompting the NO to shift the focus to the formulation of a reflective report that would provide a reference framework on the topic of what citizens and the police can reasonably expect of each other.
- The investigation did not involve assessment against the standards of proper conduct. However, the standards resulting from the investigation has been used in the consideration of individual complaints.
- The political community was closely involved in the investigation, partly with a view to promoting trust, and partly to facilitate examination of the relationship between the police and the public.
- According to the police, the decision to address the issue both from the citizen's viewpoint and from the police viewpoint was vital for the effectiveness of the investigation.
- The police incorporated the standards of proper conduct into their training programme. The report's other recommendations were also fully adopted.

Extraterritorial health care (2015/053)

The issue

This investigation was prompted by a complaint from a lawyer. It focused on the methodology used by the Medical Advisor's Office (BMA) in the formulation of medical advice to the Immigration and Naturalization Service (IND) as to whether the medical care required by foreign nationals is available in their country of origin. Ten cases were examined.

Details

- The medical procedures had been a bone of contention between the legal profession and the Immigration and Naturalization Service for some time.
- The NO made a conscious decision to address the matter by means of a traditional formal report including an assessment of the methods used by the Medical Advisor's Office.
- Ten cases were examined as a basis for drawing broader conclusions.
- With regard to each of the ten cases, the NO made a judgement based explicitly on one of the standards of proper conduct.
- The recommendations were made to the Minister/State Secretary of Security and Justice, and included conduct directions for the Immigration and Naturalization Service and the Medical Advisor's Office.
- The report and the associated communication were not well received by the governmental bodies involved.

4 ANALYSIS OF TEN OWN INITIATIVE INVESTIGATIONS

The following analysis is based on ten case studies of own initiative investigations. The selected investigations all concluded with the publication of reports. They took place between the start of 2013 and the summer of 2016. Each case study involved a desk study followed by the circulation of a questionnaire to representatives of the National Ombudsman, the investigated governmental bodies and the citizens' organizations involved in the investigation. The desk study findings and questionnaire responses were subsequently considered in an in depth discussion with the stakeholders.

Following the discussions, the ten case studies were reviewed collectively, leading to the analysis set out below. The analysis forms the basis for the observations and recommendations presented in section 5.

4.1 Internal influencing factors

4.1.1 The decision to launch a own initiative investigation

The consideration process

In the studied cases, the decision to launch a own initiative investigation was the outcome of a process of consideration by individual investigators in consultation with the Ombudsman.

- There was no predetermined basis for the consideration process. Factors of various types were taken into account, including the receipt of numerous complaints in a short period, social unrest, the pragmatic advantages of grouping multiple complaints, the seriousness of the impact of improper government conduct on affected citizens, and the desire to follow up an earlier investigation.
- There were also considerable differences in the extent to which the relevant considerations were made explicit.
- The decision to launch a own initiative investigation was not made in the context of integrated consideration of how best to deploy the NO's investigative capacity.

Complaints and problem indications

In all the cases examined, the decision to launch a own initiative investigation was prompted by complaints and problem indications.

- The governmental bodies viewed the receipt of complaints and problem indications by the NO as legitimate grounds for initiating an investigation. However, it was felt that problem indications carried less weight if not accompanied by complaints, since such indications were open to interpretation.
- The governmental bodies questioned whether the number of complaints, relative to the volume of activity undertaken by an governmental body, was indicative of an urgent problem necessitating an investigation. In order to be effective, the NO must not only consider the number of complaints relative to the volume of activity undertaken, but also make it clear that

even a small number of problem cases can justify NO intervention. In that context, it is important to consider the extent to which problems can impact on the lives of individual citizens and the importance of citizens being able to trust the government.

- Highlighting the problems of less vocal groups within society is clearly a challenge that the NO has to take up. It is one of the NO's duties to flag up problems affecting groups that are not able or inclined to seek the NO's support. If the NO did not actively address such problems, they would be displaced, with the concerns of vocal groups occupying the NO's entire investigative capacity. The following suggestions were made: active distribution of questionnaires, making enquiries with governmental bodies and interest groups, and making more use of publicly available data.
- As well as operating on a reactive basis, it was suggested that the NO could increase effectiveness by own initiatives contributing to proper government conduct. Even without complaints and problem indications, the NO could press for the standards of proper conduct to be taken into account in, for example, new legislation and policy. On a thematic level too, the NO could own initiatives provide input on proposed policies, albeit strictly from the citizen's viewpoint. The NO's input should relate to possible risks; the NO's role is not to approve proposed policy and/or legislation. It would be important to avoid giving the impression that the NO merely rubber-stamps government proposals.

4.1.2 Systematic working

Investigative approach

- Some of the investigations used an approach plan template featuring questions that obliged the investigators to consider the aim of the investigation and the resources to be deployed. Systematically addressing the template's critical questions helped the investigators to conduct an effective and efficient investigation.
- When defining the approach for a own initiative investigation, a small number of tools are considered.
- There appears to be an unwritten rule that a own initiative investigation must conclude with a traditional formal investigation report, a draft of which is reviewed with the investigated governmental bodies at a roundtable discussion. Various factors appear to have influenced the development of that situation:
 - The assumption that the NO is taken seriously if an investigation report is produced
 - The paucity of alternative approaches open to the NO
 - The desire to document codes of conduct, standards and recommendations so that they may serve as future reference frameworks
 - The desire amongst investigators for a tangible end product
- When investigations yielded more convenient end products as well (e.g. an infographic highlighting problems or context standards for implementation), they were generally welcomed by governmental bodies and quickly put to practical use.

4.1.3 The human factor

Commitment of investigators

- The governmental bodies regarded the investigators as highly motivated to undertake high-quality investigations and to realize the desired systemic change.

Organizational support

- In a small number of cases, the investigators were dissatisfied with the internal organizational support. In those cases, the investigators felt that the support and expertise of others was denied to them, so that the investigators had the impression that full responsibility for the investigation lay with them.

Knowledge of the investigated topic

- NO investigators work in a wide variety of fields and cannot therefore attain the highest level of expertise in them all. By contrast, personnel at the governmental bodies are necessarily experts in their particular fields. In a few of the examined cases, the investigators were vulnerable to the accusation that they lacked the expertise needed for the investigation. That was particularly so in situations where the expertise of personnel at the governmental body had a significant influence on the body's operational practices. Such doubts were less likely to arise when an investigation was explicitly conducted from the citizen's viewpoint.

4.1.4 The standards of proper conduct

Standards of proper conduct

- In a small number of cases, the standards were used to assess the action of the government and the outcome of this assessment was made public. Elements of the standards could be identified in most investigations, but were not explicitly used as a reference framework. The governmental bodies did not find this problematic, but made clear that a definition of proper conduct would be helpful.

New/applied standards of proper conduct

- In most cases, new or applied standards of proper conduct were formulated for a particular domain, sometimes quite explicitly, sometimes less so. The significance and sustainability of new or specific standards of proper conduct is not clear. Sometimes they are used in the consideration of individual complaints; at other times they are used as reference frameworks in subsequent investigations, or simply to elicit action by a governmental body in a particular instance.
- The standards and codes of proper conduct that have been developed are not actively managed or systematized.

4.1.5 Quality of the investigation and report

Quality of the investigation

- The governmental bodies and citizens' organizations were generally positive about the quality of the investigations and reports.
- Insofar as the quality of an investigation or report was questioned, the doubts related to the conclusions/recommendations, the title and subtitle, or the introduction.
- The investigation of the facts was questioned only in one case. However, that did have direct implications for acceptance of the report and its findings.

Recommendations

- In the examined cases, the NO chose to address recommendations to various parties, sometimes indirectly. For example, recommendations were often addressed to the relevant minister and/or state secretary, for onward communication to an executive body. In other cases, recommendations were made to executive organizations, which could not be implemented without instructions from the owner or principal. In such cases, the effect was to leave the executive body feeling impotent, rather than to prompt action by the owner or principal.
- If a recommendation to an executive body is not supported by that body, it is unlikely to be implemented without pressure from the owner or principal.
- In cases where an investigation yielded recommendations for numerous governmental bodies, the NO chose to address them to such bodies generally. The result was that individual bodies did not necessarily feel that the recommendations related directly to them, and were less inclined to feel a responsibility to act.
- In many cases, recommendations were not specific, measurable and time-bound. Consequently, governmental bodies often responded to the recommendations in general terms.

The role of the NO

- In the discussion of the study cases, the issue of how far the NO should go to realize or bring about the realization of improvements was raised. Three views of the NO's role were put forward:
 - Exclusively to identify problems and make recommendations
 - To actively encourage parties to make the necessary improvements
 - To oversee improvement programmes

4.1.6 Degree and manner of the involvement of the investigated governmental body before, during and after the investigation

Announcement of the investigation

- Some governmental bodies indicated that news of the investigation came as a surprise. That was certainly the case where the body in question was already working to address the identified

problems. The organizations in question felt that involvement in the investigation detracted from their own efforts to address the same or other problems.

Involvement of governmental bodies

- Investigated governmental bodies were more likely to be positive about the outcome if they had been closely involved with the investigation. Where that was the case, the NO was perceived to have produced a balanced report that not only highlighted the problems faced by citizens, but also took account of the parameters within which the governmental bodies operated and the efforts made by the bodies in question to address the relevant issues. That led to greater acceptance by the governmental bodies of the NO's findings and recommendations, even if those findings were critical.
- Conversely, governmental bodies were more likely to be critical of an investigation if they had not been closely involved. Where that was the case, the governmental body tended to feel that the NO had failed to take account of the body's responsibilities or the associated challenges. In a small number of cases, the NO was also criticized for failing to recognize the efforts already being made by the governmental body to prevent or resolve the problems perceived by citizens. The criticism that the NO had failed to take account of the governmental body's operational circumstances was expressed most firmly by bodies whose responsibilities often lead to confrontation with citizens (e.g. the police and court bailiffs).

4.1.7 NO's relationship with the governmental body: style, tone, treatment, attitude and position

Addressees

- In the examined cases, a distinction exists between the formal addressee of a own initiative investigation and the governmental bodies and other actors involved in the investigation. The governmental bodies/actors did not perceive there to be such a distinction. The governmental bodies involved in an investigation almost always perceived themselves to be the addressees.
- Even if the NO's recommendations indicate that responsibility for the resolution of a problem lies with a minister, the executive bodies often perceive themselves to be portrayed in a bad light if a report highlights operational problems. Executive bodies are particularly sensitive to such portrayal if a negative image of them is given in the media. Reinforcement of such negative images by the National Ombudsman has far-reaching consequences and, in the eyes of the bodies in question, frustrates the process of change. The National Ombudsman can prevent (or, at least, minimize) such repercussions by explicitly addressing its reports and media communications to the responsible minister.

Independence

- In a number of cases, the NO expressed opinions regarding an issue -- implicitly or explicitly (in the media) -- before conducting an investigation. In the eyes of the governmental bodies concerned, the impression was therefore that the investigation would serve merely to confirm

conclusions reached in advance. Occasionally, the investigation led to the NO having to revise a previously expressed opinion.

4.1.8 External communications concerning the investigation and publication of the investigation report

Report publication

- In some cases, a governmental body that took no exception to the body of a report nevertheless objected to inconsistencies in the report's tone (particularly the title/subtitle or introduction), or to the way that the report was represented in the media.
- Governmental bodies greatly valued the opportunity to see a report prior to its publication, and thus to prepare their responses.

Influencing strategy

- Most of the NO's reports were published without a detailed influencing strategy. Whether the report was picked up by media and/or by the governmental bodies depended on the prominence of the relevant issue on the media agenda and/or the policy agenda at the time in question.
- The input of communication advisors was generally restricted to minor contributions, such as writing a section on communication for the approach plan, in connection with the start of the investigation or the publication of the report. Where communication advisors were more closely involved in planning the investigation, more attention was given to the question of how best to influence the relevant actors.

4.1.9 Monitoring implementation of the investigation report's recommendations

- Generally speaking, implementation of the recommendations was not systematically monitored in the examined cases.
- All stakeholders (NO, governmental bodies and citizens' organizations) believe that the NO's active ongoing involvement in the implementation and utilization of a report's findings has great potential benefits. For example, the NO could periodically enquire after the current situation and consider current needs, highlight consistent themes in the reports, make new recommendations if implementation of the original recommendations stalls, and so on.
- Nevertheless, governmental bodies believe that it is their responsibility to resolve observed problems, and that they should remain in control of the process of implementing recommendations. They are, however, open to the idea of the NO actively offering assistance.

4.2 External influencing factors

- The case studies identified the following external influencing factors:
 - Social indignation

- Media attention
 - Political interest in the issue
 - Ongoing legislative or policy processes
 - Chain complexity (involvement of multiple organizations in a problem)
 - Simultaneous interest in an issue from other organizations (research and/or public comment)
 - Jurisprudence
 - An issue being addressed by a governmental body while the NO investigation is in progress
- In most of the studied cases, external influencing factors played a significant role in the investigation. The NO sometimes adroitly anticipated external influencing factors, by doing so often increasing the effectiveness of the investigation. For example, some investigations were aligned with simultaneous initiatives by other institutes, evaluations of legislation, or policy initiatives within the governmental body or elsewhere.
 - On other occasions, however, the effect of external influencing factors was to diminish the value of the NO's report, insofar as the investigation had been overtaken by developments. In one case, for instance, a court judgement led to an immediate change in the executive practice under investigation; in another, the governmental body autonomously changed its practices.
 - In cases where the NO anticipated potential external influencing factors, the investigation's outcome was more likely to be accepted by the governmental body.
 - When unexpected or unforeseen developments occurred, the NO usually continued with the predefined investigation plan, at least in outline. That was the case even when developments meant that adjusting or changing the approach would have enhanced the effectiveness of the investigation.

4.3 Effectiveness and added value

- The investigations served various purposes. For example, several investigations served less to challenge improper government conduct than to propose standards (frameworks/codes of conduct/principles) as a means of facilitating proper government conduct. Such contextual standards were generally embraced by the governmental bodies concerned. Depending on how specific the standards in question were, they also led to changes in government conduct. Contextual standards have a particular value within the NO's office, because they are used in the consideration of individual complaints.
- Insofar as the investigations led to conclusions regarding the propriety of government conduct, a high degree of goal attainment was realized, if a) the problems were already widely recognized by the executive bodies, and b) external influencing factors contributed to the report appearing at an opportune moment. The effectiveness of an investigation depends on the recommendations clearly specifying both the action to be taken and the party or parties expected to bring about change.

- In a significant proportion of cases, the governmental bodies concerned indicated that the investigated problems were already receiving attention without the NO's intervention. Nevertheless, investigation by the NO is perceived to place additional pressure on the responsible governmental bodies and is therefore regarded as supportive by citizens' organizations. In the majority of cases, the investigated governmental bodies indicated that changes would still have been made if the NO had opted for a smaller-scale targeted form of intervention. That was particularly the case with investigations that followed up earlier own initiative investigations. The governmental bodies that were often involved in investigations therefore warned that the frequency of the NO's reporting could ultimately detract from the impact of the reports.
- The NO's added value is always an introduction of the citizen's viewpoint. In a number of cases, the NO highlighted citizens' viewpoints that would otherwise have received less attention (e.g. in the 'Disappearance of the blue tax envelope' investigation, which highlighted the fact that the creation of a safety net had not resolved the problem that some citizens were deprived of their self-sufficiency). The governmental bodies saw communication of the citizen's perspective as reasonable and persuasive legitimization for the NO passing comment on anything, even if that led to the NO commenting on (the problematic implications of) legislation and policy.
- The NO also delivers added value by bringing various parties together to consider a shared problem. The governmental bodies believe that the NO's effectiveness could be increased by building up that role.

5 OBSERVATIONS AND RECOMMENDATIONS

On the basis of the analysis of the findings from the ten case studies, various observations and recommendations are made below with a view to enabling the National Ombudsman to increase the effectiveness of own initiative investigations. First, the main observations are presented. The observations are followed by our recommendations, grouped on the basis of the strategic choices and substantive opportunities for improvement open to the National Ombudsman.

The National Ombudsman has recently started an organizational development project, which falls outside the scope of this research. However, the case studies serve to endorse various central aspects of the recently adopted strategy. In the context of the observations and recommendations set out below, a number of follow-up measures are identified, which may confidently be used to build on the developments already in progress. Where possible, concrete actions and tools are put forward that may be of assistance in that regard.

5.1 Main observations

The research yielded a variety of major and minor observations. The observations that can most readily be leveraged to improve effectiveness are set out below.

The standards of proper conduct have potential if used strategically

Use of the standards of proper conduct has to date been diffuse. Their value consequently varies considerably from investigation to investigation. However, the explicit application of standards of proper conduct is a potentially effective tool if adopted on a strategic basis.

There is no framework for integrated decision-making on investigative intervention

The framework for deciding whether the NO should address an issue is not sufficiently well developed. The need for intervention is not therefore considered on the basis of an integrated approach to deployment of the NO's investigative capacity.

The limited range of available tools implies a low threshold to intensive investigation

When investigating an issue, a limited range of tools is used, and investigations almost always conclude with the publication of a traditional formal report. Consequently, the National Ombudsman does not have the option of reserving the 'blunt instrument' of public reporting as the final step in an escalation process. Another consequence of the limited tool range is that intervention is sometimes unnecessarily intensive.

The National Ombudsman's authority alone is sometimes enough to initiate change

The National Ombudsman is an authoritative institution. As such, the NO has the power to elicit a response from a governmental body with relatively little input.

The investigation process itself often promotes improvement

Own initiative investigation serves mainly to bring about improvement on a monocyclic basis. Once the report has been published, the issue disappears from the agenda, unless further developments dictate otherwise. The National Ombudsman is therefore constantly moving from issue to issue. In consequence, the opportunity is missed to influence a complex issue over time by keeping the issue 'live' with a series of relatively minor interventions. More programmatic working is an attractive direction for development, especially if combined with a staged approach and a graduated toolset (which would also facilitate more agile use of investigative capacity).

The investigative approach places insufficient emphasis on exerting influence or knowledge of the landscape

When a own initiative investigation is undertaken, the emphasis is firmly on the quality of the investigative process. The National Ombudsman's effectiveness could be increased by paying more attention to influencing prominent parties in the landscape. The plan to involve communication advisors both prior to and during an investigation will help to ensure that the investigation team has access to up-to-date knowledge of (developments in) the landscape, is better placed to respond appropriately and can direct activities more purposefully towards exerting the intended influence.

5.2 Strategic choices

The research raised a number of strategic questions relating to the role and duties of the National Ombudsman. The National Ombudsman's office needs to discuss these questions internally, make appropriate choices and proceed accordingly. Hence, the following should be addressed:

- Determining the function(s) and usage of the standards of proper conduct (internal/external, implicit/explicit, advisory/standardizing)
- Determining the function(s) and usage of the context standards developed by the National Ombudsman for particular domains/sectors/issues/developments
- Deciding how context standards relate to the professional codes, inspection standards and codes of conduct that governmental bodies (have to) follow
- Determining the extent to which the National Ombudsman wishes to own initiative intervene in social and/or policy developments and how that can be done while retaining the ability to subsequently express opinions regarding executive practice
- Redefining the own initiative investigation tool by specifying the tools that may be deployed as part of such an investigation
- Defining how far the National Ombudsman wishes to go in realizing or bringing about the realization of change: does the National Ombudsman wish to merely identify and highlight problems, or to also promote their resolution by the governmental bodies concerned (e.g. by bringing relevant parties together), or even to oversee the realization of change?

5.3 Opportunities for improving effectiveness

Various practical ways of increasing the effectiveness of own initiative investigations are identified below. The first three involve the creation of the conditions for progress. The other identified opportunities follow the cycle from problem identification to conclusion of the investigation.

5.3.1 Standards of proper conduct

- Evaluate and revise the standards of proper conduct. Some standards are rarely or never applied, while the investigation reports refer to standards that are not included in the standards of proper conduct and cannot be regarded as derivations of any defined standard.
- Organize the use, application and management of standards developed for particular contexts.

5.3.2 Strategic agenda

- Develop a strategic agenda as a basis for defining investigation priorities for the period ahead. Input from stakeholders and governmental bodies that are often involved in own initiative investigations should be utilized when defining and updating the strategic agenda, in order to identify upcoming developments. Such an approach would be consistent with the recently adopted policy of working on a more programmatic basis.

5.3.3 Role and task demarcation

- Clearly define roles and tasks as a basis for constructive discussion when analysing the landscape, defining the influencing strategy, planning the investigation and considering deployment of the NO's investigative capacity on an integrated basis. No individual should have tasks on two sides of an anticipated dialogue (e.g. the task of considering the influence aspects of an investigation and the task of undertaking a thorough investigation). Conversely, roles and tasks should not be divided amongst multiple individuals, otherwise responsibility is liable to be fragmented.

5.3.4 Issue identification

- Reserve time for periodic issue identification meetings, at which developments and information about the problems faced by (less vocal) citizens are tabled and considered collectively. To that end, investigators could be tasked with gathering information on a monthly basis from social media, jurisprudence, news media, legislation, parliamentary proceedings, public investigation reports, and so on. Both investigators and others could participate in the issue identification meetings. Participants would be expected to act as the 'eyes and ears' of the National Ombudsman. Fulfilment of that role would be facilitated by landscape monitoring and frequent contact with governmental bodies, stakeholders and journalists. Through their contact with journalists, communication advisors are able to judge whether an issue is likely to attract media attention. Such intelligence can serve as valuable input for issue identification meetings.
- Provide direction for the issue identification meeting by giving participants some topics. That would ensure adequate focus on highlighting the problems faced by less vocal citizens and on

monitoring the implementation of recommendations made in the context of earlier investigations (creating a closed identification-investigation-monitoring cycle).

- Experiment with the use of issue identification tools in order to cope with increasing executive fragmentation (particularly where municipal authorities are concerned). Tools and techniques worth considering include data pooling, quick scanning, (on-line) questionnaire distribution amongst municipal authorities, and consultation with focus groups and citizens' organizations.
- Time should be reserved at the end of each issue identification meeting for sharing the findings and enable participants to respond to each other and make suggestions.

5.3.5 The 'whether to' question

- The question of whether the National Ombudsman should initiate a own initiative investigation should be considered separately from the question of how an investigation should be approached.
- Develop an assessment framework for systematic consideration of whether and why the National Ombudsman should initiate an investigation:
 - How many complaints and problem indications have been received, and how serious are they?
 - What standards of proper conduct are relevant?
 - To what extent is the citizen's viewpoint clear/assured?
 - What could an investigation achieve (goal definition)?
 - What external circumstances are relevant?
 - Is it an appropriate time for an investigation?
 - What added value would investigation by the National Ombudsman have?
 - How would an investigation relate to the strategic agenda?
- Hold priority identification meetings, at which proposed investigation topics are discussed and decisions are made as to which proposals to take forward. In the interest of balanced decision-making, clear demarcation is required between the role of issue-proposing investigator and the role of agenda manager, where the latter has responsibility for considering investigation capacity implications, testing an issue's conformance within the NO's strategic goals and estimating the probable effectiveness of an investigation.

5.3.6 The 'how to' question

The effectiveness of an investigation depends on two distinct perspectives having equal influence on the investigation design: the influence perspective and the investigator perspective. A discussion in which both perspectives are represented is possible only if there is explicit corresponding role demarcation.

Furthermore, the effectiveness of an investigation is emphasized by considering the investigation's approach first from the influence perspective.

Influencing strategy

- An influencing strategy should be defined for each own initiative investigation, in which the landscape is analyzed and the most appropriate tools and tool types for bringing about the desired change are identified. To that end, the strategy's authors must have change management competences and knowledge of the landscape. Use of an influencing strategy template can help to ensure that all relevant environmental factors and intervention options are considered and the decisions have a sound basis.

The influencing strategy should answer questions such as:

- What are the defining features of the landscape?
- What movement is required on the part of which organization(s) for realization of the intended goal?
- Which organizations should be involved in the investigation and in what capacity should they be addressed (advisor, expert, investigation subject, problem owner)?
- What function do the standards of proper conduct have (none, input, assessment, further development)?
- What intervention(s) and tools are required to bring about the necessary movement?

External review

- The relevant governmental body should be informed about the (impending) investigation at the earliest opportunity, preferably by means of a face-to-face meeting. The considerations behind the decision to investigate should be explained, and enquiries made to ascertain from the governmental body whether developments are in progress that might justify revision of the influencing strategy. Stakeholders may also be involved in the external review of the influencing strategy.
- Explaining the considerations behind the decision to investigate prevents the governmental body drawing its own conclusions as to why the National Ombudsman wishes to examine the relevant activities. A meeting will also provide feedback regarding the governmental body's likely attitude towards the investigation and regarding potential obstacles to resolution of the problem.

Plan of action

- Using the influencing strategy as a basis, develop a plan of action, which translates the proposed intervention(s) into a qualitative investigation plan. To that end, an investigator should formulate investigation questions and indicate what is required to answer them. That will require knowledge of the issue, knowledge of the relevant legislative and regulatory context, and insight into the (possible) causes and related problems. Using a plan of action template can help to determine whether the envisaged tools are adequate and/or whether 'lighter' tools would suffice.
- Where appropriate, the plan of action should make provision for interim review and realignment in response to developments in the course of the investigation.

Where appropriate, decision points should be defined, at which the influencing strategy and plan of action should be finalized, enabling the investigation to start. Such decision points might be immediately after periodic assessment meetings, for example.

5.3.7 Involvement of governmental bodies

- The nature of the governmental bodies' involvement should be appropriate for the type of organization and the circumstances. For example:
 - In the case of a rigid organization wedded to its own working methods and outlook, a report serves little purpose. It may be more productive to, say, hold biweekly complaint review meetings with the senior managers, until a change of mentality becomes apparent. The publication of a critical report can be retained as an escalation option.
 - In a highly dynamic policy field, a traditional formal investigation is likely to be ineffective. In such cases, the National Ombudsman may do better to monitor developments at close quarters and engage in discussion with stakeholders as to the changes that should be sought. A report can always be published later, if problems persist after the dust has settled.
 - When dealing with complex problems involving multiple governmental bodies, effectiveness is enhanced by bringing the relevant parties together at an early stage (certainly before the findings are formulated), in order to promote a sense of shared ownership of the problem and its solution. Generally speaking, the more complex the problem is, the more consultation is required and the more responsibility for solutions must lie with the governmental bodies collectively. Where such problems are concerned, the National Ombudsman's role becomes more explicitly catalytic.
- Discussion partners should be selected in line with the purpose of the discussion: if the aim is to analyse the problem, people with operational experience are preferable; if the aim is to effect a solution, the involvement of senior managers is required. Refer to the influencing strategy to establish who should be involved, when and where.
- As a rule, it can be useful to bring all stakeholders together at any given moment to discuss the problem. Even if the meeting yields no new insights, it can reinforce mutual understanding.
- Intensify the involvement of governmental bodies in the investigation.
- Ensure that the report considers the operational circumstances, complex responsibilities and improvement initiatives of the investigated governmental body or bodies, especially where executive bodies are concerned.

5.3.8 Interim review

- Provision should be made for one or more interim review points, at which the course of the investigation is evaluated by means of internal audits. An internal audit is a form of organized sparring, in which colleagues pose constructive questions as a basis for evaluating progress together with the investigators. Input from colleagues who are able to view matters with a fresh eye helps investigators to identify possible problems or developments that may warrant adjustments to the course of the investigation. The use of an audit form and questionnaire lends

structure to the dialogue. Furthermore, a 'library' of audit forms is built up over time, facilitating the identification of common obstacles and pitfalls.

- Internal audits should be conducted by personnel who have experience carrying out own initiative investigations, but no role in the audited investigation. Another benefit of internal audits is that the active sharing of knowledge and experience is integrated within the working processes. That facilitates the dissemination of best practices and promotes mutual support.

5.3.9 Completion of the investigation

- Always submit the full draft report to the governmental bodies involved for fact-checking. That will enhance the quality of the final report and prevent unnecessary debate about minor aspects.
- Recommendations should be addressed as precisely as possible. Where necessary, recommendations should be discussed with the relevant governmental bodies before finalization, to ensure that they are addressed to the right parties.
- The governmental bodies addressed by the investigation should be asked to indicate what they intend to do to implement the recommendations, and the time scale within which they intend to act; alternatively, the NO should prescribe the implementation activities and time scale. Make it clear that the governmental body is expected to report on progress within the indicated or prescribed time scale.
- The governmental bodies involved should be informed when and how the report will be published, so that they can prepare accordingly. The unannounced publication of a press release or other media comment is a drastic remedy that should be used only in exceptional circumstances.

5.3.10 Post-investigation follow-up

Evaluation of completed investigations

- Some time after completion of an investigation, it should be evaluated internally and with the external stakeholders. Input from governmental bodies or citizens' organizations can yield insights that will help the NO to increase the effectiveness of subsequent investigations. Furthermore, an open attitude will help to build bridges with the governmental bodies involved in the investigation. Evaluation need not be a time-consuming exercise if a (digital) evaluation form is circulated to the relevant parties, and possibly followed up by a roundtable discussion.

Reporting by governmental bodies

- A (public) reporting tool should be developed (like that used by the Netherlands Court of Audit), enabling investigated governmental bodies to record the status of implementation activities (using a traffic light system) and anticipated implementation time scales. Periodic reporting will help to maintain a sense of urgency.

Monitoring

- Monitor whether recommendations are implemented and whether implementation leads to resolution of the investigated problems. Make review part of the periodic issue identification process (see 'Issue identification') and use the assessment framework to determine whether the National Ombudsman should give the problem further attention.
- Organize periodic meetings between the National Ombudsman and the monitored governmental bodies. Use the meetings for the structural discussion of relevant developments, identified or potential problems and the implementation of recommendations. Consider the reintroduction of annual letters as a basis for the discussions.

By the end of an investigation, the investigation team is unlikely to have the same dynamism that it had at the outset. It can therefore be advantageous for someone from outside the team to (re)consider how best to build on the results of the investigation. The focus should be on maintaining the sense of urgency created by the investigation, monitoring implementation of the recommendations, managing any context standards developed and transferring the investigation theme to the issue identification mechanism.

5.4 What next

From the research reported here, it is clear that there is no blueprint for an effective own initiative investigation. Nevertheless, the research has yielded a collection of observations that can contribute to increasing the effectiveness of the National Ombudsman's investigations. The observations can also serve as starting points for practical follow-up action.

The most obvious means of follow-up is to disseminate and discuss these research findings within the organization.

In addition, the research identified a number of strategic choices open to the National Ombudsman, which are set out in this report. It would be advantageous to discuss the strategic choices at a series of (internal) working meetings with a view to determining the appropriate position for the National Ombudsman to adopt.

As well as discussing and making strategic choices, the National Ombudsman can increase effectiveness by addressing appropriate questions at certain moments in the investigation process and realigning the approach accordingly. Experience indicates that the questions concerned are liable to receive insufficient consideration unless they are incorporated into the work processes. On the basis of the research findings, this report proposes various roles, tasks and meetings that could contribute to the desired dialogue and to systematic, balanced decision-making. Various tools (agendas, templates, questionnaires, etc) are also identified, which could be used to provide a structure for discussion and to ensure that key questions are explicitly addressed. The third follow-up measure proposed is

therefore to develop appropriate tools and to align roles, tasks and consultation mechanisms with the new organizational and consultative structure.

When realizing the proposed roles, tasks, consultation mechanisms and tools, it will be important to guard against the danger of unnecessary bureaucratization, operational restrictions or a parallel structure. To that end, the necessary and adequate frameworks for effective investigation described in this report should be integrated into the organizational and consultative structures and working methods of the National Ombudsman.

APPENDIX 1 - THE NATIONAL OMBUDSMAN'S TOOLSET

