

Reinier van Zutphen
National ombudsman
secretariaat@nationaleombudsman.nl
+31 70 3563 563

Summary

At the office of the National Ombudsman, we see it as our role to ensure that the government is aware of the citizen's perspective in everything it does. This means we need to talk to citizens, to hear and understand the true nature of their perspective. To achieve all this, we need to speak and understand the language of our citizens, to tune in to what they have to say. And since we cannot talk to everyone, we need to establish connections with the existing networks to which they already belong. As we have discovered, this is how to give a voice to citizens who otherwise would not be heard. At the same time, we acquire a lot of information about the situation these citizens live in. The government too has access to this information, and it should use that information to proactively provide the benefits these citizens are entitled to.

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PROACTIVE GOVERNANCE

The need for a proactive government for reaching vulnerable and marginalised groups

In this paper, I want to share with you the actions the National Ombudsman in the Netherlands has initiated aimed at reaching those citizens who often struggle to find their way to us and the government. I want to talk to you about the need for a proactive government and the role ombudsinstitutions can play in getting this done.

1. In the past

In the early days of the National Ombudsman in the Netherlands, complaints were investigated according to formal principles. An extensive written procedure resulted in a report. As we have discovered, and many offices with us, writing legal reports in often legal jargon is not the best way to reach the general public. At the same time if there is a large influx of complaints, this way is not feasible anymore. And most important, that what people complaint about in writing, was not always what was really the problem. Often, during the investigation we discovered that there were other issues at hand that we only found out by talking to citizens. Therefore we, and a lot of other ombudsinstitutions have developed a more informal and direct way of working. By talking to citizens and trying to find out what it is they have problems with. Their stories became increasingly important in identifying where things went awry.

2. The stories

This inspired us to build up a more citizen-focused way of handling complaints. We contacted people directly and started to listen more closely to what they had to say and to ask the questions that would reveal the nature of their underlying problems. It also allowed us to manage expectations.

To put it more plainly, we learned to make the story someone told us the starting point of our investigation. We realised that the way the story is told, the words an individual uses to describe their own experience, should not be translated into legal terms but should be

kept in its original form. The person's own narrative should be the actual basis of the investigation. This is of fundamental importance: it means that the complainant is taken seriously and that the reason for the complaint is always clear.

3. Communication and outreach

By keeping close to the citizen's own story, we were able to shift our focus from broadcasting information to the world towards an approach defined by more active listening and mutual participation. What do I mean by this? Active listening means that as a complaint handler, you need to be able to ask the right questions and to manage the dialogue in such a way that citizens feel heard and understood. This requires specific skills that we borrow from mediation. These mediation techniques allow my staff to deal with emotions, anger, and people with challenging behaviour. But they also provide the tools to find the underlying cause of the problem at hand. These skills are now part of our standard staff training. At the same time, we needed to apply the same citizen-centred approach when spreading our message and reaching out to the public. This meant widening our focus from advertisements and brochures to encompass social media and informal ways of communicating with people. We now make use of LinkedIn, Facebook, Twitter, YouTube, and Instagram. Each platform requires its own specific approach. Texts and photos are made specifically for a particular platform and reused where possible. This helps give the National Ombudsman a recognisable image among the members of a specific group. For some time, we had the impression we were reaching everyone.

4. Not our network

However, we discovered was that it is near impossible to reach everybody. There are so many kinds of people. All with their own different lives and live styles. They all use different communication channels (if any) and because they are so diverse and large in number, they are very hard to reach directly. For many groups in society that was not an issue as they were able to find the ombudsman when they ran into problems with the government. But for certain groups that is not the case. They need the ombudsman but

are not able to find him or are even aware that such an institution exists. We identified five target groups, which could benefit most from contact with the ombudsman. The groups are: Young adults, Migrants, and refugees, Self-employed (entrepreneurs), Single/young parents and Older informal carers/single elderly people.

5. Intermediaries

But we discovered that we ourselves did not need to aim at reaching these people ourselves. Many people and organisations are already in contact with these various groups: people and organisations with special networks and the will to help these groups on a non-profit basis. It is those that need to know about the ombudsman. We call them intermediaries and define them as follows:

People (at executive, tactical or strategic level), organisations or institutions who are in direct contact with citizens and provide them with support in their contact and interaction with authorities.

Intermediaries for example are: interest groups, general practitioners, psychologists, legal desks, lawyers. They give advice and represent (vulnerable) citizens. We then decided to ask them to assist us in reaching these groups. There were three reasons for doing so:

1. They know the target group and their problems like no one else.
2. They are often the first point of contact for the target group.
3. This approach saves the target group having to deal with another public authority.

As our focus is now on the intermediaries our communication and strategies are aimed at that groups. This system has now been implemented in our institution and we have also rolled out a number of general initiatives to facilitate intermediaries in their contact with our target groups. For example, we have:

- expanded our website with a dedicated section for intermediaries;

- introduced an advice hotline especially for intermediaries;
- developed an online community to lower the threshold for contact between intermediaries and the Ombudsman.

6. Ombudsagenda

This change in our approach made us aware that we can do much more than just wait till a complaint or problem comes to us. Because in our day-to-day work, we receive a lot of signals. People who come to us about a problem that is not within our mandate, or a topic that is addressed by one person but would be relevant for hundreds of people. We can use these signals to prepare for a greater inflow of complaint on that topic, or we can be proactive and take action. Of course, in the past we did already act if information via the media came to us about problematic situations, but to organise your institution in such a way that you aim for a broader impact with the investigations that you do, has led to a change in our office. Yearly we have set up an ombudsagenda in which we identify certain topics and concrete investigations that we will dedicate our working force to. We are using our structural investigations to do this and define the themes under which heading this will take place. For instance, we did this on the topic of poverty in the Dutch Caribbean, where we wrote three reports on poverty and elderly people, poverty and young adults and poverty and single parent families. From these three investigations we learned that poverty is not just a money issue and is something that needs concerted actions in the field of health care, education, and income. But there is more that we and the government can do.

7. Proactive governance

Because governmental agencies have an extensive personal information from all these target groups. They know how old you are, where you live, what benefits you receive and who you share your life with. Based on all this information it is not very difficult to establish who is entitled to any benefits or other forms of support but do not apply for

them. So why would a government wait for such an application. Why not be proactive and arrange it for these people?

8. Benefits for elderly people

We investigated this and published our findings in the report "Settling for too little". It focuses on elderly people above the retirement age, who live independently and are in a financially vulnerable position. As in most countries people after a certain age are entitled to a state pension. But that does not mean that this income is enough. Especially in these days, life is expensive. Governments provide many benefits, in many cases offered digitally, to the elderly people who struggle to cope with their finances. But they are often not aware that these benefits exist or are unable to attain them due to the complex procedure.

We interviewed 45 people who are enjoying their pension and listened to their stories. We also talked with 30 intermediaries who are part of the network about which we are now talking. Of course, we also talked to the governmental agencies.

There are many reasons why people do not make use of the income provisions that are available. Just not knowing about the existence of such a provision is quite common. But if they do know, it is not always easy to apply for such benefits. Especially when it is provided via digital application procedures. Also, there is generation gap where it concerns asking for help. The older generation is more accepting of their situation and assume that they just need to make ends meet. There is also the shame people may feel if they ask for financial support. Common to all the income provisions is that the initiative to apply for such support lies with the elderly. But why ask them to apply for benefits when it is perfectly clear from the data the government already has, that they are entitled to such a benefit? So, we asked the government to take on a proactive attitude and reach out to them in a language that is understandable for them and procedures that are easy to follow.

9. Recent cases

In the ombudsagenda of 2021 poverty is one of the key themes. Covid-19 had a big impact on this group, and we decided to focus on three groups that need to get by on a minimum income: young people with disabilities, status holders and young people on welfare. We published three reports covering these groups separately. What we found is that these groups are confronted with many governmental organizations if they are looking for support. There is central government, local government, and the tax office to name three. And all these organizations have their own specific procedures and regulations. We found that is more than a challenge for any person, let alone for people in vulnerable positions.

Young people on welfare depend on the government to provide for their livelihood. But it is precisely they who must deal with many different regulations and bodies. Each body also works with its own policies and procedures. Moreover, young people who live on social security benefits are extra dependent on the government. Especially if they cannot count on the support of their parents. Among other things, they must deal with the municipality as a point of contact for a social assistance and special assistance, but also for remission of local taxes. They must arrange rent and care allowance via again another agency. Young people are at a critical point in their lives due to the transition from youth to adulthood. They lose a lot of the support and income they are used to, when they turn 18. The government considers them adult and from one day to the next, they lose all their safeguards or support.

We talked to many young people with disabilities for our investigation. We discovered that the social security system that is in place for them, is complex and unclear. The government is increasingly looking at what citizens can contribute themselves. And we learned that these young people would very much like to participate. However, due to the laws and regulations, this was quite challenging to do. In the current system, they must deal with multiple public authorities. This fragmentation is a result of the many choices that the government has made in the past. The changes made and planned in the system are always a solution to what is not working well, from the governmental point of view.

In the end they do not address the structure of the system and do not consider the perspective of these young people with disabilities.

In our investigation into the financial situation of people who have a resident permit, we discovered that they run a high risk of long-term financial problems. There are several factors that have a negative influence on their financial situation: lack of basic knowledge of the Dutch language and the financial system, lack of digital skills, and unprocessed traumatic events. To name but a few. The research also revealed that there was a need for good financial guidance from municipalities. Furthermore, these people who have a resident permit, must deal with many different government agencies. If these do not work well together, this influences their financial situation.

The findings in these reports came about with important contributions from the intermediaries. Not necessarily all of them NGO's. And we based our conclusions very much also on the stories of the people involved. In this way we hope to multiply the effect our reports have. We choose topics that cover more than just the single complainant. We involve intermediaries (among them also NGO's) and we ask that the government acts more proactively based on the information that is already available to them.

10. Our role

So, what can we learn from these cases? What should we be doing differently? One of the main conclusions for us is that in many cases asking citizens to apply or ask for help, is not the way to get things done where it concerns people in vulnerable positions. Because it means that to get a benefit or support the citizens needs to act. They also need to understand the procedure, understand the language and they must have a notion of what information is needed. All these components create a large burden for many citizens while much of this information is already known. This means that in our investigations we need to pay attention to the way the government is proactive. Not in providing information about the procedures available, but if there are mechanisms in place that act autonomously based on the data available. Important is that it should never result in the paying back of

received benefits. So, the government needs to make sure its data is correct. An obligation it already has. By laying the burden of proof with the government, the citizen will suffer less likely from the mistakes that might have been made.

11. Broad mandate

A final point. One of the things we have to realise, is that government for citizens is one big organisation. Citizens do not distinguish between local, national, regional, police or whatever appearance a government may have. For them it is all the same. In the Netherlands health care and education are not carried out by public entities. These institutions therefore do not fall within my mandate. However, for citizens health care and education are perceived as part of the government. Governments tend to privatise more and more institutions and services these days. This in most cases means that citizens can no longer complaint to the ombudsman, about these institutions. Their right to complaint has been limited. I would like to refer to the Venice Principles here. The Venice Commission of the Council of Europe, has adopted these principles in 2019. They contain the ambitious requirements that should be met by all ombuds institutions. Principle 13 states that "the mandate of the Ombudsman shall cover all general interest and public services provided to the public, whether delivered by the State, by the municipalities, by State bodies or by private entities". This principle proves a big challenge for many ombuds institutions, but it is of vital importance if we want to take the citizens perspective seriously. Principle 13 acknowledges this quite clearly.

12. Conclusion

At the office of the National Ombudsman, we see it as our role to ensure that the government is aware of the citizen's perspective in everything it does. This means we need to talk to citizens, to hear and understand the true nature of their perspective. This means establishing direct contact with individual citizens and listening attentively to the stories they tell. It also means being able to ask the right questions and being proactive in our inquiries. To achieve all this, we need to speak and understand the language of our citizens, to tune in to what they have to say. And since we cannot talk to everyone, we

need to establish connections with the existing networks to which they already belong. As we have discovered, this is how to give a voice to citizens who otherwise would not be heard. At the same time with a sufficiently broad mandate, we can address the government on our own motion. This allows us to act on the behalf of the citizens and ask the government what it plans to do to solve their problems. Here the Venice Principles can play a key role as that document provides ambitious standards for an ombuds institution.