

OMBUDSMAN

Ombudsman first appeared in Sweden (1809), Finland (1919), Norway (1952), Denmark (1954). In the 70s. and 80s this office became common and widely accepted as a form of protection and freedoms of the people. A significant degree of independence, who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or violation of rights. In some countries an Inspector General, Citizen Advocate or other official may have duties similar to those of a national ombudsman, and may also be appointed by the legislature. Below the national level an ombudsman may be appointed by a state, local or municipal government, and unofficial ombudsmen may be appointed by, or even work for, a corporation such as a utility supplier or a newspaper, for an NGO, or for a professional regulatory body.

Whether appointed by the legislature, the executive, or an organisation (or, less frequently, elected by the constituency that he or she serves), the typical duties of an ombudsman are to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. Ombudsmen sometimes also aim to identify systemic issues leading to poor service or breaches of people's rights. At the national level, most ombudsmen have a wide mandate to deal with the entire public sector, and sometimes also elements of the private sector (for example, contracted service providers). In some cases, there is a more restricted mandate, for example with particular sectors of society. More recent developments have included the creation of specialised Children's Ombudsman and Information Commissioner agencies.

In some jurisdictions an ombudsman charged with the handling of concerns about national government is more formally referred to as the "Parliamentary Commissioner" (e.g. the United Kingdom Parliamentary Commissioner for Administration). In many countries where the ombudsman's remit extends beyond dealing with alleged maladministration to promoting and protecting human rights, the ombudsman is recognised as the national human rights institution. The post of ombudsman had by the end of the 20th century been instituted by most governments and by some intergovernmental organisations such as the European Union.

Making a complaint to an ombudsman is usually free of charge.

POLAND

In Poland the Ombudsman has acted since 1987.

The Polish Ombudsman, literally Ombudsman for Citizen Rights, often abbreviated RPO) is an independent central office of the Republic of Poland. The office was first established on January 1, 1988. Its functioning is regulated by the Constitution and an act of Polish parliament (Sejm) from July 15, 1987. The office is accredited as Poland's national human rights institution.

Responsibilities and powers of the Polish Ombudsman

Polish law entrusts the ombudsman with four responsibilities with respect to citizen rights:

Prevention, diagnosis, monitoring, creativity.

The ombudsman, deputies and the office protect freedom and rights of the people. They monitor current events. In case they find that due to intentional actions (or lack thereof) by agencies, organisations or institutions which are duty bound to respect freedoms and rights of the people, these freedoms and rights were violated, they undertake action. In such cases, they can act on behalf of the people in courts. The office can undertake such actions only if a thorough analysis of the situation shows that the rights or the freedoms of the people were infringed, and only if such analysis recognises the need for the ombudsman to be involved in a case. The people have right to ask the ombudsman for intervention.

Election, recall and term of office[edit source |

The ombudsman is elected by an act of Sejm and has to be accepted by the Senate.

The term of office is five years long and the same person cannot hold the office more than twice. Sejm has the right to recall the ombudsman with 3/5 majority before the end of term.

List of Polish Ombudsmen: (Irena Lipowicz (July 21, 2010 -)

www.ombudsman.gov.ie

www.ombudsman.europa.eu

Internet, 15.02.2014

ENGLAND

In the United Kingdom a post of Ombudsman is attached to the Westminster Parliament, jurisdiction extending to all departments of the central government and other government institutions. The office of the Parliamentary Commissioner for Administration was created in 1967, covering the activities of central government departments. A separate (National) Health Service ombudsman was subsequently created, but this office has to date always been held by the same person and the two offices are usually referred to as the Parliamentary and Health Service Ombudsman. This Ombudsman will usually investigate complaints referred to him or her by a Member of Parliament where there has been evidence of "maladministration" having occurred which has resulted in an "unremedied injustice". Complaints to the Ombudsman are subject to a "time bar" – this means that the Ombudsman may determine a complaint to be out of jurisdiction if too much time has passed between the event or course of events being complained about and the complaint being received by the Ombudsman.

Separate agencies exist to handle complaints relating to departments and agencies of the devolved administrations. These are the Northern Ireland Ombudsman, the Public Services Ombudsman for Wales and the Scottish Public Services Ombudsman, answerable respectively to the Northern Ireland Assembly, the Welsh Assembly and the Scottish Parliament.

The Local Government Ombudsman (formally the Commission for Local Government Administration – there are two Commissioners) for England and Wales was created in 1973, and a similar office for Scotland in 1974; since then, a variety of other public and private sector-specific ombudsmen have been created, along with the Northern Ireland Ombudsman.

Parliamentary and Health Service Ombudsman

We were set up by Parliament to help both individuals and the public.

Our role is to investigate complaints that individuals have been treated unfairly or have received poor service from government departments and other public organisations and the NHS in England. Our powers are set out in law and our service is free for everyone.

We're the people who make the final decisions on complaints about UK government departments and other public organisations and the NHS in England for individuals. And we use what we learn from complaints to help public services get better.

The Ombudsman's Principles outline the approach we believe public bodies should adopt when delivering good administration and customer service and how to respond when things go wrong. In particular, we want public bodies to understand how we will approach complaints, and complainants to understand how we will consider their cases.

For those reasons, we have consolidated our Principles into one publication called 'Ombudsman's Principles' which brings together the: Principles of Good Administration, Principles of Good Complaint Handling, Principles for Remedy

These three sets of Principles outline the approach we believe public bodies should adopt when delivering good administration and customer service, and how to respond when things go wrong. They underpin our assessment of performance, our vision of good complaint handling and our approach to putting things right.

The Principles endorse legality, flexibility, transparency, fairness and accountability – the necessary ingredients of good administration.

FRANCE

In 1973, the French Government created an office of Ombudsman. A reform in May 2011 merged that office with the Children's Ombudsman, the equality authority (HALDE) and the body supervising the conduct of police and other security agencies,(CNDS), creating a new body named the Defender of Rights. In July 2011 Dominique Baudis was appointed to the office by the Council of State on the nomination of the Prime Minister, for a single six-year term.

Germany

The nearest equivalent to a federal ombudsman service in Germany is the Parliamentary Petitions Office, which receives and investigates complaints of maladministration. There are a number of sector ombudsmen, including the Ombudsman for the Military and the Ombudsman Institution for Public Transport (SÖP).

www.ombudsman.parliament.nz Internet, 15.02.2014

Answer the questions:

1. What is the main task of the Ombudsman?
2. How long is the term of Ombudsman's office in Poland?
3. What are Ombudsman's Principles?
4. How much have we to pay for a complaint to the Ombudsman?
5. What is the most similar to the ombudsman office in France?
6. When and where was the first Ombudsman appointed?
7. Who is the Ombudsman in Poland?
8. What kind of the necessary ingredients should be good for the Ombudsman?
9. What kinds of 4 responsibilities Polish law entrusts the Ombudsman in respect to citizens' rights?
10. What is the nearest equivalent to a federal ombudsman service in Germany?

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