

BRITISH AND IRISH OMBUDSMAN ASSOCIATION

RULES

(approved at Annual Meeting on 14 May 1997 and amended at Annual Meetings on 11 May 2000, 24 May 2001, 30 May 2002, 28 May 2004, 7 April 2005, 9 May 2008, 14 May 2010 and 12 May 2011)

1. Name

The Association shall be called:

British and Irish Ombudsman Association

2. Objects

The objects of the Association shall be to:

- (a) encourage, develop and safeguard the role and title of Ombudsmen in both the public and private sectors
- (b) define, publish and keep under review the Criteria for the Recognition of Ombudsman Offices by the Association (attached as Schedule 1)
- (c) accord recognition publicly to those persons who satisfy the Criteria for Recognition in:
 - the United Kingdom
 - the Republic of Ireland
 - the British Crown Dependencies
 - the British Overseas Territories
- (d) to facilitate mutual learning between Ombudsman schemes and to provide services to Members designed to develop best practice
- (e) to work to raise the profile of Ombudsmen and understanding of their work with key influencers and the wider public in ways which add value to the promotional work of individual Ombudsman schemes.

3. Membership

- (a) There shall be three categories of Membership for which those eligible shall be as follows:
 - (i) 'Ombudsman Member': an Ombudsman office recognised by the Association as satisfying the Association's Criteria for the Recognition of Ombudsman Offices. The Criteria are attached as Schedule 1.
 - (ii) 'Complaint Handler Member': organisations which have complaint handling as a significant part of their role and which operate in accordance with BIOA's Principles of Good Complaint Handling, but do not meet the Association's Criteria for the Recognition of Ombudsman Offices. The Requirements for Complaint Handler Membership are

attached as Schedule 2.

- (iii) 'Associate Member': any individual (Individual Associate Member) or organisation (Corporate Associate Member) who, in the opinion of the Executive Committee, is interested in and supports the objects of the Association.
- (b) The Secretary shall maintain an up-to-date list of Members of the Association.
- (c) Applications for Membership shall be decided as follows:
- (i) Any Ombudsman office as shall wish to become an Ombudsman Member of the Association must submit to the Secretary an application in the form specified by the Association and signed by the Ombudsman or on their behalf. The Executive Committee shall at their discretion admit to Membership as an Ombudsman any Ombudsman office recommended by the Validation Committee in accordance with the Association's Criteria or remit the recommendation to the Annual Meeting or a Special General Meeting of the Association for decision.
 - (ii) Any organisation as shall wish to become a Complaint Handler Member of the Association must submit to the Secretary an application in the form specified by the Association and signed by the head of the organisation or on their behalf. The Executive Committee shall at their discretion admit to Membership as a Complaint Handler Member any complaint handling organisation recommended by the Validation Committee in accordance with the Association's Requirements for Complaint Handler Membership or remit the recommendation to the Annual Meeting or a Special General Meeting of the Association for decision.
 - (iii) Any individual or organisation as shall wish to become an Associate Member must submit to the Secretary an application in the form specified by the Association and signed by the individual or the head of the organisation or on their behalf, as appropriate. The Executive Committee shall at their discretion admit to Membership as an Associate Member any individual or organisation who, in their opinion is interested in and supports the objects of the Association, after seeking advice from the Validation Committee if the Executive Committee so wishes. Where an application for Associate Membership appears to be straightforward, the Chair, in consultation with the Secretary, shall have discretion without reference to the Validation Committee or the Executive Committee to approve it on behalf of the Executive Committee, subject to reporting the decision subsequently to both Committees – see Rule 9(g) below.)
 - (iv) Regardless of the category of Membership applied for, the Executive Committee, following consideration by the Validation Committee, may determine which category is appropriate for an applicant scheme and may offer Membership in a category other than that applied for, where appropriate.
- (d) Each Ombudsman Member shall have a Representative who shall be the Ombudsman (or other individual person performing that role at the office of that Ombudsman Member). However, if an Ombudsman office has two or more

Ombudsmen (or other individual persons performing that role) its Representative shall be such one of them as it shall specify by notice in writing to the Secretary.

- (e) The Representative of an Ombudsman Member shall be entitled to exercise on behalf of that Member all such rights as attach to being an Ombudsman Member of the Association.

4. Subscription

- (a) Each Member shall pay an annual subscription according to the category of Membership as set out in Rule 3(a) namely, Ombudsman Member, Complaint Handler Member, Individual Associate Member or Corporate Associate Member, and according to any differential in the rates of subscription within a particular category which the Executive Committee may determine.
- (b) The annual subscription shall be due on joining the Association and thereafter on the 1st day of April each year, except that a new Member joining on or after 1 January, shall not be required to pay a subscription for the remainder of that financial year.
- (c) The amount of the subscription shall be determined from time to time by the Executive Committee and their decision reported to the Annual Meeting.

5. Resignation

- (a) A Member shall cease to be a Member on giving written notice to the Secretary of resignation.
- (b) A Member whose subscription is more than three months in arrears shall be deemed to have resigned.

6. Expulsion

- (a) The Executive Committee shall have power to expel a Member when, in its opinion, the Member no longer meets the Criteria for the Recognition of Ombudsman Offices or the Requirements for Complaint Handler Membership, as appropriate, or it would not be in the interests of the Association for that Member to remain a Member for some other reason.
- (b) A Member shall not be expelled unless the Member shall first have been given the opportunity to attend a meeting of the Executive Committee and 28 days notice in writing specifying the date, time and place of the meeting and details of the reasons for the proposed expulsion. The Member shall be entitled to appear before the Executive Committee accompanied, if the Member so wishes, by a representative or friend to answer any complaint against the Member and shall not be expelled unless at least two thirds of the Executive Committee then present vote in favour of the Member's expulsion. The decision of the Executive Committee on whether or not to expel a Member, with reasons, shall be notified in writing to the Member.

7. Officers

- (a) The Association shall have a Chair, a Secretary, and a Treasurer. The Chair must be an Ombudsman Member of the Association.
- (b) The Secretary may also be the Treasurer of the Association.
- (c) The Chair shall be proposed, seconded and elected by the Ombudsman Members at the Annual Meeting and shall hold office until the conclusion of the next Annual Meeting when he or she shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Executive Committee at their discretion. A retiring Chair shall be eligible for re-election.
- (d) The Secretary (and Treasurer, if the post is separate from that of Secretary) shall be a paid employee of the Association accountable to the Executive Committee and shall be appointed by a sub-committee of the Executive Committee following public advertisement. The duties of the Secretary (and Treasurer if a separate post) shall be those fixed from time to time by the Executive Committee but shall include the duties described in these Rules. The Executive Committee shall fix the Secretary's (and Treasurer's) salary and any other remuneration from time to time.
- (e) Each year, at its first meeting after the Annual Meeting, the Executive Committee may elect from its Members a Vice-Chair of the Association, who shall be an Ombudsman Member of the Association.

8. Executive Committee

- (a) The Association shall have an Executive Committee, which shall consist of the Chair, Secretary and Treasurer (if the post of Treasurer is separate from that of Secretary), and up to ten other elected members.
- (b) The ten members of the Executive Committee, other than the Chair, Secretary and Treasurer, shall be elected at the Annual Meeting as follows:
 - (i) Up to eight members representing Ombudsman Members, ideally comprising (unless already the Chair):
 - one from the Republic of Ireland (up to two if the Chair is not from the Republic of Ireland) chosen by Irish Ombudsman Members
 - UK Parliamentary & Health Service Ombudsman for England or designated senior representative
 - one of the Local Government Ombudsmen for England
 - one of the public sector Ombudsmen for the UK Devolved Administrations

- either the Chief Ombudsman of the UK Financial Ombudsman Service or designated senior representative
 - up to two other Ombudsman Members
- (ii) Two members representing Complaint Handler Members and/or Associate Members (from either the UK or the Republic of Ireland)
- (c) The members of the Executive Committee shall hold office until the conclusion of the next Annual Meeting when they shall retire. Retiring members of the Executive Committee shall be eligible for re-election. Any vacancy occurring by resignation or otherwise may be filled by the Executive Committee by co-option.
- (d) The Executive Committee shall be responsible for the conduct of the business of the Association in accordance with these Rules and the decisions taken at the Annual and Special General Meetings.
- (e) The Secretary shall give all members of the Executive Committee not less than seven days written notice of a meeting of the Executive Committee. Decisions of the Executive Committee shall be made by a simple majority of all the members present and voting and in the event of equality of votes the Chair (or the acting chair of that meeting) shall have a casting or additional vote. The Secretary, or in the absence of the Secretary, a member of the Executive Committee shall take minutes.
- (f) A sub-committee or sub-committees may be set up for particular purposes either by the Executive Committee or by the Association at an Annual Meeting, or a Special General Meeting. The membership may include Complaint Handler Members and Associate Members as well as Representatives of Ombudsman Members. A sub-committee shall have the power to make recommendations to the Executive Committee. The recommendations of a sub-committee set up by the Association at an Annual Meeting or at a Special General Meeting shall first be considered by the Executive Committee, but shall be received by the Association at the next Annual Meeting or Special General Meeting together with the Executive Committee's comments on them.

9. Validation Committee

- (a) Each year the Executive Committee shall appoint a Validation Committee whose responsibility shall be to:
 - (i) Advise the Executive Committee on whether applications for Membership shall be approved.
 - (ii) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Ombudsman Members continue to meet the Criteria for the Recognition of Ombudsman Offices as set out in Schedule 1 to these Rules, and to advise the Executive Committee if they consider that an Ombudsman Member no longer meets the Criteria.

- (iii) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Complaint Handler Members continue to meet the Requirements for Complaint Handler Membership as set out in Schedule 2 to these Rules and to advise the Executive Committee if they consider that a Member no longer meets those Requirements.
 - (iv) Review, when requested to do so by the Executive Committee or by a resolution of the Annual Meeting, whether existing Associate Members continue to meet the requirements for Membership as set out in 3 (a) (iii) above and to advise the Executive Committee if they consider that a Member no longer meets those requirements.
 - (v) The Validation Committee's report following a review of a Member's eligibility for Membership, together with the comments of the Executive Committee, shall be submitted to the next Annual Meeting or, at the discretion of the Executive Committee, a Special General Meeting of the Association.
- (b) The Validation Committee shall consist of the Chair of the Association, who shall be the Chair of the Validation Committee, one other Representative of an Ombudsman Member of the Association (see 3(d) above), and three independent members. Members may be reappointed at the end of their year of office. Recommendations of the Validation Committee shall be decided by a simple majority of votes.
 - (c) The independent members of the Validation Committee shall be chosen from among those who, in the opinion of the Executive Committee, represent the public interest; have knowledge of the Ombudsman function; are known to support it; and will make a relevant contribution to the work of the Validation Committee because of their particular skills and experience.
 - (d) Ombudsman Members and Complaint Handler Members are not eligible for appointment as independent members of the Validation Committee.
 - (e) The Validation Committee shall meet as required and the Secretary of the Association shall be responsible for providing relevant papers, advising the Committee and recording its proceedings.
 - (f) At the Chair's discretion, the Validation Committee's business may be conducted other than by holding a meeting, e.g. by correspondence or by telephone.
 - (g) All applications for Ombudsman Membership and Complaint Handler Membership must be considered by the Validation Committee, but where an application for Associate Membership appears to be straightforward, the Chair in consultation with the Secretary shall have discretion without reference to the Validation Committee or the Executive Committee to approve it on behalf of the Executive Committee, reporting the decision subsequently to both Committees.

10. Annual Meeting

- (a) The Association shall hold an Annual Meeting in each year to transact the following business:
 - (i) To receive the Chair's report of the activities of the Association during the previous year.
 - (ii) To receive and consider the accounts of the Association for the previous year, the Auditor's report on the accounts, and the Treasurer's report as to the financial position of the Association.
 - (iii) To remove and elect the Auditor or to confirm that he or she remains in office.
 - (iv) To elect the officers and other members of the Executive Committee.
 - (v) To decide on any resolution which may be duly submitted in accordance with Rule 10(k).
- (b) The quorum for the Annual Meeting shall be a quarter of the Ombudsman Membership.
- (c) The Chair or, in his or her absence, the Vice-Chair or another Ombudsman Member selected by the Executive Committee, shall take the chair.
- (d) All Members present shall be entitled to speak and to participate in discussion but only Ombudsman Members shall be entitled to vote at the Annual Meeting, other than for the election of the Complaint Handler Members and/or Associate Members to be members of the Executive Committee (see rule 10(j)).
- (e) An Ombudsman Member shall be represented at the Annual Meeting by its Representative or, in his or her absence, by such other individual representative as the Representative may by prior notice in writing to the Secretary appoint for a particular meeting.
- (f) The Secretary, or in the absence of the Secretary, a member of the Executive Committee, shall take minutes at the Annual Meetings.
- (g) Nominations for the election of a member to the office of Chair, and for the election of eight of the members of the Executive Committee shall be made in writing to the Secretary not less than 14 days before the Annual Meeting by the proposer and seconder, who must both be representatives of Ombudsman Members, and in the case of the members of the Executive Committee from the Republic of Ireland, Ombudsman Members in the Republic of Ireland.
- (h) A decision on the election of the Chair and eight members of the Executive Committee shall be made by the Ombudsman Members, if necessary by a vote when a simple majority of Ombudsman Members present and voting shall be required for a candidate to be elected.
- (i) The nomination for the ninth and tenth members of the Executive Committee, who shall be Complaint Handler Members and/or Associate Members (from the UK or the Republic of Ireland), shall be made in writing to the Secretary not less than six weeks before the Annual Meeting by the proposer and seconder who

must both be Complaint Handler Members and/or Associate Members.

- (j) A decision on the election of the Complaint Handler Members and/or the Associate Members of the Executive Committee shall be made by the Complaint Handler Members and the Associate Members, by means of a postal ballot (if there are more than two candidates) to be arranged by the Secretary in sufficient time for the names of the successful candidates to be announced at the Annual Meeting.
- (k) Notice of a resolution to be moved at the Annual Meeting proposed and seconded by a Member, who may be an Ombudsman Member, Complaint Handler Member or Associate Member, shall be given in writing to the Secretary not less than 14 days before the meeting.
- (l) A decision on a resolution moved at the Annual Meeting, other than a resolution proposing an amendment(s) to the Rules, the Criteria for the Recognition of Ombudsman Offices (Schedule 1) or the Requirements for Complaint Handler Membership (Schedule 2), shall be made by the Ombudsman Members, if necessary by a vote, when a simple majority of Ombudsman Members present and voting shall be required for a resolution to be carried. In the event of an equality of votes, the Chair of the meeting shall have, as the case may be, a casting or additional vote.

11. Special General Meeting

- (a) A Special General Meeting may be called at any time by the Executive Committee.
- (b) A Special General Meeting shall be called by the Executive Committee within six weeks of being so requested by not less than five Ombudsman Members by notice in writing to the Secretary signed by or on behalf of those Ombudsman Members to consider such business as may be specified in the notice.
- (c) The procedure at a Special General Meeting shall be the same as at the Annual Meeting.

12. Alteration of the Rules and Criteria

The Rules and the Schedules to the Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a two-thirds majority of Ombudsman Members present and voting at the General Meeting.