

CHARTER OF SERVICES
AND GOOD CONDUCT
OF THE SÍNDIC DE GREUGES
(Catalan Ombudsman)

SÍNDIC

EL DEFENSOR
DE LES
PERSONES

CHARTER OF SERVICES AND GOOD CONDUCT OF THE SÍNDIC DE GREUGES (Catalan Ombudsman)

P R O N O U N C E M E N T

The inclusion of new public management models and a new way of understanding services geared to citizens, as well as the application of new tools and instruments to make it all possible is transforming public organizations, among them the Síndic de Greuges de Catalunya (Catalan Ombudsman), which, as an advocate for the people has the challenge and obligation to approach them in-depth.

Additionally, increased citizen participation in the public realm, the drive for initiatives and proposals, the will to be accountable, and awareness of the activities of public organizations are examples of a reality that institutions must make the most of.

On an internal level, this demand is translated into the need to increase effectiveness and efficiency of the Catalan Ombudsman's activities, and as refers to relations with citizens, the need to convey more sensitivity, transparency receptivity and capacity to respond to the demands placed on it.

To achieve these aims, the Catalan Ombudsman must have the collaboration of administrations, as well as all other local, autonomous and state Ombudsman's Offices. The Catalan Ombudsman's objective of improving the services he offers citizens is not meant to gain a competitive advantage over other organizations, but to give the best possible response to citizens' demands. The overarching goal of all the services the Catalan Ombudsman offers citizens must be for them to feel respected, and that their concerns have been heeded, when they address a public organization.

This is the spirit of Article 30 of the Statute of Autonomy of Catalonia, which legislates the right to access public services and good administration, and Article 41 of the Charter of Fundamental Rights of the European Union.

For this to be a reality, beyond the provisions established by the legal system, public institutions can equip themselves with different instruments, such as service charters. Conceived in the public realm, this tool makes possible the creation of a catalogue of citizens' rights before an organization, as well as commitments to regular improvements in their management.

It is only with citizens' suggestions and thoughts, as well as administrations' and public institutions' self-criticism and desire to improve, that progress becomes possible. This is the only way to design and keep public institutions at the forefront of services for the needs of Catalan society in the 21st century.

With its Charter of Services and Good Conduct, the Catalan Ombudsman's Office aims to inform persons and administrations on the services it provides, the rights of any natural or legal person before the institution and of the commitments to quality that we want to achieve.

For all of the foregoing, and by virtue of the competencies vested in me by Law 14/1984, of 20 March, on the Catalan Ombudsman,

BE IT RESOLVED:

1. To approve the Charter of Services and Good Conduct of the Síndic de Greuges (Catalan Ombudsman), annexed to this decision.
2. To notify the Parliament of Catalonia, the Autonomous and Local Administration, and all organizations subject to supervision by the Catalan Ombudsman of its content.
3. To approve publication of the Charter of Services and Good Conduct of the Catalan Ombudsman in the *Official Bulletin of Parliament of Catalonia* and *Official Journal of the Generalitat de Catalunya (Catalan Autonomous Government)*.



Rafael Ribó
Síndic de Greuges de Catalunya (Catalan Ombudsman)

Barcelona, March 4, 2008

CHARTER OF SERVICES AND GOOD CONDUCT OF THE SÍNDIC DE GREUGES (Catalan Ombudsman)

CHAPTER I General provisions

Article 1. Purpose of the institution

The Síndic de Greuges de Catalunya (Catalan Ombudsman), is charged with the duty of protecting and defending, in an independent, objective manner, the fundamental rights and public freedoms of persons before the Administration, pursuant to the rights established in Title I of the Spanish Constitution and the Statute of Autonomy of Catalonia.

Article 2. Objective

The Charter of Services and Good Conduct of the Catalan Ombudsman has the objective of informing on the services this office offers, on citizens' rights before the institution, and the commitments to quality that are made to guarantee regular improvement in the rendering of services to citizens.

Article 3. Applicable scope

1. All staff members in the Ombudsman's service, and anyone who, regardless of their professional relationship, exercises duties assigned by the Catalan Ombudsman, shall know and comply with the Charter of Services of the Catalan Ombudsman.
2. The Catalan Ombudsman shall appoint a person responsible for assuring knowledge of and compliance with the Charter of Services and Good Conduct.

Chapter II General principles of the Catalan Ombudsman's activity

Article 4. Mandatory nature

The general principles of activity bind all personnel in the Catalan Ombudsman's service, and constitute guidelines for conduct that shall be observed when rendering services to citizens.

Article 5. Democratic legitimacy

Society as a whole constitutes the Catalan Ombudsman's "raison d'être". The top priority of the Ombudsman's services shall be to cover the real needs and problems of the persons seeking his intervention in their affairs.

Article 6. Legality

1. The personnel of the Catalan Ombudsman shall act independently in the service of the general interest and in full compliance with the Constitution, Statute of Autonomy of Catalonia, and all laws and rights.
2. All of the Catalan Ombudsman's decisions shall be grounded, and clearly and comprehensibly express the reasons behind their adoption, in addition to responding to all the items brought up by the person filing the claim or query.

3. In the Catalan Ombudsman's decisions, Ombudsman staff shall follow the criteria observed in similar cases. When a deviation is made from the general rules of action, it shall be justifyingly grounded.

Article 7. Equality

Catalan Ombudsman staff shall guarantee respect for the principle of equal treatment, and specifically, avoid any type of discrimination for reasons of nationality, age, gender, race or ethnic origin, religion or beliefs, as well as any other personal or social condition or circumstance.

Article 8. Impartiality and independence

1. The personnel working for the institution shall be impartial and independent in the performance of their duties.
2. In the performance of these duties, staff members shall not be guided by any type of external influences, nor by personal interests.
3. Staff members shall refrain from participating in the processing of any cases, or adoption of any decisions relative to a subject that affects their own interests or those of their family, relatives, etc. in the relevant terms outlined in the general regulations for administrative procedure.

Article 9. Confidentiality

The personnel working for the Catalan Ombudsman's office shall keep fully confidential all information they become aware of in the exercise of their duties, or in order to perform them.

Article 10. Openness

The Catalan Ombudsman is obliged to inform citizens and groups representing them on the development of his activities and the organization and operation of the Ombudsman institution.

Article 11. Swift and simplicity

The services of the Catalan Ombudsman that are demanded by persons seeking his intervention shall be rendered as soon as possible, simplifying processes, eliminating unnecessary requisites and reducing the waiting time as much as possible.

Article 12. Responsibility

The Catalan Ombudsman expressly assumes, before the citizens, the obligation to render his services in accordance with the quality commitments taken up in this Charter. If any operational deficiency is detected, the Ombudsman assumes the need to take the measures necessary to correct it immediately.

Article 13. Citizen participation

The provision of services by the Catalan Ombudsman shall be conducted through the application of systems that allow persons or organizations to individually or collectively participate in an active way in the various lines of activity of the institution's intervention, by expressing their problems and concerns, formulating suggestions or comments, or filing claims due to a possibly deficient operation of the Catalan Ombudsman's Office.

Article 14. Collaboration with public administrations

In its relationships with public administrations, the Catalan Ombudsman's Office shall develop mechanisms that contribute to meeting the citizens' demands in a swift and effective way.

Article 15. Comprehension

The activity of the Catalan Ombudsman shall be conducted in a manner that is clear and comprehensible to all users, and understandable language shall be used in drafting documents, communications and reports.

Article 16. Modernization and continuous improvement

Modern methods shall be put in place that will systematically allow the Catalan Ombudsman's Office to detect any possible deficiencies, correct them and render its services to citizens in a way that is increasingly efficient, timely and participative.

CHAPTER III Rights of persons before the Síndic de Greuges (Catalan Ombudsman)

Article 17. Before the institution of the Catalan Ombudsman, citizens shall have the right:

- a) To clear and complete information on the general activity of the institution.
 - b) To gather the most comprehensible, concise information on the institution's activities for the defence and protection of their subjective public rights.
 - c) To advice on how to direct matters outside the Catalan Ombudsman's competencies.
 - d) To file complaints when it is believed one's rights have been violated.
 - e) To advice on the requisites necessary to file a complaint.
 - f) To the necessary aid in drafting complaints or other documents addressed to the Catalan Ombudsman.
 - g) To receive a receipt for the complaint document and a stamped copy of the original documents delivered to the institution.
 - h) To have their complaints processed pursuant to the terms of the Catalan Ombudsman Regulating Law.
 - i) To the implementation of any measures necessary for them to fully exercise their rights before the institution, should they have any type of disability.
 - j) To guaranteed specific attention for minors, pursuant to the established protocols and procedures, so that they receive the assistance and protection necessary in the formulation of their complaints and if necessary, during the entire investigation process.
 - k) To know the status of their case and receive any necessary clarifications.
 - l) To be notified of any actions that the Síndic carries out to process their case and also, if necessary, on the decision handed down.
 - m) To be notified of the specific, grounded decision on the subject matter of their complaint or, if necessary, to be informed of the reasons impeding its processing.
 - n) To consult the institution's public access databases.
- In all cases, the confidentiality of the person filing the complaint, as well as the full reservation of individuals and other organizations is guaranteed, regardless of the action, omission, conduct or services investigated while the investigation is underway.
- o) To be treated respectfully and in accordance with their personal, social and cultural circumstances, without

having to previously request an appointment to address the People's Services Unit.

- p) To know the identity of the person serving them.
- q) To receive information of general interest by face-to-face, written, telephonic, computerized or telematic means.
- r) To the protection of their personal data, pursuant to applicable regulations.
- s) To have all written or verbal communication conducted in simple, understandable language.
- t) To request and obtain any clarifications necessary to fully understand the communication addressed to them.
- u) To give their opinion, even if anonymously, on the operation and effectiveness of the institution when a final opinion is given on their complaints.
- v) To file complaints and make suggestions regarding the operation of the institution.

CHAPTER IV Services and means of collaboration by citizens with the Síndic de Greuges (Catalan Ombudsman)

Article 18. Catalogue of services rendered

The Síndic de Greuges de Catalunya (Catalan Ombudsman), offers the following services:

- a) Guidance on the queries made by citizens.
- b) Reception and registration of all written communication addressed to the institution.
- c) Discussion and guidance on the claims not accepted for consideration.
- d) Processing of, and deciding on, the complaints accepted for consideration.
- e) Opening of ex-officio actions.
- f) Drafting of the Síndic's Yearbook and monographic reports.
- g) Communication via video conference.
- h) Follow-up on compliance with decisions handed down by the Catalan Ombudsman.
- i) Travel to various parts and municipalities of Catalonia to bring the institution closer to citizens.
- j) Information and resolution of requests for statistical information on the Catalan Ombudsman's activity.
- k) Consultation and loan of the documentary collection available in the Catalan Ombudsman's library.
- l) Publication and dissemination of the Catalan Ombudsman's decisions.
- m) Distribution of publications developed by the institution.
- n) Training in subject matter related with the protection and defence of fundamental rights and the public freedoms of persons before the Administration.
- o) Promotion and support of administrative best practices to guarantee the citizens the right to good administration.
- p) Collaboration with other public and private institutions and organizations, in matters related with the Catalan Ombudsman's activity.

Article 19. Means of collaboration and participation of persons with the institution

Anyone can collaborate and participate by proposing improvements to the institution through the following channels:

- a) Annual surveys of satisfaction with the Catalan Ombudsman's service.
- b) Satisfaction questionnaire given to anyone who has filed a complaint with the Catalan Ombudsman once a final opinion is given.

- c) Opinion surveys on the operation of the institution available through the Catalan Ombudsman's website.
- d) Letters of complaint and suggestions pursuant to the terms of Chapter VI of the Charter of Services and Good Conduct.

Article 20. Rules governing the services rendered by the Síndic de Greuges de Catalunya (Catalan Ombudsman)

The rules governing the services rendered by the Síndic de Greuges de Catalunya (Catalan Ombudsman) can be found in the following codes of laws:

- a) Articles 78 and 79 of the Statute of Autonomy of Catalonia (DOGC [Official Bulletin of the Generalitat] no. 4680, of 20 July 2006)
- b) Law 14/1984 of 20 March, on the Síndic de Greuges (DOGC [Official Bulletin of the Generalitat] no. 421 of 30 March 1984) modified by Law 12/1989, of 14 of December (DOGC [Official Bulletin of the Generalitat] 1234 of 22 December 1989)

CHAPTER V Commitments to quality

Section 1. Levels of quality offered

Article 21. Face-to-face guidance queries

1. The minimum opening hours for face-to-face service shall be Monday to Friday, from 9 am to 2 pm and 3 to 7 pm.
2. Face-to-face queries shall be handled the same day on which the person has come to the institution, with a maximum waiting time of 15 minutes.
3. If, due to the complexity of the query, an immediate response can not be given to the person making it, a response shall be given in a period not to exceed 3 working days.

Article 22. Written guidance queries

1. The People's Services Office shall respond to written information queries in a period not to exceed 3 working days from the reception of the information request.
2. If, due to the complexity of the query, this period can not be respected, the person making the query shall be informed in a period not to exceed 3 working days of the need for more time to respond to it and, in a period not to exceed 15 working days, a response shall be given to them.

Article 23. Telephonic guidance queries

1. The People's Services Office shall respond to telephonic information queries on the same day that the information request is received. If this request is received outside the institution's working hours, as long as the telephone number or the means by which the response can be given is supplied, it shall be given on the next working day.
2. If, due to the complexity of the query, this period can not be respected, the person making the query shall be informed of the need for more time to respond to it and, in a period not to exceed 7 working days, a response shall be given to them.

Article 24. Guidance queries received via video conference

1. Once the request for a video conference is received, the People's Service Office shall, within a period of 24 hours, arrange with the applicant the date and time at which to establish the connection, which shall take place in a period not to exceed 7 days.
2. If, due to the complexity of the query, this period can not be respected, the person making the query shall be informed of the need for more time to respond to it and, in a period not to exceed 15 working days, a response shall be given to them.

Article 25. Visits to the areas and municipalities of Catalonia

1. Once the application of the person interested in arranging an appointment during a visit of the Catalan Ombudsman or one of his staff members has been received, the People's Service Office shall contact that person to arrange the time of the appointment at least 24 hours before the time proposed for this appointment.
2. Once the citizen's request is received, it shall be handled as a complaint or query, as necessary.

Article 26. Processing complaints accepted

1. Confirmation of reception of the complaint shall be sent in a period not to exceed 2 working days from the document's arrival at the Ombudsman's office.
2. The Catalan Ombudsman shall request information from the administration involved in a period not to exceed 15 working days from the confirmation of reception, or from the time at which all the documentation of the person involved has been received. This report request may be postponed 15 working days depending on the complexity of the case.
3. Once all of the investigations deemed appropriate by the Catalan Ombudsman have been concluded, the claimant and the Administration shall be so informed in a period not to exceed 30 days from the reception of the Administration's report. This decision can be postponed depending on the complexity of the case, in which case the citizen shall be duly informed.
4. Once the Administration has expressed its acceptance or refusal of the Síndic's decision, the finalization of the case shall be communicated in a period not to exceed 15 working days.

Article 27. Processing complaints that are grounds of refusal pursuant to Law 14/1984, of 20 March, on the Catalan Ombudsman

Notification of the claimant of a refusal for the grounds outlined in Law 14/1984, of 20 March, on the Catalan Ombudsman, shall be carried out in a period not to exceed 15 working days.

Article 28. Handling of decisions not accepted by the Administration

In his Annual Report to the Parliament of Catalonia, the Catalan Ombudsman shall describe any decisions not accepted by the Administration that he considers relevant.

Article 29. Follow-up to verify compliance of the decisions accepted by the administrations

1. The Catalan Ombudsman shall follow-up on all decisions accepted by the administrations either on an ex-officio basis in the cases agreed by the Catalan Ombudsman or ex parte.
2. If the administrations do not comply with the decision, the Catalan Ombudsman shall so inform the claimants and, if necessary, the Parliament of Catalonia in his Yearbook or monographic reports.

Article 30. Information on and resolution of requests for statistics on the Catalan Ombudsman's activity

1. All departments and areas of the institution, especially those of Studies, Follow-up and Evaluation, shall release statistics on the institution's activity, with the approval of the Catalan Ombudsman, as long as this activity does not violate the fundamental rights and public freedoms of citizens, to:
 - a) Any natural or legal person with the aim of conducting studies, reports, research projects or documents of an equivalent nature.
 - b) Local Ombudsmen, University Ombudsmen, Autonomous Community or State Ombudsmen.
 - c) Any Catalan public administration requesting them to guarantee proper case management.
 - d) Any media organization with the aim of disseminating the Catalan Ombudsman's activity.
2. Responses to such requests shall be given in a period not to exceed 30 working days from the reception of the application in writing.
3. In the event that, due to complexity of the query, this period can not be respected, the applicant shall be informed of the need for more time to respond to their query. This extension can not exceed 90 working days in any case.

Article 31. Consultation and loan of documentation available in the Catalan Ombudsman's library

1. Anyone with the proper authorization may consult the bibliographic material of the library.
2. The Documentation and Library Service shall respond to the requests for information in a period not to exceed 5 working days from the reception of the application.

Article 32. Publication and dissemination of the Catalan Ombudsman's activities and distribution of the institution's publications

1. The addresses, contact information and various means for addressing the Catalan Ombudsman shall be clearly available at:
 - a) All the pages of the institutional website.
 - b) All Catalan Ombudsman publications and electronic newsletters.
 - c) The Catalan Ombudsman's press releases and statements.
 - d) Documents addressed to the Administration and to persons.
 - e) All dissemination campaigns.
2. The Catalan Ombudsman's website shall be accessible to all persons with disabilities.

3. Once the natural or legal person who requests it is registered in the database, the Communications Department shall send them the monthly electronic newsletter on the Catalan Ombudsman's news and activities.
4. The distribution of publications to any natural or legal person requesting them, as long as they are available, shall be completed in a period not to exceed 15 days.
5. All publications, newsletters, press releases, statements and dissemination materials shall be accessible through the website.

Article 33. Training of institutional staff and other educational activities for the development of the rights of persons

1. The Catalan Ombudsman shall promote the training of all staff members working in the institution.
2. The Catalan Ombudsman shall promote external education through courses and agreements with universities and institutions.
3. The various departments of the Catalan Ombudsman's Office shall support the institution's interns and students who conduct research projects on topics related with the Catalan Ombudsman.
4. The Catalan Ombudsman shall offer grants for studies in the subject matter of rights.

Article 34. Collaboration with other public and private institutions and organizations, in matters related with the Catalan Ombudsman's activity.

1. The Catalan Ombudsman shall publish all agreements in force with public or private organizations on the institutional website.
2. The Catalan Ombudsman shall disseminate the Yearbook and Annual Report on the various activities carried out in the area of collaboration and development cooperation on the institutional website.

Section 2. Quality assurance system

Article 35. Quality assurance system

The Catalan Ombudsman has a quality assurance system consisting of:

- a) The Catalan Ombudsman Organizational Hand-book.
- b) The Catalan Ombudsman's Office Flow Chart.
- c) Internal Organizational Instructions.
- d) Initiation, instruction and complaint process finalization procedures.
- e) Satisfaction surveys on the Catalan Ombudsman's services.
- f) Satisfaction questionnaires given to anyone who has filed a complaint with the Catalan Ombudsman once a final opinion is given.
- g) Follow-up and assessment indicators.

Article 36. Follow-up and assessment indicators

1. In order to determine compliance of the commitments acquired, statistics are prepared for periodic publication on the Catalan Ombudsman's website with the following indicators:

- a) Percentage of face-to-face queries with waiting times of over 15 minutes.
- b) Percentage of face-to-face queries not given an immediate answer.
- c) Average response times for information queries.
- d) Average time between the receipt of the complaint and confirmation of reception.
- e) Average time between confirmation of reception and notice of refusal on any of the grounds stipulated in Law 14/1984, of 20 March.
- f) Average time between confirmation of reception or finalization of the information query by the applicant and the request for the report from the Administration.
- g) Average time between the finalization of investigations and handing down of the decision.
- h) Average time between determination of acceptance of the decision by the Administration and finalization of the case.
- i) Percentage of statistical queries with response times over 30 working days.
- j) Percentage of queries to the Documentation and Library Department with response time of over five working days.
- k) Percentage of administrations and public institutions with links to the Catalan Ombudsman's website.
- l) Percentage of publications and dissemination materials distributed in a time frame of over 15 days.
- m) Number of visits to the Catalan Ombudsman's website.
- n) Number of publications distributed.
- o) Number of courses, seminars or working days given by Catalan Ombudsman staff members.
- p) Number of work study staff members at the Catalan Ombudsman's Office.
- q) Results of the Annual Satisfaction Survey.
- r) Results of the Satisfaction Questionnaires.
- s) Evaluation of the processing of cases, depending on the procedures necessary to carry them out, the complexity of decisions handed down and the follow-up tasks accomplished.
- t) Indicators on the reiterations of Information Queries to the Administration.
- u) Indicators on ex-officio actions.
- v) Indicators on the Administration's acceptance of decisions.
- w) Indicators on people's expressions of appreciation.
- x) Indicators on the Catalan Ombudsman's impact on the communication media.
- y) Indicators on the Yearbook and special reports.

Article 37. Quality follow-up

Internal follow-up on compliance with the Charter of Services will be conducted. Furthermore, the Yearbook presented to the Parliament of Catalonia shall feature a specific section on the application of and compliance with the Charter of Services and Good Conduct of the Catalan Ombudsman.

CHAPTER VI Criticism and suggestions on the operation of the Catalan Ombudsman

Article 38. Parties entitled to present criticism or suggestions

Anyone who has used the services of the Catalan Ombudsman can give criticism or suggestions on the operation of the institution by face-to-face, written or telematic means.

Article 39. Registry of criticism on the Catalan Ombudsman and suggestions on the Charter of Services and Good Conduct

1. The Registry of criticism on the Catalan Ombudsman and suggestions on the Charter of Services and Good Conduct is meant to record the claims, proposals or initiatives that persons (users or non-users) of the Catalan Ombudsman's services formulate on the operation of the institution.
2. The department responsible for recording and processing the criticism or suggestion shall be that determined by the Catalan Ombudsman.
3. The Catalan Ombudsman may publish, by any means deemed opportune, the subject matter of the criticism and suggestions, and the measures adopted to improve the institution's management.

Article 40. Processing the criticism and suggestions on the operations of the institution

1. Once the criticism or suggestion is registered, the person responsible for the registry shall study and notify the Catalan Ombudsman of the subject matter of the complaint.
2. The measures adopted to rectify the error or improve the internal management shall be communicated to the claimant in a period not to exceed 30 working days from the filing of the criticism or the suggestion.
3. In the event that the subject matter of the criticism or suggestion requires the adoption of improvements which, due to their scope can not be resolved in the term outlined in section 2, the term shall be extended, and may not exceed 90 working days.

CHAPTER VII Department responsible for the Charter

Article 41. Department responsible for the Charter

The department responsible for guaranteeing compliance with the Charter of Services and Good Conduct:

- a) To promote the internal communication plan and guarantee that all staff members in the service of the institution knows and complies with the Charter of Services and Good Conduct.
- b) Ensure compliance with the commitments acquired.
- c) Implement improvements in the internal management of the institution.
- d) Promote the annual revision of the Charter of Services and Good Conduct.

CHAPTER VIII Addresses and access

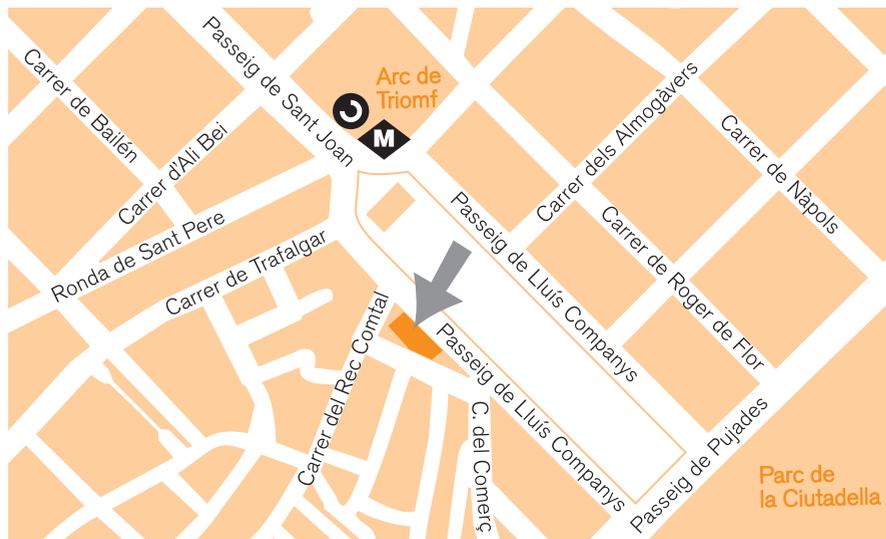
Article 42. Postal addresses, telephone and telematic contact information

1. People's Services Unit:
Passeig de Lluís Companys, 7 (Barcelona-08003)
Telephone: +34 933 018 075
Telephone for information queries: +34 900 124 124
Fax: +34 933 013 187
Website: www.sindic.cat
E-mail: sindic@sindic.cat
Video-conference: The request shall be made through the website or by telephone.

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Plànol de situació de la institució / Plano de situación de la institución
Institution location map / Plan d'accès à l'institution



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