

Peer Review of the Síndic de Greuges de Catalunya

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1. Executive Summary

This peer review examines the role and operations of The Síndic de Greuges de Catalunya, El Defensor de Les Persones (hereafter ‘The Síndic’), the Catalan Ombudsman. Established in 1984 with enabling legislation passed in 2006 and 2008, the Síndic has an extensive mandate, including being a mechanism for the prevention of torture and cruel, inhuman or degrading treatment.

The current Síndic, Rafael Ribó, now at the end of his second term of office has been in post since 2004. He has made a significant contribution to the development of the role of the Ombudsman both internationally and in Catalonia.

The absence of a clear appointment timeline for a successor to the present Síndic, has not hampered the operational activity of the Office, though understandably it constrains long-term planning. The leadership team has ensured that staff morale remains high despite political attacks on the Office during the current constitutional crisis relating to the position it held on the issue of human rights and fundamental freedoms in Catalonia in 2017 and afterwards.

Mr Ribó is very well respected by staff who hold him in high regard. There is a strong and committed leadership team. Together, they have been responsible for ensuring the quality and efficiency of case-handling, effective targeting of vulnerable and under-represented groups in communities, developing monographic reports, strengthening awareness levels of the Síndic among the population, and providing opportunities for staff training and development.

Human rights protection is central to the Síndic’s role as set out in legislation and is endorsed as a legitimate role for an Ombudsman in the Council of Europe’s Venice Principles¹. The current Síndic has operated clearly and unambiguously within his mandate, issuing reports when his office gathered evidence of the impact of new laws or practices from any public authority on fundamental rights and freedoms in Catalonia. No doubt, his successor will wish to establish his or her own style and approach to the articulation of on-going concerns about human rights violations.

In the context of a disciplined, effective and efficient ombudsman service in Catalonia, the peer review panel make a number of suggestions for incremental change and improvement. These are grouped into four broad areas.

In terms of mandate: the strengthening of the relationship with the Defensor Del Pueblo, Spanish National Ombudsman, through either a working Protocol or amended legislation. The panel recognises, of course, that this matter is not simple, is bound up in issues of contested constitutional law and has been the subject of extensive litigation.

¹ Principles on the Protection and Promotion of the Ombudsman Institution (‘The Venice Principles’) (2019), Venice Commission

In terms of citizen redress: investigating alternative and supplementary approaches to dispute resolution such as mediation; exploring how the Office can keep complainants up to date on the progress of their complaints; and developing engagement with complaint handlers in bodies in jurisdiction to maximise the utility of resolution at source.

In terms of effectiveness and efficiency: while the Síndic currently offers value for money based on a number of objective measures, any unexpected increase in non-salary costs would put pressure on the efficiency of the Office, and there should be a scenario plan for this eventuality; the Office needs to continue to ensure that its productivity and timeframes for case completion remain challenging and in line with international ombudsman good practice; and there should be a review of investment in the number of general staff available to support advisers in undertaking technical analysis.

In terms of leadership, the Síndic should examine if there is more that could be done to reduce the risk to continuity caused by advisors having employment contracts tied to the tenure of the current Síndic. The leadership team may want to consider using an annual confidential staff survey to gauge staff feedback on significant issues. Finally, in terms of work/life balance, while there was generally a positive work/life balance, the Office should examine whether more could be done in terms of homeworking and flexible working.

The peer review took place in January 2020 before the full onset in Europe of the coronavirus crisis and the move to remote working by most ombudsman offices. No recommendations are made about the Síndic's planning or approach in preparation for the end of the crisis.

London and Brussels, April 2020.

2. Methodology

2.1 Purpose of a peer review and alignment with IOI guidance

2.1.1 A peer review is an important tool for assessing quality of outcomes, validating practice, and promoting learning. Although there are many differences between ombudsman offices across the world - varying in size and scope with some at national level, others at regional or sector specific level - a peer review still allows a wide range of ombudsman schemes to learn from each other. A peer review of an ombudsman office is particularly important when: comparing the legal basis between schemes; assessing best practice in casework; reviewing staffing structures; ascertaining value for money and reviewing the effectiveness of core business processes. This approach to benchmarking practice is particularly important in the context of the (Venice Commission) Principles on the protection and promotion of the Ombudsman institution (Council of Europe 2019)², and the International Ombudsman Institute (IOI) Guidelines (forthcoming 2020) on conducting peer reviews³.

2.1.2 A peer review is not the only method to review ombudsman practice. Sometimes it may be more appropriate for experts outside the sector to review key aspects of an ombudsman office. Nor does peer review replace internal or formal external audit processes - these remain essential for good governance. However, there is no doubt that the experience of peer reviews of ombudsman offices has demonstrated that this approach is an asset in the journey of continuous service improvement.

2.1.3 The approach adopted for this peer review is in line with the draft IOI Guidelines on conducting peer reviews, which was presented and discussed at an IOI seminar held in London in September 2019. This report is configured in accordance with the recommended structure of the 'peer review conclusion report' as set out in the Guidelines (p. 13).

2.1.4 Rafael Ribó, Síndic de Greuges de Catalunya (Ombudsman of Catalonia), contacted Rob Behrens CBE, the UK Parliamentary and Health Service Ombudsman, and Catherine De Bruecker, Belgium Federal Ombudsman, in December 2019, requesting a peer review of his service. The circumstances surrounding the review and the context of the Síndic de Greuges de Catalunya (hereafter the Síndic)⁴ are set out in section three of this report.

2.2 Review panel

2.2.1 A panel to lead on the review was formed and comprised the following members:

Rob Behrens CBE - Parliamentary and Health Service Ombudsman, United Kingdom
Catherine De Bruecker - Federal Ombudsman of Belgium
James Hand - Parliamentary and Health Service Ombudsman, United Kingdom
Donald Cardon - Office of the Federal Ombudsman, Belgium

² Principles on the Protection and Promotion of the Ombudsman Institution ('The Venice Principles') (2019), Venice Commission

³ Guide to Peer Reviews (Draft) (forthcoming 2020), International Ombudsman Institute

⁴ This report refers to Rafael Ribó as 'Síndic' and the organisation as the 'Síndic' or 'Ombudsman Office' or 'Office'

2.2.2 Biographies of the panel members are attached at Annex A.

2.2.3 The panel members were specifically chosen in light of their long experience serving in European Ombudsman institutions, their experience of peer reviews and their knowledge of the Venice Principles. The Catalan Ombudsman set out his ambitions for the scope of a peer review and this was translated by the peer review panel into a Terms of Reference document. The Terms of Reference are set out in section three.

2.3 Key documentation and visit to the Síndic

2.3.1 In line with the IOI peer review approach, it was agreed that the review should be undertaken both remotely, through analysis of key documentation relating to the service, and in person, via a visit to the Síndic's offices in Barcelona on 20 January 2020. A key contact from the Síndic's office (Judith Macaya Alsina - Cabinet Director) was nominated to prepare a range of documentation relating to the scope for the panel to analyse. The panel is grateful to Ms Macaya Alsina for her diligent and helpful facilitation. The documentation provided included:

- Extracts of relevant regulatory laws relating to the jurisdiction of the Síndic
- The latest available extract in English of the annual report (2018) of the Síndic
- Information relating to how complainants can make a complaint
- Information relating to redress in regulatory law
- Trends in complainant volumes and handling times
- Information relating to Síndic monograph reports on key systemic issues
- Annual budget information for the Síndic from 2008 to 2018
- Workforce data, including structure charts and information on training

2.3.2 The information and documentation noted above were available to panel members before and during the site visit for ease of reference. Additional information for clarification purposes was available during the visit or was sent on request at a later stage. A full list of documentation examined as part of this review is set out in section six of this report (Annex B). To assist with the review, and in line with the IOI guidance (p. 7), the panel also decided, for contextual purposes, to ask a series of questions by email to key external stakeholders. The questions were related to the review scope outlined in the Terms of Reference. A copy of the text sent to external stakeholders is attached at Annex C. A list of stakeholders who were contacted is also attached at Annex D. The responses from stakeholders are included where relevant in section four below.

2.3.3 In line with good practice for peer review on-site visits, the panel received a number of presentations from senior staff about the Síndic. Additionally, bilateral meetings took place between the panel and staff with functional responsibilities. This included a meeting between the panel and Síndic staff at all levels held in private with the organisation's leadership absent (as recommended in the IOI guidelines, p. 7). The panel also received a briefing from an academic specialist in constitutional law. The panel was given opportunities to view casework and monographic reports and to request additional evidence during and after the visit in light of the outcome of the discussions. The panel concluded its on-site visit with a meeting with the Síndic, who had been present and facilitative throughout the day.

- 2.3.4 The expenses of panel members for the site visit were covered by the Office of the Síndic, as recommended in the IOI guidelines (p. 7).
- 2.3.5 A timeline for the production of findings from the review was agreed between the Review Panel and the Síndic. While the report constitutes the independent view of the panel members, the decision on publication of the report rests with the Síndic alone.

3. Background to the review

3.1 Síndic in context

3.1.1 The Síndic handles public administration complaints and has powers to ensure that persons' rights are respected. This public administration remit covers the functioning of the Catalan Government (Generalitat) and local councils. The Síndic's mandate also covers supervising private companies that provide services in the public interest, such as utilities.

3.1.2 There is a broad regulatory and legal framework relating to the Síndic. Article 78 of the Statute of Autonomy regulates the Ombudsman institution and attributes its basic competencies. Article 79 determines the principles of designation and status of the Ombudsman, while further operational details are established by the basic regulatory Act 24/2009. There are also other legal provisions extending the remit of the Síndic (see section 4.1.3). Complaints comprise a wide range of public services including children's services, social services, education, culture and language, public administration, rights and transparency. The Síndic also looks at complaints about territory, public security, justice and discrimination. The Síndic is Catalonia's authority in relation to the prevention of torture and other cruel, inhuman or degrading punishment, a position confirmed by the Spanish Constitutional Court which ruled that this is however without international status, exclusivity and confined to facilities under Catalan Government jurisdiction such as jails, police stations and nursing homes⁵.

3.1.3 Questions relating to mandate and operation form part of the scope of the peer review and therefore more information about these aspects is set out in section four of this report. At the time of the request for the peer review, the current Síndic had been in post for 15 years and his term went out of mandate (as at March 2019). In line with the legislation, the Síndic remains in post until a successor is elected by the Catalan Parliament. In recent years the Síndic has faced substantial media attention during the period of unprecedented political crisis in Catalonia. The reports and complaint findings of the Síndic have also received substantial analysis from the Catalan Parliament.

3.2 Rationale for the peer review and Terms of Reference

3.2.1 The Síndic recognises and welcomes the fact that an independent peer review will result in an important assessment of the effectiveness of the organisation's operating model and will help inform any handover process to a successor. The current incumbent was therefore keen to have his Office benchmarked against accepted criteria of what makes a good ombudsman service. These criteria include the Venice Principles, IOI guidelines on developing and reforming ombudsman institutions⁶ and other good practice from individual ombudsman services. Reference to these benchmarks runs throughout this report.

⁵ Constitutional Court Judgment 46/2015, 5 March 2015, Official State Gazette No.85, 9 April 2015. <https://www.tribunalconstitucional.es/ResolucionesTraducidas/46-2015%20of%20April%202015.pdf>

⁶ Developing and Reforming Ombudsman Institutions: IOI Best Practice Papers - Issue 1 - June 2017 An IOI Guide For Those Undertaking These Tasks

- 3.2.2 The Síndic asked the panel specifically to examine the areas of mandate and operation. At a time of exceptional crisis in Spain in relation to the situation in Catalonia, the Síndic has received praise about the quality of its reports but also faced criticism from some commentators that it operates outside of its remit and does not remain impartial. The Síndic believes that, due to his organisation's mandate covering areas such as human rights, the organisation is obliged to examine sensitive issues that may be labelled 'political' in nature by some commentators. However, he is keen to stress that his Office is not partisan, and that casework remains impartial and independent. The Síndic requested that the panel examine the theme of independence of the institution and the principles of Rights and Freedoms more closely. Therefore, the panel looked at the legal and regulatory framework governing the Síndic and how the framework is operationalised.
- 3.2.3 It is increasingly common to use a variety of methods of resolution for the wide range of complaints that an ombudsman receives. Ombudsman schemes are increasingly using techniques beyond adjudication to resolve complaints. These different approaches include mediation and early dispute resolution. The review therefore also looks at the Síndic's current mechanisms for complaint handling and alternatives to investigation.
- 3.2.4 Each year the Catalan Ombudsman produces an annual report for Parliament highlighting a range of key data, successes and performance. This report includes budget information, service performance analysis and commentary about what impact the organisation is making. The panel was asked to look at the efficiency and effectiveness of the Síndic to ascertain if its performance and effectiveness are in line with other ombudsman schemes.
- 3.2.5 The Síndic has received increased scrutiny during the current political climate in Catalonia: some positive of the work of the Office; others critical of the Office and the incumbent personally. The Síndic's term of office is out of time but mechanisms for electing a successor are currently dormant. This creates some uncertainty for staff. It is important that a new Office-holder understands the strengths and weaknesses of the organisation, particularly in terms of leadership and management aspects of the service. The panel therefore reviewed leadership, professionalism and human resources management in the organisation.
- 3.2.6 With this broad scope in mind, the panel agreed the following terms of reference to guide the review:
- i) **Mandate and Operation of the Síndic**
 - The Regulatory Framework including the legal environment, relations to Parliament and the devolved structures in Spain, and the scope of the jurisdiction which includes human rights.
 - The question of independence of the Ombudsman through a time of exceptional crisis in Spain on Catalonia situation.
 - ii) **Citizen accessibility and redress**
 - Access for disadvantaged groups

- Instruments of redress
- The forms and mechanisms for complaint and alternatives to investigation.

iii) Effectiveness and Efficiency

- A review of trends in complaint volumes and handling times
- The outcomes generated including special reports
- A broad impression of value-for-money in terms of the allocation of resources and financial management.

iv) Leadership, Professionalism and human resource management

- Recruitment, Induction, staff turnover and morale
- Staff training and continuing professional development
- How the leadership team operates and attention to succession planning.

4. Review Findings

4.1 Mandate and operation of the Síndic

4.1.1 This section sets out the main findings on each part of the terms of reference noted in section three.

4.1.2 The mandate and operations were analysed first. In order to examine the Síndic's mandate, the panel studied translations of extracts from legislation governing the Ombudsman's Office; spoke with a relevant constitutional expert about the Síndic's remit; and spoke with the Ombudsman and his leadership team about their approach to the organisation's powers and remit. The panel also contacted several key external stakeholders by email, asking them for their views on this element of the terms of reference.

4.1.3 As noted in section three above, there is a broad regulatory and legal framework relating to the Síndic. Articles 78 and 79 of the Statute regulate the Ombudsman institution and set out its basic competencies. The operational principles of the organisation are further established in Act 24/2009 (23 December).

4.1.4 There are also a number of other laws setting out the Ombudsman powers in relation to specific groups or institutions, such as:

- Law 11/2014 (10 October) relates to the guarantees of the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia
- Law 16/2014 (4 December) relates to external action and relations with the European Union
- Law 19/2014 (29 December) on transparency, access to public information and good governance
- Law 17/2015 (21 July) on gender equality.

4.1.5 This list is not exhaustive. There are, in addition, supplementary regulatory frameworks and policy directives stemming from the legal framework. These include (but are not confined to):

- The Catalan Structure of Human Rights and subsequent Plan
- The National Youth Council of Catalonia (CNJC),
- The OPCAT [The Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment] Advisors Council⁷,
- Cooperation and agreements with local and universities ombudsman.
- Agreements with local authorities for special supervision

⁷ In Catalonia, the work on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment and the Advisory Council for the Prevention of Torture and other Cruel, Inhuman or Degrading bodies should assist and advise the Ombudsman in the exercise of their duties. Mónica Aranda National monitoring bodies of prison conditions and the European standards. Detention conditions in the European Union, European Prison Observatory, 2015. http://www.ub.edu/ospdh/sites/default/files/documents/national_monitoring_bodies_in_europe.pdf

- 4.1.6 Candidates for the position of Catalan Ombudsman are nominated by political group(s) and, after a hearings procedure, the successful candidate is elected by a qualified majority vote (three fifths) of the Catalan Parliament. The Ombudsman is politically independent and is expected to act with objectivity and transparency. Rafael Ribó was elected Ombudsman of Catalonia in 2010 according to a new regulatory law of the Ombudsman, proposed by all parliamentary groups. This is his second term in charge of the institution. The first term was from 2004 until 2010, in accordance with the previous law governing the Síndic.
- 4.1.7 The current Ombudsman has made a significant contribution to the development of the role of the Ombudsman internationally. He is a respected and senior member of the European Ombudsman's Network and has held posts in the International Ombudsman Institute (IOI) since 2006. He is currently President of the European Chapter of the IOI and one of the directors of the World Board. He is also one of the founding members of the International Association for Language Commissioners (IALC), founded in Barcelona in 2014. Along with other ombudsman officers, he launched the National Energy Ombudsman Network, Neon, in Brussels in 2015. There are constructive relations to facilitate benchmarking have been established with frontline offices of the Amsterdam Ombudsman. Cooperation programmes have also been organised in the Balkan States area during Mr Ribó's mandate, as well as a support programme to Italian regional ombudsman offices.
- 4.1.8 There is evidence of the Síndic working constructively with a number of other ombudsman offices in Spain through bilateral meetings. Relations with the Office of the Spanish national Ombudsman, Defensor del Pueblo, are strained but correct, notwithstanding litigation in the Spanish Constitutional Court. Complaints regarding national administration are passed from the Síndic to the Spanish Ombudsman according to the law. Apparently, this does not happen the other way around. Spanish legislation allows the Spanish Ombudsman to deal with all matters in Spain, including local and regional matters. Legislation calls for the signing of cooperation agreements between ombudsman offices at national and sub-national level but only in general terms, and without specifics in terms of a prescribed working relationship. Up to now, and despite proposals, both offices have not reached an agreement and duplications or overlap appear recurrent. The panel expressed its concern that this can be detrimental for complainants as well as in terms of upholding human rights and improving good governance. By contrast, in Austria, a protocol between the (national) Austrian Board of Ombudsman officers and the regional Ombudsman offices structures engagement. Similarly, in Belgium, legislation applying to the members of the Belgian Network of Ombudsman Offices obliges them to send (one or more aspects of) a complaint to the competent Ombudsman when the complaint does not fall within the concerned Ombudsman's remit. According to IOI Guidelines⁸, where the Ombudsman is working alongside other ombudsman offices or monitoring bodies who deal with the same public service providers it is particularly important that offices enter into a memorandum of understanding in order to reduce the possibility of duplication or inconsistency of approach and ensure the seamless transfer of information and intelligence. It is in the best interest of citizens that the relationship between the

⁸ Developing and Reforming Ombudsman Institutions: IOI Best Practice Papers

Defensor Del Pueblo and the Síndic be structured through either a working Protocol or amended legislation. The panel recognises, of course, that this matter is not simple, is bound up in issues of contested constitutional law and has been the subject of extensive litigation.

- 4.1.9 As mentioned above (para 3.1.3) Rafael Ribó reached the end of his mandate as Síndic in March 2019 but, so far, no successor has been elected by the Catalan Parliament. The absence of a clear appointment timeline for a successor has not hampered the operational activity of the Síndic and the Office functions in routine fashion, though is understandably constrained in terms of long-term planning.
- 4.1.10 The Síndic's work is routinely overseen by the Catalanian Parliament and the Office is directly accountable to Parliament. The Síndic is expected to present key findings on performance of the service and the outcomes of investigation and monographic reports.
- 4.1.11 Monographic reports were introduced under the current leadership of the Síndic. The panel considers that they are an effective use of the Ombudsman's *ex officio* action powers, which allow the launch of an investigation by own initiative (or own motion), without necessarily having received complaints. The ability to use own initiative powers in this way is a clear component of a modern and effective ombudsman service and is endorsed in the Venice Principles. The Síndic has used own initiative powers effectively and the volume of monographic reports produced is impressive. A list of the 2018 reports may be found in Annex E. The panel noted in particular that there are good examples of monographic reports setting out important insight on complaints affecting vulnerable or excluded groups, who would not ordinarily access the service.
- 4.1.12 Recently the Síndic has faced criticisms of operating beyond its mandate. This followed the special measures taken by the Spanish Government in application of Article 155 of the Spanish Constitution and the imprisonment, trial and sentencing on grounds of rebellion and sedition of Catalan politicians and social leaders for organising a referendum on self-determination in Catalonia in 2017. The issue is highly contested since the referendum had been declared illegal by the Spanish Government and Spanish Constitutional Court⁹, a position supported by the European Commission¹⁰. This position was taken even though holding an unauthorised referendum ceased to be an offence in 2005 under the Spanish Penal Code, the United Nations Working Group on Arbitrary Detention held that the pre-trial detention of the politicians was a violation of international law and a breach of Spain's legal obligations under the International Covenant on Civil and Political Rights¹¹. The Síndic made clear in a number of statements and publications, most particularly a comprehensive publication of May 2018 that, in his view, the measures adopted in the framework of Article 155 of the Spanish Constitution had significantly restricted fundamental rights - beyond reasonable and legitimate proportions - and the treatment, sentencing and

⁹ https://english.elpais.com/elpais/2017/10/17/inenglish/1508250970_489373.html

¹⁰ Statement on the events in Catalonia, European Commission, Brussels, 2 October 2017

https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_17_3626

¹¹ https://english.elpais.com/elpais/2019/05/31/inenglish/1559297374_656795.html

imprisonment of the political and social leaders indicated possible ‘violations of fundamental rights and public freedoms’ that were particularly alarming¹².

- 4.1.13 The panel was briefed by a university academic specialist in Constitutional Law about the Síndic’s mandate. We were told that human rights protection is central to the Síndic’s role, so the current political context presents a difficult environment for the Síndic to operate in - raising human rights concerns but trying to remain free of accusations of political bias. It was noted that it was legitimate for the Síndic to use his own initiative powers (*ex officio* actions) to investigate human rights issues in Catalonia. These powers could include commenting on the impact on human rights of decisions of the Judiciary and the Constitutional Court, and this course of action would be in line with the Síndic’s powers. In the view of the academic specialist, reports produced by the Síndic about human rights were impartial and evidence-based.
- 4.1.14 In a frank exchange with the panel, the Síndic was clear that he is open to constructive criticism of his service but refuted any claims of partiality and operating beyond the organisation’s mandate. He also stated that recent accusations of political bias and calls for his resignation could hinder the effectiveness of the institution in the longer term. The Síndic told us that his Office remains independent and impartial. There are examples of Síndic reports being both supported and criticised across the political spectrum. The Síndic was also keen to stress that human rights standards would be examined by the Office wherever they were being infringed in Catalonia by any public authority, without fear or favour.
- 4.1.15 In this context, the panel looked at the legislation relating to the Síndic in general, and human rights aspects in particular. The panel observed that Article 78 of the Statute and article 4 of Act 24/2009 clearly relate to the Ombudsman’s role in guaranteeing the rights of citizens in Catalonia, as well as specific provisions and regulations (language, torture, inhumane and degrading treatment). In addition, the Venice Principles are clear on the important role that an ombudsman plays in upholding human rights. In summary, then, while the unambiguous tone of the Síndic’s pronouncements disappointed those looking for a more nuanced approach, he operated clearly within his mandate to investigate issues relating to human rights and spoke without fear or favour of his view that rights had been impaired. In due course, the successor to the current incumbent, will no doubt wish to establish his or her own approach to articulation of on-going concerns in the context of the Office’s human rights mandate and the Venice Principles.
- 4.1.16 The panel concluded that in terms of the Síndic’s mandate and operation, there is a broad legal and regulatory framework governing the Síndic setting out a wide-ranging remit for the Office. There is evidence that the Síndic uses its powers and remit effectively, and to their full extent. There are some aspects of the legislation governing the Síndic which are open to interpretation, such as collaboration with other ombudsman offices/bodies. The Síndic’s focus on human rights is in line with both its legislation governing human rights and the emphasis in the Venice Principles on the defence of human rights. It is also noteworthy that the *ex officio* action powers

¹² The Violation of Fundamental Rights and Freedoms arising from the Criminal Justice Reaction following 1 October, and application of Article 155 of the Spanish Constitution, Síndic El Defensor Les Persones, May 2018.

afforded to the Síndic also offer wide-ranging investigative potential. These powers have been put to good use through the production of insightful monographic reports.

4.2 Citizen accessibility and redress

4.2.1 The accessibility of the ombudsman service was analysed by the panel. The Síndic offers an impressive range of channels for complainants to contact the service. These channels include an electronic office through which individuals can file a complaint/consultation and perform any procedure within the catalogue of services and procedures of the Síndic¹³. They can consult all documentation in their files and data protection of third parties for the documentation provided by the Administration. There is also a front-line complaints desk at its Barcelona office, a dedicated complaints telephone line, a complaints webform option, and a Skype call facility particularly suitable for prisoners making a complaint. A Traveling Citizen Service Unit is important for the Síndic in targeting areas of Catalonia where the Office believes there is under-representation from certain groups in its complaints process. The Síndic advertises in advance with leaflet drops where and when visits are taking place. The panel considered this outreach to be an innovative approach to targeting under-represented groups and demonstrates the Office's commitment to communicate its services to all citizens from a range of backgrounds.

4.2.2 Complaints received by email and webforms generate the highest volume of complaints but there is a significant proportion of complaints (20 per cent) made via the front office. The biggest challenge facing the Office in terms of how people access the service is the move from a paper-based administration for contact with complainants and bodies, to more electronic means of communication. The panel noted that most ombudsman offices face this challenge and the Síndic's current arrangements put it in a strong position. The panel recommends that the Síndic should continue to strive to make access to its service as easy as possible.

4.2.3 As already noted, the Síndic's jurisdiction covers a very wide range of services, from childhood, education, culture and language, to public security, justice and discrimination. In the context of services, it is important that the Síndic serves Catalonia's diverse communities. There are clear examples of how the Office achieves this goal including monographic reports highlighting human rights issues affecting traditionally excluded or disadvantaged groups who may not ordinarily access the service. The panel viewed the Síndic to be in strong position in attracting a diverse range of complainants. However, the panel would recommend that the Síndic continue to explore who may not be accessing its service (for example Catalonia's Roma community, disabled people, migrants, younger people). Overall, the Síndic should continue with its progressive work in making its service as accessible as possible for all groups and exploring new ways of collaborating with civil society.

4.2.4 It is significant that public recognition of the Síndic is high. A recent survey put awareness of the Síndic at around 70 per cent. This has increased markedly during the current Síndic's tenure. These are levels of recognition that are rarely matched in the

¹³ <https://seue.sindic.cat/sinseu/webclientrwd/iseu.html>

European ombudsman community. This enables the Síndic to be in a strong position in terms of people being aware of what the service does and how to gain access to it.

- 4.2.5 When looking at redress mechanisms, the panel examined first the current operating model of the Síndic. In summary, the Síndic receives annually around 10,000 complaints which are examined by 27 trained complaints advisors. Advisors are supported by more junior advisors (28 technicians) and by 20 general support staff, who examine the technical details relating to complaints (for example, electricity market data, clinical advice, water analysis, air pollution data). There is also a small number of back office staff supporting IT, HR and administration. From the 10,000 complaints, around 2000 resolutions are produced each year. The Office also receives a number of service queries which the Síndic signposts to other organisations where relevant. The number of queries (general requests for information) addressed to the Síndic is time and resource consuming. Most other ombudsman offices face similar challenges in resourcing queries of this kind.
- 4.2.6 Resolutions are usually expressed in the form of a report setting out findings and recommendations. Advisors are typically trained lawyers who have autonomy to progress complaints through to this type of resolution. However, the Síndic is actively involved in personally signing-off the majority of cases. Technicians (who do not necessarily come from a legal background) can progress simpler complaints. Contact with citizens lessens once the complaint has been submitted and as the complaint progresses. Similar operating models for processing complaints are common in the European ombudsman community and the Síndic is in line with good practice in processing complaints. The Síndic may want to explore, however, how it keeps complainants up to date on the progress of their complaint.
- 4.2.7 Recommendations relating to complaints can vary significantly depending on the nature of the issue raised. About 97 per cent of recommendations are fully or partly accepted by organisations in jurisdiction. Although financial compensation to complainants is an option, the Síndic does not recommend a level of financial compensation that organisations should pay.
- 4.2.8 The panel noted that, beyond formal adjudication, there was limited use of alternative mechanisms to complaints resolution. One innovation is the creation of panel groups on various functional matters like energy, poverty, mortgages and the illegal selling of products by migrants on the streets ('TOP manta'). The panels include representatives of civil society and seek a participative approach to those questions, often 'super' complaints which focus on services of general interest. Beyond this, the Office of the Síndic appeared reluctant to explore either early resolution or mediation as useful skills sets. These skills sets are becoming increasingly common in the ombudsman community and are an area worth serious research and reflection. Investigating more. They hold out the prospect of facilitating more justice to more people without the need for a traditional investigation. They can also be less resource consuming.
- 4.2.9 The panel concluded that in terms of facilitating access the Síndic regularly demonstrates excellent practice. Culturally, the organisation is conscious of its commitment to be accessible to all and has varied channels in place to reach as wide

a group of citizens as possible. The Síndic also uses monographic reports to illustrate injustice faced by marginalised or traditionally under-represented groups - areas which would not necessarily come to light through a complaint. In terms of redress mechanisms, while the Síndic makes good use of its own initiative powers to put forward recommendations in monographic reports, there is limited use of alternative dispute resolution approaches to traditional investigation.

4.3. Effectiveness and Efficiency

- 4.3.1 To address efficiency and effectiveness the panel examined key data, spoke to staff and stakeholders about the work of the Síndic and looked at key metrics of other public service ombudsman schemes to ascertain how the Síndic compares.
- 4.3.2 In 2018, the Síndic received a budget of €6,281,093. This was the same as 2017 and an increase of 6 per cent on 2016. The 2017 budget was the first increased budget in 10 years. The budget in 2018 was 32 per cent lower than that of 2008 (€9,231,678). Over the course of the last several years, the Síndic has broadly been able to sustain its staffing budget whilst reductions have been made in the area of ‘goods and services’, with the 2018 figure standing at almost half that of 2011. The panel understands that significant savings have been negotiated in respect of accommodation, but it questions the ongoing sustainability of this level of expenditure in this important area. Notwithstanding the capacity to deploy incremental savings from previous financial years, future investment will be needed in the non-salary elements of the organisation to avoid any impact on casework. In addition, given the broad competences of the Síndic and the number of additional mandates given to it in recent years, an evaluation should be made to see whether the resources allocated to the Síndic are sufficient to cover the expanding mandate.
- 4.3.3 In contrast to the reduction in budget, demand for the service has consistently increased, with the volume of Síndic actions (complaints and *ex officio* actions initiated) in 2018 standing at 10,762 - a figure which is higher than three of the previous four years. The continued high volumes of complaints made to the service in 2018 illustrates that public trust in the Síndic appears not to have been lost during the current political climate in Catalonia.
- 4.3.4 In 2018 the Síndic was increasingly active in two central areas of its jurisdiction. Firstly, there was an increase in the number of actions in which the Síndic investigated in the area of social policies, with particular attention to persons at risk of social exclusion. The Office dealt with more complaints than ever before in which the complainant presented several inter-related issues which had placed them in a vulnerable position. The Síndic found that the majority of these complaints were presented by women. This group were at increased risk of social exclusion compared to men, due to inequalities in the workplace, in the division of familial care-taking responsibilities and instances of male-on-female violence. The number of complaints in this category increased by 61 per cent between 2017 and 2018 and accounted for 31 per cent of all Síndic activity.

- 4.3.5 Secondly, there was an increase in activity in public administration, particularly in which citizens cited the violation of their civil and political rights - including the right of freedom of expression and the right to representation by an elected official. These cases accounted for almost a quarter of the Office's complaints and *ex officio* actions in 2018, an 83 per cent increase in such activity compared with the previous year.
- 4.3.6 In contrast, complaints and *ex officio* actions about territorial policies declined by 31 per cent in 2018 whilst Síndic activity around consumer affairs, public safety, justice, culture and language saw levels similar to those in 2017.
- 4.3.7 In order to examine **efficiency** and the value for money aspects of the Síndic, the panel also undertook a high-level benchmarking analysis with other ombudsman services. This analysis is purely indicative because a like-for-like comparison between ombudsman offices is not possible due to differences in scope and the way that ombudsman offices arrange their casework processes. The panel examined the latest total budgets of the Síndic and other ombudsman schemes and their total number of contacts in 2018/19 to assess similarities and outliers. This type of analysis is useful but purely indicative and quantitative benchmarking as a single definition of value for money is of limited value. Although broad comparisons can be made, in the case of the Síndic such an analysis runs the risk of failing to take into account the resources that it dedicates to in-depth analysis of systemic issues through monographic reports. The production of these reports, as noted elsewhere in this report, is a routine part of the Síndic's duties rather than an occasional output. The time and resources required far outweighs those which are necessary for the completion of individual queries and complaints.
- 4.3.8 Notwithstanding these limitations, Table 1 below illustrates that the Síndic offers a very low cost-per-contact by comparison to other public ombudsman schemes of different sizes. This goes some way to illustrating the efficiency of the Síndic.
- 4.3.9 This favourable cost-per-contact performance of the Síndic is predicated on a number of factors, any change to which could see the relative value for money of the office decrease. It is noteworthy that the number of cases completed and those still in process at year-end has worsened in recent years.
- 4.3.10A factor in the Síndic's ability to maintain its current level of cost-per-contact efficiency is how it has allocated its budget, which has decreased substantially over the course of the last decade. The panel learned (as noted in 4.3.2) that the Síndic was able to mitigate its overall budget reduction by significantly reducing its non-salary administrative costs. Whilst this has allowed the Office to sustain its staffing levels, the panel questions the long-term sustainability of this arrangement. Any unexpected increase in non-salary costs could see the efficiency of the office impaired.

Table 1: Average cost per contact

<i>2018/19</i>	Total Budget	'Contacts'	Average cost per contact
Síndic	€6,281,093	25,997 <i>15,375 complaints (including carried over) 635 ex-officio actions 9,987 enquiries</i>	€242
PHSO	€30,193,110 ¹⁴	112,839 <i>82,998 redirected 29,841 complaints</i>	€268
Ombudsman for Wales	€4,933,950 ¹⁵	7,116 <i>4,627 enquiries 2,489 complaints</i>	€693
Scottish Public Services Ombudsman	€5,240,369 ¹⁶	5,895 <i>1,707 enquiries 4,188 complaints</i>	€889

4.3.11 Similar to recent years, in 2018 there was an increase in the Síndic’s processing time of cases it completes. The Office finalised a total of 9,347 complaints in 2018, taking an average of 140 working days per case to do so. This figure is up from 132.5 working days per case on the year before. Furthermore, this shows a 26 per cent decrease in the number of complaints that the Síndic finalised compared to 2017 (12,624) and has resulted in a backlog of complaints in hand, a figure which has increased by almost 50 per cent in that period. Table 2 sets out the average processing times of the Síndic.

4.3.12 The Síndic is not alone in the ombudsman world in witnessing an increase in the number of complaints. Increasing processing times are becoming a more common feature across ombudsman offices. In addition, and similar to many offices, the Síndic is experiencing slower processing times due in part to organisations being investigated taking longer to reply to key information requests.

4.3.13 The number of completed cases, those awaiting completion, and average complaint processing times are at the heart of operational efficiency and key to establishing value for money in an ombudsman office. If these metrics were to worsen further, the Síndic’s ability to demonstrate value for money to its service users would be greatly impaired. These critical metrics would need an injection of productivity or money to bring them back on track should they reduce further.

¹⁴ Approximate conversion from GBP

¹⁵ Approximate conversion from GBP

¹⁶ Approximate conversion from GBP

Table 2: Casework Processing Times

<i>2018/19</i>	Approximate Processing time
Síndic	196 days*
PHSO	158 days

**converted from 140 working days*

4.3.14 The Síndic, with its relatively broad remit and its regional footprint, has distinct differences to other ombudsman offices in casework profile. Significantly, the proportion of the Síndic’s casework profile which is dedicated to utility complaints is higher than other public service ombudsman schemes - with many not having these aspects in their jurisdictions. However, its proportion of health care complaints (6 per cent) is generally smaller than that of (for example) British and Irish schemes. This difference in casework composition will affect the cost of casework. For example, health complaints rely on clinical advice and tend to be more complex. These factors tend to make them more costly to resolve. Table 3 illustrates the composition of health complaints with comparable ombudsmen.

Table 3: Health Service Complaints by Ombudsman Office

<i>2018/19</i>	Total complaints received in year	Health complaints	Health complaints percentage
Síndic	10,762	680	6%
Ombudsman for Wales	2,489	1,007	40%
Scottish Public Services Ombudsman	4,188	1,451	35%

- 4.3.15 From the panel's analysis of efficiency there are some incremental improvements that the Síndic could consider making. The panel heard from staff that they are finding it increasingly difficult to interpret 'technical' data associated with a complaint -for example, technical supporting data relating to utilities. Staff rely on the experience and knowledge of the 'general support' staff to interpret technical items for the advisors. This technical information is critical when advisors are examining the evidence related to a complaint. The Síndic may want to consider if there is sufficient investment in the number of general support staff to support advisers to undertake technical analysis. Improvements in this space could have a positive impact on the quality of investigations and processing speeds. This applies equally to the collation of clinical advice for health complaints. The Síndic should consider reviewing its processes for gathering clinical advice in order again to improve not only quality, but also complaint handling times. In order to enhance the technical and clinical expertise amongst staff, increasing the diversity in staff expertise could be considered (for example, anticipating needs for artificial intelligence experts).
- 4.3.16 In terms of *effectiveness*, the panel was able to hear about the process behind the production of resolution reports and monographic reports. When processing complaints, advisors remarked that they had little difficulty in directly contacting relevant key contacts in the service they were investigating, and they meet with senior members of departments to discuss global issues on service complaints. However, they do not meet complaints teams directly. As noted above, advisors also noted that the time taken to receive information from services was increasing and impacting on the finalisation of recommendations. The panel felt that in addition to existing meetings with services, it might be worthwhile for the Síndic to develop new models of cooperation with bodies in jurisdiction such as visits to complaint teams or bilateral meetings with case workers. This would allow the leadership of the Síndic to see how complaints are being handled in the organisations being investigated, and to ascertain how improvements could be made to service response times for information (compared to relying mostly on a written procedure).
- 4.3.17 Each year, the Síndic must produce four statutory reports which receive Parliamentary scrutiny. In 2018 alone, there were 8 monographic reports produced with over 100 recommendations. Many of these reports have been praised by Parliament and stakeholders, with one stakeholder contacted by the panel noting that the Síndic plays a 'useful and valid social function for citizens and administration'. The fact that the Síndic appears before a Parliamentary Commission once a month on average is a positive feature worth noting and commending in this benchmarking exercise. The impact that the Síndic places on the defence of human rights in its reports is particularly striking - with stakeholders noting the Síndic's commitment to the defence of human rights, defence of the Catalan language, and protecting children's and consumer rights. The high acceptance rates of recommendations in resolution reports illustrate the authority of the reports and the broader effectiveness of the institution.
- 4.3.18 As noted elsewhere in this report, however, there is no formalised compliance reporting on the impact of monographic reports, only compliance reporting on resolutions issues after a complaint or an own initiative action. Currently only services in the general administration are contacted if they 'partly accept' recommendations.

A more holistic follow-up process would assist the Síndic in assessing its direct impact on improving public services and defending human rights. Such an analysis would identify any areas where compliance is presenting challenges. It would be beneficial to the Síndic in both increasing understanding of the applicability of recommendations and identifying any consistent under-performance by services.

- 4.3.19 The panel observed good practice in the way that advisors work with technicians and general support staff. There is a process in place to join up complaints across the Office by making proposals to the Ombudsman Deputies, ensuring that systemic issues from complaints are not missed. However, thought should be given to taking this horizontal working further. There is potential, for example, for closer working between social services and health advisors which could help in sharing good practice and new techniques in complaint handling across the Office. It would also have the potential for increasing the impact of recommendations made in individual cases.
- 4.3.20 The panel concluded that the Síndic faces similar pressures to other ombudsman offices in terms of increasing demand in a challenging financial environment. The processes in place at the Síndic depict a well-run and efficient service, producing far reaching recommendations, particularly in the area of human rights. The panel identified some minor areas of improvement that the Síndic may want to consider, including more technical support to advisors and establishing a follow up process to assess the compliance of recommendations. This would help better assess the impact of recommendations and therefore also the effectiveness of the organisation.

4.4 Leadership, professionalism and human resource management

- 4.4.1 The last area of analysis for the peer review focused on leadership and management of the Síndic. This specifically looked at how the leadership team operates, the recruitment process, induction into the organisation, staff turnover and morale. The section also examines how the Síndic approaches staff training and continuing professional development. The panel examined reports from the Síndic, spoke to advisors in private, and spoke with key personnel from the leadership team.
- 4.4.2 One of the initial key questions the panel sought to answer was whether the Ombudsman's term being out of formal mandate affected the organisation's ability to operate. As noted in the mandate analysis above, although the situation was not ideal there was no evidence to suggest that this situation weakened the functioning of the institution. Complaints volumes remain strong.
- 4.4.3 The Síndic leadership comprises the Ombudsman, two Deputy Ombudsmen, a Cabinet including a Communications and International Affairs Director, Relations with Entities and Enterprises Director, Head of Quality and Procedures, and a Business/Human Resources (HR) Manager. The Ombudsman holds regular meetings with his leadership team, and meets directly with advisors to discuss casework, IOI matters or to progress *ex officio* actions. The panel witnessed a good working relationship among the leadership team and a strong energy among the team. They have been responsible for significant new initiatives, such as the development of the Síndic's monographic reports and strengthening awareness levels of the Síndic among the population.

- 4.4.4 The Síndic is very well respected by staff who hold him in high regard. They expressed concern about the media and political attacks on him, but they feel supported. The Síndic regularly meets with staff and is generally accessible. He invites colleagues to seminars that the Síndic hosts on ombudsman-related matters emphasising the importance attached to contributing to the development of the wider ombudsman community.
- 4.4.5 Staff are invited to apply for roles at the Síndic in a fair and open manner through a competitive process and an open channel (an external consultation and a call for candidates). However, the panel noted that despite this open process which was separate to the appointment of the Síndic, almost a third of advisors hold employment contracts which are dependent on the position of the current Síndic. Although this is out of the hands of the leadership of the Síndic, the panel noted that it was a cause of concern for some advisors as they were unsure whether their employment would continue under a successor. The panel acknowledged that the current leadership was aware of this risk, which is not unique to the Síndic, but should examine if there is more that could be done to reduce the risk to continuity of service.
- 4.4.6 The panel spoke with advisors in private to discuss issues relating to morale. Staff acknowledged the current complex period for the Síndic with media pressure about the human rights issues creating a more complex and nuanced role. There had been some questioning of the purpose of the Síndic in Parliament which had been noted by staff, but morale had not been diminished despite these circumstances. Advisors stated that they did not feel unusually stressed or overworked in their role. As with other ombudsman services, there was acknowledgement that frontline staff at the reception desk and on the telephone lines were more likely to experience stressful situations in their roles. The leadership team gave the impression of being aware of these stressful situations.
- 4.4.7 The panel saw no evidence of any bullying or harassment in the Síndic and staff stated that they had neither experienced nor witnessed such behaviour. There are wellbeing protocols against harassment in place in the Office overseen by the HR manager. The panel noted that there was an absence of formalised feedback and engagement activity to ascertain staff views on important issues. The Síndic may want to consider using an annual confidential staff survey. These surveys are useful if staff wish to raise areas of good practice or concern upon which the leadership can act. Staff surveys can also be baselined and benchmarked with other ombudsman schemes.
- 4.4.8 Staff dealing with complaints are very experienced, are supported and have a clear commitment to make a positive difference to public service. They expressed a real desire to tackle challenging issues facing public administration, such as drug addiction, broken homes and reaching more vulnerable complainants. They felt very proud of the monographic studies and the trust the leadership showed them in their work. Staff expressed some concern that areas of investigation were sometimes too broad.
- 4.4.9 In terms of work/life balance, advisors noted that there was a generally positive work/life balance, but more could be done in terms of homeworking and flexible

working¹⁷. The panel acknowledged that advisors were well remunerated, but felt that, in line with other Ombudsman services, it would be useful for the leadership of the Síndic to review if existing policies with regard to flexible and remote working are sufficiently flexible.

4.4.10 There was evidence of staff training and staff being encouraged to attend courses. Most of the staff in the adviser pool are trained lawyers and attended courses to keep up with the latest legal issues. The panel did not see much evidence of internal promotion, but acknowledge that there are limited opportunities in a relatively small organisation for clear progression routes.

4.4.11 The panel concluded that there is strong, well respected leadership team at the Síndic. There are effective HR protocols in place but there is more than could be examined and acted on in terms of flexible working for Síndic staff. The panel would strongly recommend an annual confidential staff survey so that the leadership can ascertain the views of staff on key issues affecting them.

¹⁷ Following the spread of coronavirus in Spain, and the lockdown of the population, all ombudsman staff are, at the time of writing, homeworking and services have been provided remotely since 16 March 2020

5. Principal Observations and Recommendations

The peer review took place in January 2020 before the full onset in Europe of the coronavirus crisis and the move to remote working by most ombudsman offices. No recommendations are made in this report about the Síndic's planning or approach in preparation for the end of the crisis. The following principal observations and recommendations were identified by the panel:

Mandate and Operation

1. The Office of the Síndic has an extensive mandate, well-defined in law. [4.1.3 - 4.1.5]
2. The current Síndic, Rafael Ribó, has made a significant contribution to the development of the role of the Ombudsman internationally as President of the European Board of the International Ombudsman Institute (IOI), founder member of the International Association for Language Commissioners (IALC) and of the National Energy Ombudsman Network (NEON). [4.1.7]
3. While the current relationship between the Defensor Del Pueblo (Spanish National Ombudsman) is correct, it could be strengthened through either a working Protocol or amended legislation. The panel recognises, of course, that this matter is not simple, is bound up in issues of contested constitutional law and has been the subject of extensive litigation. [4.1.8]
4. The absence of a clear appointment timeline for a successor to the present Síndic, who is at the end of his term of office, has not hampered the operational activity of the Office, though understandably it constrains long-term planning. [4.1.9]
5. The introduction of monographic reports by the current Síndic is an effective use of 'own initiative' powers, particularly in relation to vulnerable and excluded groups who would not normally access the Ombudsman service. [4.1.11]
6. Human rights protection is central to the Síndic's role as set out in legislation and is endorsed as a legitimate role for an Ombudsman in the Venice Principles. The current Síndic has operated clearly and unambiguously with his mandate, reporting any risk of infringement or evidence-based violations of fundamental rights and freedoms. No doubt, his successor will wish to establish his or her own style and approach to the articulation of on-going concerns about human rights violations. [4.1.12 - 4.1.15]

Citizen accessibility and redress

1. The Síndic is in strong position in attracting a diverse range of complainants. The panel considered the Síndic's outreach to be an innovative approach to targeting under-represented groups and demonstrates the Office's commitment to communicate its services to all citizens. The panel recommends that the Síndic should continue to strive to make access to its service as easy as possible. [4.2.1 - 4.2.2]

2. The Síndic should continue to explore who may not be accessing its service (for example Catalonia's Roma community, disabled people, migrants, younger people). Overall, the Síndic should continue with its progressive work in making its service as accessible as possible for all groups and exploring new ways of collaborating with civil society. [4.2.3]
3. The levels of recognition of the Síndic service among the population are enviable in the ombudsman community and puts the Síndic in a strong position in terms of people being aware of what the service does and how to access to it. [4.2.4]
4. The Síndic is in line with common ombudsman practice in processing complaints. However, the Síndic may want to explore how it keeps complainants up to date on the progress of their complaint. [4.2.6]
5. There is limited use of alternative mechanisms to formal complaint resolutions. Alternative dispute resolution techniques, such as mediation, are increasingly common in the ombudsman community and an area that the panel believes the Síndic would be worthwhile investigating more. [4.2.8]

Effectiveness and Efficiency

1. Given the broad competences of the Síndic and the number of additional mandates given to it in recent years, an evaluation should be made to see whether the resources allocated to the Síndic are sufficient to cover the different mandates. [4.3.2]
2. By significantly and unavoidably reducing its non-salary administrative costs, the panel expressed concern about the long-term sustainability of the Síndic's efficiency without further investment or increased productivity. Any unexpected increase in non-salary costs would put pressure on the efficiency of the Office, and there should be a scenario plan for this eventuality. [4.3.9]
3. The Síndic currently offers value for money based on a number of objective measures. However, the number of cases completed each year, those awaiting completion and the average complaint processing times have declined. These metrics are at the heart of operational efficiency and key to establishing value for money in an ombudsman office. The Office needs to ensure that its productivity and time frames for case completion remain challenging and in line with international ombudsman good practice. [4.3.10 - 4.3.12]
4. The Síndic should review investment in the number of general staff available to support advisers undertaking technical analysis. [4.3.14]
5. The Síndic should consider reviewing its processes for the gathering of clinical advice in order to improve quality and complaint handling times. In order to enhance the technical and clinical expertise available, increasing the diversity and skills sets in staff expertise should be considered. [4.3.14]

6. The panel felt that in addition to existing meetings with bodies under investigation, it would be worthwhile for the Síndic to develop new models of cooperation with administration such as visits to complaint teams in departments and services or bilateral meetings with case workers. [4.3.15]
7. More horizontal working across functional teams would help in disseminating good practice and new techniques in complaint handling on an Office-wide basis. [4.3.18]

Leadership, professionalism and human resource management

1. The panel witnessed a good working relationship among the leadership team and a strong energy among the team. They have been responsible for significant new initiatives, such as the development of the Síndic's monographic reports and strengthening awareness levels of the Síndic among the population. [4.4.3]
2. The current Síndic is very well respected by staff who hold him in high regard. They expressed concern about the media and political attacks on him, but they feel supported. The Síndic regularly meets with staff, is generally accessible and he invites colleagues to seminars that the Síndic hosts on ombudsman-related matters. [4.4.4]
3. The panel noted that almost a third of advisors hold employment contracts which are dependent on the position of the current Síndic. Although this is out of the hands of the leadership, it was a cause of concern for some advisors as they were unsure whether their employment would continue under a successor. The panel acknowledged that the current leadership was aware of this risk, which is not unique to the Síndic, but should examine if there is more that could be done to reduce the risk to continuity. [4.4.5]
4. Staff acknowledged the current complex period for the Síndic with media pressure about human rights issues creating a more complex and nuanced role. Morale had not been diminished in these circumstances. Staff dealing with complaints are very experienced, are supported and have a clear commitment to make a positive difference to public service. As with other ombudsman services, there was acknowledgement that frontline staff at the reception desk and on the telephone lines were more likely to experience stressful situations in their roles. The leadership team gave the impression of being aware of potential stressful situations. There was evidence of staff training and staff being encouraged to attend relevant external courses. [4.4.6]
5. The panel saw no evidence of any bullying or harassment in the Síndic and staff stated that they had neither experienced nor witnessed such behaviour. There are wellbeing protocols against harassment in place in the Office overseen by the HR manager. The panel noted that there was an absence of formalised feedback and engagement activity to ascertain staff views on important issues. The Síndic may want to consider using an annual confidential staff survey. [4.4.7]
6. In terms of work/life balance, advisors noted that there was a generally positive work/life balance, but more could be done in terms of homeworking and flexible working. [4.4.9]

Annex A - Biographies of the Panel Members

Rob Behrens CBE is UK Parliament and Health Service Ombudsman. He joined PHSO in April 2017. After a career in higher education and as a senior civil servant (including Secretary to the Committee on Standards in Public Life, 2003-2006), Rob served as Complaints Commissioner to the Bar Standards Board in England and Wales (2006-2008), and as Independent Adjudicator for Higher Education in England and Wales (2008-2016).

Rob is a non-executive Board member of the Local Government and Social Care Ombudsman, immediate past Chair of the European Network of Ombuds in Higher Education, and Vice-Chair of the (UK and Irish) the Ombudsman Association. Rob was elected to the European Board of the International Ombudsman Institute (IOI) and takes up post in May 2020. He is also Visiting Professor at University College London. Rob was awarded a CBE for services to higher education in the New Year Honours List December 2015.

Catherine De Bruecker is Federal Ombudsman of Belgium. No sooner qualified as a lawyer specialised in European law, Catherine De Bruecker received a call to the Bar of Nivelles. There she gained the necessary professional field experience. But before long Catherine began focussing on new ways to resolve conflicts. In 1999, she joined the brand-new institution of the Federal Ombudsman. In 2005, she was appointed ombudswoman herself. Parliament renewed her mandate in 2013. Catherine is Vice-President of the European Chapter of the International Ombudsman Institute.

James Hand is the Assistant Director of Business Management at the Parliamentary and Health Service Ombudsman. Having held leadership positions in both the public and private sectors in planning, project and performance roles, James joined PHSO in January 2017 and focuses on project and risk management, planning, business continuity and performance analysis for the Office.

Donald Cardon joined the Federal Ombudsman in March 1997 as a junior investigator and has been working, except for three years as a lawyer-linguist at the European Parliament, as senior investigator, team coordinator and acting director. He is currently in charge of the front officers team, data protection and international relations.

Annex B - Documentation referenced in the report

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Law 16/2014 on external action and relations with the European Union (4 December 2014)

Law 19/2014 on transparency, access to public information and good governance (29 December 2014)

Law 17/2015 on effective equality between men and women (21 July 2015)

Síndic de Greuges de Catalunya (2017) *Síndic - El Defensor De Les Persones Annual Report 2017*

Síndic de Greuges de Catalunya (2017) *Síndic - El Defensor De Les Persones Annual Report 2018*

Síndic de Greuges de Catalunya (2020) *Peer Review Pack* (document containing detail of budget information for the Síndic, workforce data, training and structure charts)

Síndic El Defensor Les Persones (May 2018) *The Violation of Fundamental Rights and Freedoms arising from the Criminal Justice Reaction following 1 October, and application of Article 155 of the Spanish Constitution*

Síndic El Defensor Les Persones (December 2018) *Report of the Catalan Mechanism for the prevention of Torture*

Venice Commission (2019) *Principles on the Protection and Promotion of the Ombudsman Institution ('The Venice Principles')*

Annex C - Text sent to stakeholders

Text of email:

I would be most grateful if you could help me. As UK Parliamentary Ombudsman, I have been commissioned to undertake a Peer Review of the Office of the Ombudsman of Catalonia by Mr Rafael Ribó.

I will be undertaking this task in January and February in partnership with my esteemed Belgium counterpart, Ms Catherine De Bruecker. A copy of the Terms of Reference is attached to this email. The review takes place under the guidance of the International Ombudsman Institute draft guidance on Peer Review worked up at the end of 2019. The core elements of this review are a literature search, a visit to the Ombudsman's Office in Barcelona and meetings with his staff, discussion with an independent constitutional expert and a number of stakeholder views.

With the full support of Mr Ribó, I am writing to a small number of stakeholder institutions of the Ombudsman of Catalonia to ask for views about how the Office has performed in the challenging circumstances of the last few years. This constitutes part of a collegiate, constructive but independent review of the Office's mandate and operations which will be reported on in March 2020. It would be very helpful to have your view. I need to reassure you that there would be no publication of anything that you say or write without your explicit written agreement. We are looking for no more than 1 or 2 sides of A4 paper to inform our general account.

I hope this is helpful. I am of course happy to discuss any aspect of this request.

Annex D - Stakeholders contacted by email

Hugh Chetwynd, Head of Division, Committee for the Prevention of Torture at Council of Europe

Isil Gachet, Director of the Office of the Commissioner for Human Rights

Francisco Javier Enériz Olaechea, Ombudsman of Navarra

Jesús Maeztu Gregorio de Tejada, Ombudsman of Andalucia

Annex E - List of monographic reports of 2018

1. The right to housing: urgent matters. February 2018
2. Castor Project: Bases for an audit. March 2018
3. Report on universalisation of health care. May 2018
4. Violation of fundamental rights and public freedoms on occasion of the penal reaction to the Oct. 1 referendum and application of Article 155 of the Spanish Constitution. May 2018
5. The increase in environmental and urban planning conflicts in Catalonia. June 2018
6. Pluralism in the schools of Catalonia as a guarantee of non-indoctrination. July 2018
7. The situation of migrant children without family members of reference in Catalonia. September 2018
8. The “Sindicatura Municipal” as an independent Ombudsman. The situation in Catalonia. December 2018