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# INCOMPREHENSIBLE GOVERNMENT

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# 2012

*Summary of the 2012  
Annual Report of the  
National Ombudsman  
of the Netherlands*



**15,040**



**+10%**



**28,894**



**78**



**+14%**



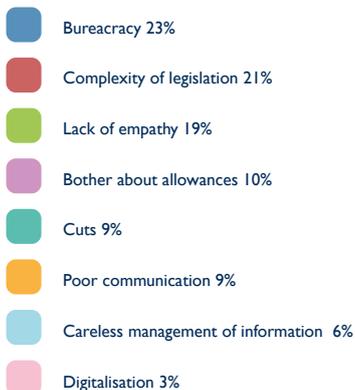
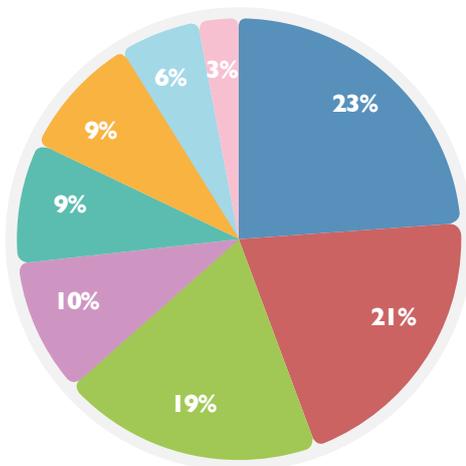
**164**

# INCOMPREHENSIBLE GOVERNMENT

## Top 8 causes

Both the pattern of complaints to the National Ombudsman and the results of the survey of intermediaries show that the majority (67%) of citizens' problems occur in the area of work and income and that 82% of intermediaries believe that such problems have increased over the last two years. This is hardly surprising, in view of the current economic crisis. The top three causes of the problems in this area are bureaucracy, complexity and lack of empathy (in that order).

2012



Percentage of all complaints to the National Ombudsman in 2012

## Recommendations of the National Ombudsman

- Assume that most people are good citizens. Trust them.
- Where financial claims and obligations are concerned, give priority to providing citizens with legal certainty here and now.
- Keep things simple and therefore easy to implement.
- When legislating, create scope for exceptions in special circumstances.
- Provide public access to criteria used in implementing policy and legislation.
- Ensure that every executive authority has an 'X-team' to sort out Kafkaesque situations.
- In the present financial situation, authorities should preserve citizens' protected earnings levels. Government bodies' debt collection activities should be harmonised.

What needs to be done?

## Solutions

- Establish an effective interface between government and citizen, taking account of human differences.
- Make personal contact whenever necessary: a phone call, a meeting at a contact point or surgery, or even a home visit.
- Take citizens seriously: apply the general standards of proper conduct and treat people with respect even if they don't speak the language of public administration.
- Treat citizens as equal partners.
- A positive approach to citizens produces better results than coercion.

What makes government incomprehensible?

## Context

- We live in an increasingly complex society.
- The current financial crisis is having serious consequences for individual citizens: unemployment, money problems, etc.
- Policy implementation is divided between too many different bodies – national and subnational.
- Government gives priority to ‘system values’, whereas citizens often feel that humanity is more important.

What’s wrong with citizen – government relations?

## Problems citizens encounter

- To do its job, government needs the cooperation of individual citizens, but citizens don’t understand why, and what’s making it difficult to get along together.
- The paper world of statutory rules and regulations is hard to translate into the real world of implementation.
- Government uses standardized systems that ignore the huge diversity of individual citizens.

## Views from the field

- A lawyer feels: ‘The whole legislative framework needs a thorough clean-up.’
- A social worker reports: ‘The language of official correspondence is far too hard. The average person gets lost in the clauses and subclauses. Even as a graduate, I sometimes have to read letters twice to understand them.’
- A social worker says: ‘People have to be fairly competent to tackle their own problems. Many of them don’t have the requisite skills.’
- A worker with a free legal advice service observes: ‘Government is very easy on itself, but not on individual citizens. They’ll slap a penalty on you just like that.’



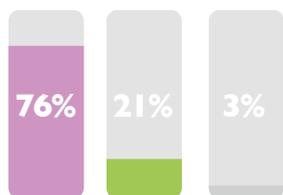
Alex Brenninkmeijer,  
National Ombudsman  
since 2005

# STATISTICAL OVERVIEW

## Developments in 2012:

- 30th anniversary of the Office of the National Ombudsman
- Alex Brenninkmeijer appointed President of the European Region of the IOI (International Ombudsman Institute)

## Justified/unjustified



- Partly/fully justified 76%
- Unjustified 21%
- No decision 3%

## Respectful

Victoria is a family doctor. She performs euthanasia on a patient who is suffering unbearably. It's a distressing event for all concerned, including her as a doctor. She obeys all the rules and, as the law requires, reports her actions to the regional euthanasia review committee. Then, to her great indignation, she has to wait nine months for the committee to reach a decision on her case. She says, 'your actions are undermining my confidence in government. I can't wait nine months to respond to a request for euthanasia.'



*The National Ombudsman was very concerned that the review committees have such long waiting lists. He drew this undesirable state of affairs to the attention of the Minister of Security and Justice and the Minister of Health, Welfare and Sport.*

## Subject of complaints

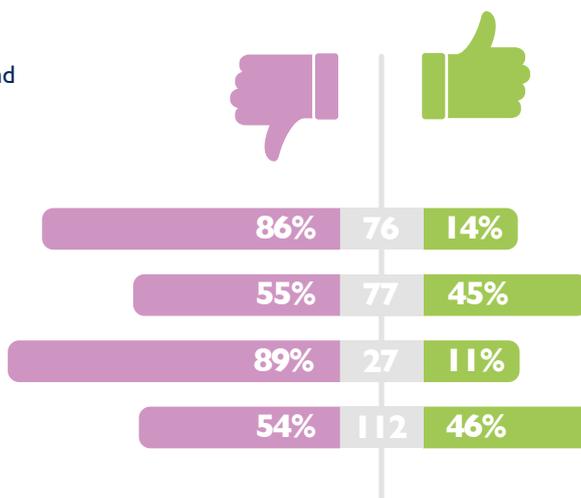
Proper government is: open and clear, respectful, caring and resolution-oriented, fair and trustworthy.

### Open and clear

### Respectful

### Caring and resolution-oriented

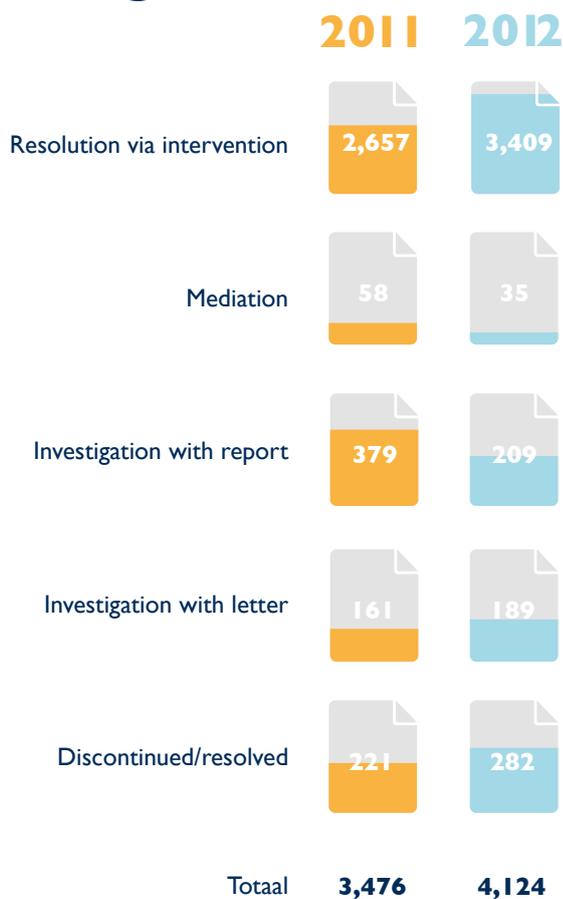
### Fair and trustworthy



- Improper
- Proper

The National Ombudsman only gives a decision on proper conduct if he issues a report.

## Method of complaints handling



## Complaints by policy field

### Ministries

General Affairs  
 Foreign Affairs  
 Security and Justice  
 Interior and Kingdom Relations  
 Education, Culture and Science  
 Finance  
 Defence  
 Social Affairs and Employment  
 Health, Welfare and Sport  
 Economic Affairs  
 Infrastructure and the Environment

### Police

Regulatory industrial organisations

### Subnational government

Extraordinary investigating officers with municipalities outside the jurisdiction of the National Ombudsman  
 Water boards  
 Municipalities  
 Provinces  
 Joint bodies

### Total

### Key statistics for 2012:

- 15,040 complaints received
- 29,302 contacts (phone calls, visits and e-mails)
- Most complaints about: Tax Department (2,787)
- More complaints about: Central Judicial Collection Agency (CJIB), Public Prosecution Service's Central Processing Unit (CVOM), Health Care Inspectorate (IGZ), Tax Department, Government Road Transport Agency and sheriff's officers
- Fewer complaints about: Education Executive Agency (DUO), Care Insurance Board (CVZ), Central Administrative Office for Exceptional Medical Insurance (CAK) and health care insurers.
- Ombudsman competent to deal with 89% of complaints received (up 5% on 2011)
- 83% of complaints resolved via intervention
- 209 reports issued
- 76% of complaints found to be partly/fully justified in written investigation
- Most decisions concerned lack of government fairness and reliability
- 78 recommendations issued

## Open and clear

Fabian lives just outside the Netherlands, in Germany. He goes to school in the Netherlands and decides to take his moped driving lessons there. In the run-up to his driving test, he's told that he can't get a Dutch driving licence because he's resident in Germany. He goes to his driving school and asks why they gave him the wrong information. The driving school says that the information came from the Government Road Transport Agency (RDW). This proves to be true. The RDW admits it issued incorrect information in the past and apologises.



*In response to this case, the Ombudsman drew the attention of the RDW to his guidelines for government compensation and asked the Agency to talk to Fabian's parents about reimbursing the cost of the driving lessons. The Ombudsman hoped that Fabian's parents would get satisfaction from the RDW and that Fabian would soon obtain his moped licence in Germany.*

2011

2012

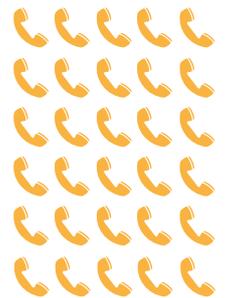
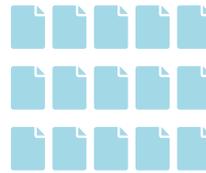
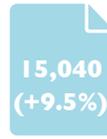
number	%	number	%
16	0.1	12	0.1
150	1.2	148	1.1
1,092	9.1	1,954	14.1
402	3.3	135	1
692	5.7	750	5.4
2,366	19.6	2,871	20.7
193	1.6	115	0.8
1,422	11.8	1,589	11.5
1,417	11.8	1,316	9.5
152	1.3	131	0.9
584	4.8	711	5.1
1,226	10.2	1,350	9.7
20	0.2	32	0.2
10	0.1	0	0
103	0.9	107	0.8
1,953	16.2	2,346	16.9
51	0.4	68	0.5
200	1.7	229	1.7
12,049	100	13,864	100

## Number of complaints and contacts

2011

2012

2011



1,000 complaints received



1,000 in-coming contacts (phone calls, visits, e-mails)

## Powers of National Ombudsman

2012



Competence of National Ombudsman in %

The National Ombudsman can only deal with complaints about government.

## The National Ombudsman's staff in 2012:

118 women



46 men



012

29,302  
(-1.4%)



### Main issues in 2012:

- Government indifference to the human consequences of Q fever
- Deaths in detention
- Help for people in debt
- Guidelines for dealing with victims during criminal trials
- Use of family supervision orders in cases of disputed parental access (in partnership with the Ombudsman for Children)
- Treatment of aliens in pre-deportation detention
- The Health Care Inspectorate's response to patient complaints

## Caring and resolution-oriented

Idris wants to become a doctor. He comes from Syria and is keen to study medicine in the Netherlands. He fails in the lottery for university places to study medicine, so initially studies biology for a year instead. The next year he's luckier and gets a place. To study in the Netherlands, he needs a residence permit and he gets it both times. But there's a 28-day residence gap between the two permits. Later, his application for naturalisation is turned down for this reason.

*The Ombudsman had investigated cases of this kind before. He approached the Immigration and Naturalisation Service (IND) and drew its attention to his earlier reports. Within a few days, the IND responded positively. It saw that Idris could have done nothing to prevent the residence gap and promised to review its decision. Idris was relieved to have come a step closer to achieving his aim of becoming a doctor.*



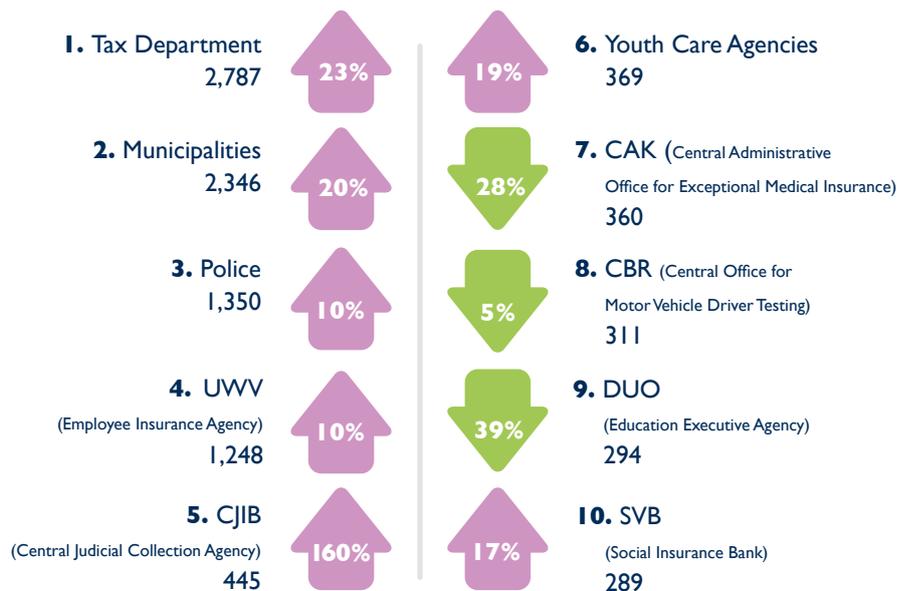
## Top 10 complaints

### Number of recommendations made and implemented

2012



78



Further information on the figure for each individual authority can be found in the National Ombudsman's annual letter to the authority concerned. See: [www.jaarverslag.nationaleombudsman.nl/jaarbrieven](http://www.jaarverslag.nationaleombudsman.nl/jaarbrieven).

## Fair and trustworthy

Eric runs a successful agricultural business. To expand it, he wants to build a large barn. And to do that, he has to submit a business plan to the municipality and apply for planning permission. It takes over two years but he finally gets it. The documents show that objections were lodged against his application. That's all right but he's really dismayed to see that his business plan has been sent to the objectors. A document full of confidential information about his business! He can't believe it!



*The Ombudsman found that the municipality had acted irresponsibly and unprofessionally. It should have treated Eric's business plan as confidential. He recommended the municipality to ensure that officials treat confidential information supplied by citizens with greater care in future.*

For reasons of efficiency and effectiveness, the full 2012 Annual Report of the National Ombudsman of the Netherlands is published only on [www.jaarverslag.nationaleombudsman.nl](http://www.jaarverslag.nationaleombudsman.nl). Visit that website to find or download the Ombudsman's Report to the House of Representatives, his views on the main theme of the report, statistics, annual letters to individual authorities and a timeline showing the main events of 2012 (all in Dutch only).

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The names in the real-life cases have been changed for privacy reasons.