

Ombudsmen and Administrative Law – Bright Stars in a Parallel Universe?

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Abstract

The proliferation of ombudsman systems since the middle of the 20th century has been driven substantially by lawyers. But although ombudsmen feature in modern administrative law textbooks, lawyers do not always regard the work of ombudsmen as being an integral part of their own professional domain. There is ambiguity about how ombudsmen fit into administrative justice systems and how their functions relate to those of administrative courts and tribunals. Ombudsmen operate in diverse ways; some of them are more legalistic in their approach than others. It is misleading to see them merely as small claims tribunals, providing a cheap alternative to courts; rather, they should be seen as a valuable means of alternative dispute resolution, complementing judicial mechanisms of administrative justice. Apart from redressing the grievances of individual citizens, another important function performed nowadays by many ombudsmen is to address systemic defects in public administration and promote good administrative practice.

Introduction

Nowadays, most people with an informed interest in the institutions of modern government will probably understand the broad meaning of the word ‘ombudsman’. But, while the ombudsman concept does have a core meaning, there is no one-size-fits-all template applicable everywhere. Thus the staple

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