

Making Local Welfare Administration Accountable and Responsible: An Analysis of the Daegu Metropolitan City Welfare Ombudsman

Kim, Soon-Yang*

◀ Abstract ▶

The purpose of this article is to analyze the institution ‘welfare ombudsman’ in South Korea, in order to suggest policy implications to raise the accountability and responsibility of welfare service provision. To the end, this article first discusses the theories on ombudsman and welfare ombudsman, and then formulates the analytical framework to analyze the practical situation of welfare ombudsman. The next chapter explores the institutional arrangement, practical operation, underlying problems, and performance of welfare ombudsman in South Korea, conducting the case study on the Daegu Metropolitan City Welfare Ombudsman. The final chapter suggests alternatives to make welfare ombudsman contribute to enhancing the accountability and responsibility of welfare administration.

Key Words: ombudsman, Daegu welfare ombudsman, responsibility, South Korea

* Professor of Public Policy and Administration at Yeungnam University, Korea(kimsy@ynu.ac.kr).

1. Introduction

Ombudsmen is “an independent, impartial public official with authority and responsibility to receive, investigate or informally address complaints about government actions, and, when appropriate, make findings and recommendations, and publish reports(US Ombudsman Association, 2003).” Since its first inception in Sweden, many countries in the world have adopted the ombudsman system as a neutral and independent watchdog to raise the accountability and responsibility of public administration. Here, while accountability is generally related to legal and institutional aspect of public administration, responsibility has to do with moral and ethical aspect(Friedrich, 2000).

The social welfare sector is no exception. Currently, welfare ombudsman is working in diverse sectors of social welfare, such as child protection, minorities and healthcare, to protect the right of welfare service recipients and to make welfare administration accountable and responsible. In local-level welfare administration, maintaining the accountability and responsibility is imperative to guarantee the equity and reliability of welfare services, because local welfare administration operates in the front-line that directly contacts with welfare recipients in delivering welfare services(Evans, 2012). Among diverse instruments to keep the accountability and responsibility of welfare administration, the welfare ombudsman system is one of effective over-watchers to prevent the indulgence and wrongdoing of welfare administration. Welfare ombudsman contributes to reduce the budget waste, human rights violation, welfare programs overlapping, and abusive discretion of welfare administration through his surveillance function. For that reason, many local governments currently intend to establish the welfare ombudsman system(Chai & Chai, 2011).

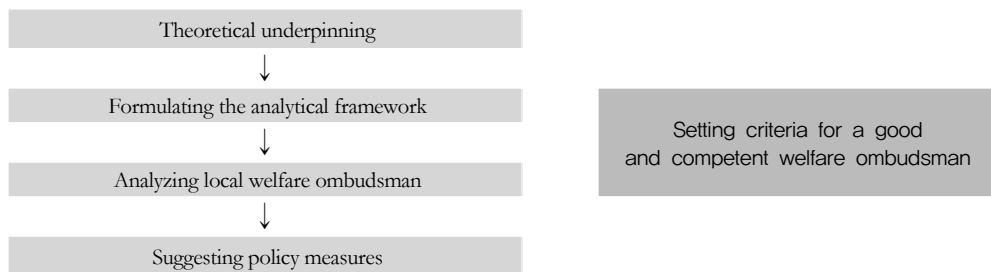
However, unknown is that how much does welfare ombudsman contribute to making welfare services accountable and responsible, and in what ways does welfare ombudsman contribute to protecting social citizenship. What is the difference between the formal institution of welfare ombudsman and his/her(hereinafter his) practical operation, what is the underlying problems of the contemporary welfare ombudsman system? How can we make the best use of the welfare ombudsman system as a tool of strengthening the accountability and responsibility of welfare ad-

ministration?

In practice, while many local governments adopt such a watchdog agency as the civil ombudsman system, welfare ombudsman is not yet prevailed in local administration. However, at this point of time when the focus of local administration is moving toward welfare administration, it is certain that the necessity to keep watch on welfare administration will be increased. And thus, despite of only few cases of the welfare ombudsman system as of now, we need to ruminate on its desirable direction through the analysis of current situation and underlying problems.

Against this backdrop, the purpose of this article is to analyze the institution ‘welfare ombudsman’ at the local government level, in order to suggest policy implications to raise the accountability and responsibility of the welfare administration of local government. To the end, this article first discusses the theories on ombudsman and welfare ombudsman, and then formulates the analytical framework to conduct empirical research. The next chapter explores the institutional arrangement, practical operation, underlying problems, and performance of welfare ombudsman at the local government level, conducting the case study on the Daegu(Metropolitan City) Welfare Ombudsman(DWO). The final chapter suggests alternatives to make welfare ombudsman contribute to enhancing the accountability and responsibility of local welfare administration. Figure 1 is the basic frame of this article.

[Figure 1] The frame of the article



With regard to research method, this article is basically a case study on specific local welfare ombudsman. A target of case study is the Daegu Welfare Ombudsman, because the DWO is South Korea’s first local welfare ombudsman and publishes reports annually or periodically, making researchers possible to conduct an empirical research on the operation and underlying

problems of welfare ombudsman. Data for analysis were mainly collected from annual reports published by DWO office over a span of five years, newspaper articles, the statements of welfare-related civic groups, and interviewing with welfare ombudsman. Some of collected data were arranged in a form of descriptive statistics, whereas newspaper articles and interview contents were abstracted to be inserted in the relevant parts of the article. However, in general, the contents of annual reports were insufficient and the openness of relevant information was limited, as do ordinary local governments.

In reference to domestic studies on the welfare ombudsman system, while studies on the ombudsman system have been widely conducted at the national level(Choi, 2013; Hong, 2005; Hong, 2011; Jung, 2005; Park, 2006; The Ombudsman of Korea, 2014 etc.), studies on local-level ombudsman are less activated(Chai & Chai, 2011; Song, 2005 etc.), as the history of the local-level ombudsman system is relatively short. Meanwhile, precedent studies on general welfare ombudsman like the DWO are seldom identified, whereas studies on child care appear sparsely(Hwang, 2005; Lee, 2007 etc.). Among rare cases of studies on general welfare ombudsman, Lee(2010) introduces the general activities of welfare ombudsman with regard to the treatment of civil complaints against long-term elderly facilities. Kim(2010) briefs his experiences as local welfare ombudsman at academic conference. Son and Kim(2015) conducted a pilot project to introduce the welfare ombudsman system in Gyeongbuk Province. However, these precedent studies on welfare ombudsman lack the rigorous analytical framework and stay in simply introducing the current situation or personal experiences of welfare ombudsman. In this regard, this article embarks on the full-swing chapter of examining the local welfare ombudsman system.

2. Theoretical Underpinning and the Analytical Framework

1) Ombudsman and Welfare Ombudsman

There are three methods of relieving and protecting civil rights: administrative litigation, administrative trial, and the ombudsman system. Administrative litigation as a judicial relief system has the effect of excluding further litigation. But it needs much time and expenses in relieving the vi-

olation of civil rights. Administrative trial as an administrative relief system has the effect of sentence, but it requires complicated paper works and fastidious procedure. Meanwhile, the ombudsman system contributes to protecting civil rights and the interests of general public through the investigation into the complaints issued. It is free and easily accessible, and its procedure is generally less time-consuming(Seneviratne, 2002).

Ombudsman started in Sweden in 1809 and is a kind of citizen's defender, investigating citizen's dissatisfaction with the power abuse and misuse of civil servants. Ombudsman may be alternatively known as 'advocate,' 'citizen's representative,' and 'mediator'(Lubbers, 1997). Ombudsman supplements the insufficient relief of civil rights by the legislature and the judiciary. In general, minority opinions tend to be neglected in the legislature that is operated by majority rule. Meanwhile, the relief of civil rights by the judiciary requires a lot of time and cost. In this regard, the ombudsman system is an essential institution to protect and relieve the violation of citizen's rights by administrative power, and can be an alternative to the legislature and the judiciary in protecting citizen's rights(Hong, 2011).

The ombudsman system has the following general characteristics. First, ombudsman is appointed by parliament or the chief executive, and his status and office term are guaranteed. Second, ombudsman is independent and politically neutral in performing his duties, from both the legislature and the executive(Park, 2006). Third, ombudsman has the authority to investigate and criticize the illegality and defect of government departments and agencies. But ombudsman does not have the authority to nullify administrative action. Fourth, ombudsman should be impartial and transparent in performing his duties. Fifth, ombudsman should be accessible and his handling of civil petition should be reliable and rapid(Stadlmayer, 2008; Jones, 2009).

In the meantime, ombudsman can be categorized into several types. First, ombudsman is classified into executive-type ombudsman and parliament-type ombudsman, according to his affiliation. While executive-type ombudsman is appointed by and affiliated to government departments, parliament-type ombudsman is appointed by and affiliated to parliament. In usual, the level of independence from the executive is higher in parliament-type ombudsman. While the original Swedish ombudsman was affiliated to parliament, many countries adopt executive-type ombudsman system currently(Hong, 2011; Kirkham, 2012).

Ombudsman is also classified into central government ombudsman and local ombudsman. Central government ombudsman is established at the level of central government, and he may be an independent agency, affiliated to parliament or a part of government departments. Local ombudsman is established at regional or local government level and is called as citizen ombudsman. He can also be an independent body or affiliated to local government or local assembly(Son & Kim, 2015).

It is also possible to divide the type of ombudsman into general ombudsman and specialized ombudsman, according to the jurisdiction of ombudsman. General ombudsman covers the overall scope of citizen petition against illegal or inappropriate administrative activities, whereas specialized ombudsman treats civil petition in specified area, such as child protection, environment, and welfare facilities(Stadlmayer, 2008).

Finally, ombudsman can also be divided into director-type ombudsman and collegiate-type ombudsman. Director-type ombudsman is a single judge ombudsman that single person manages the ombudsman system and makes decisions. This type of ombudsman can clarify where responsibility lies, treat matters quickly, and raise citizen's accessibility to ombudsman through the simplification of access channel. However, this type can be easily affected from external pressure and influenced by stakeholders, and may cause the overloaded work of ombudsman. Meanwhile, collegiate-type ombudsman is the ombudsman system managed by several independent ombudsmen. In this type, ombudsman makes decisions collectively through consensus. This type of ombudsman can be better in reducing pressure from outside and alleviate work load of ombudsman through the division of work. However, time and cost are high in reaching agreement among ombudsman(The Ombudsman of Korea, 2014).

Welfare ombudsman is a specialized ombudsman targeting the relief of civil rights in the field of social welfare(Lee, 2010). Welfare ombudsman can also be divided into the general welfare ombudsman who covers the general area of social welfare and the specified welfare ombudsman in the specific area of social welfare. Specified welfare ombudsman includes the ombudsman in such specified welfare areas as long-term care, child protection, welfare facilities, minority, healthcare, welfare for the disabled, and welfare for the elderly. The case of the DWO in this article is a general welfare ombudsman.

2) Analytical Framework: Criteria for a Good and Competent Welfare Ombudsman

In order to be a good and competent welfare ombudsman, some criteria should be met. While the criteria are different according to researchers, this article discusses around the following five criteria that are frequently mentioned(Aufrecht & Hertogh, 2000; Fowle, 2008; Soderman, 2004): impartiality, independence, professionalism, accessibility, and substantiality. Of course, although these criteria are not developed only for welfare ombudsman, they can be well applied to evaluating welfare ombudsman.

Amongst them, impartiality is the utmost criterion that many ombudsman students mention. Impartiality is to conduct the job of welfare ombudsman on the basis of fairness, neutrality, and objectivity without sticking to prejudice, self-assertiveness, and taking part with the government(Rosanvallon, 2011). In welfare administration, impartiality is critical to sustain the credibility and acceptability of the welfare administration, which treats human service and regards emotional sensibility highly. In particular, as the equitable provision of services is an important part of welfare administration, it is essential for welfare ombudsman to maintain impartiality in conducting his businesses(Lubbers, 1997). To be reliable and respectable, welfare ombudsman should be impartial, neutral and objective in performing his duties. He should not be biased and one-sided by his personal preference and individual benefits(Buck et al., 2011). If welfare ombudsman treats civil petition unfairly, petitioners may distrust the results of investigation and the process of welfare administration cannot keep social equity, causing the distrust and dissatisfaction with welfare services.

The term 'independence', regarding welfare ombudsman, is to treat the business of welfare ombudsman independently from the executive, budget departments, and targets of investigation(Asian Development Bank, 2011). The main task of welfare ombudsman is to watch over the power abuse, human rights violation, and budget waste of welfare administration and thus preventing the undeserving intervention of government departments is critical to achieve a goal of the welfare ombudsman system. Even though welfare ombudsman is affiliated to the legislature or appointed by the executive, he should secure independence from appointers(Wassem,

2010). If welfare ombudsman is subservient to administrative agencies in performing his duties, he cannot carry on his tasks of keeping watch the budget waste, program overlapping, the abuse of discretion, and human rights violation of government departments and welfare organizations. Moreover, while welfare administration has a large space of power abuse or misuse, it is hard to establish proper quantitative indices of evaluation due to the qualitative nature of welfare services. As a result, performance evaluation and inspection tend to be loose in welfare administration. Accordingly, reinforcing the independence of welfare ombudsman is imperative to properly watch over welfare administration. For this, while appointers must have the will to guarantee the independence of welfare ombudsman, welfare ombudsman himself must have unwavering conviction of independence from the pressure of appointers. It is also critical to be independent from external pressure, such as interest groups. In many cases, informal actors exert influence on the activity of welfare ombudsman by pressurizing the legislature and the executive. External pressure can be a major obstacle to securing the independence of welfare ombudsman.

Professionalism is to possess professional knowledge for assigned tasks and to demonstrate proficiency in performing the tasks. While professionalism was traditionally defined as the state of possessing professional knowledge and job performance skill(Evetts, 2003), current trend is to include ethical responsibility as its component. Consequently, professionalism is a concept including the possession of professional knowledge, the exhibition of job performance capacity, and the moral responsibility as a specialist. Professionalism enables individuals to handle assigned tasks quickly and reduce mistakes, and thus contributes to raising the quality and credibility of job performing. With regard to welfare ombudsman, professionalism is one of important requirements for successful ombudsman, because he can properly keep a watch on welfare administration when he has specialty in the tasks investigated(Henriksson et al., 2006). In particular, welfare administration emphasizes professionalism of welfare bureaucrats and other welfare practitioners, as is shown from the fact that holding social worker certificate is a prerequisite of recruiting the staff. Accordingly, welfare ombudsman needs high level of professionalism to watch over professional welfare administration. In reality, welfare ombudsman treats a wide variety of welfare petitions, and the work of social welfare is comprehensive and heterogeneous. To mention welfare facilities as an example, welfare ombudsman treats diverse matters ranging from human rights violation to the quality of food services. Accordingly, even

though it is hard for welfare ombudsman to have specific profession on the every sector of social welfare, he should have deep knowledge in the general matters of social welfare to investigate into grievances from petitioners(Soderman, 2004). However, since the scope of social welfare is varied and the discipline of welfare administration is comprehensive, a single ombudsman has limitation in treating all the areas of social welfare. Thus, a better way is to diversify the welfare ombudsman system according to a specified area of social welfare. Also, if assistant staff of ombudsman office is insufficient, the welfare ombudsman system may not demonstrate professionalism.

Accessibility, originally emphasized as one of the principles for welfare delivery system, means the geographical easiness of access to welfare facilities and programs. When recipients can easily approach to welfare facilities and programs, the convenience of welfare services is increased and the equal allotment of welfare services can be accomplished(Busch & Folaron, 2005). However, we need to extend the term ‘accessibility’ to include the accessibility in terms of time, space, and information, as well as geography(Seneviratne, 2002). With regard to welfare ombudsman, accessibility is particularly important, because many of welfare recipients are physically and economically disadvantaged. If the procedure accessing to welfare ombudsman is so complicated and the system to receive petitions is not widely opened, the general public cannot make proper use of welfare ombudsman. While welfare ombudsman, by himself, can detect and investigate the wrongdoings of welfare administration, many cases of investigation start with the report or grievance consultation of welfare recipients. Accordingly, if recipients lack relevant information and have difficulties in accessing to welfare ombudsman, the effectiveness of the welfare ombudsman system will be greatly lowered. Consequently, imperative for attaining the goal of the welfare ombudsman system are to simplify the procedure of petitions and diversify the access points to welfare ombudsman. Further, most people are ignorant of the very existence of the welfare ombudsman system, halving the effectiveness of welfare ombudsman. Thus, it is also needed to provide the general public with specific information on the role and works of welfare ombudsman.

The reason why the welfare ombudsman system is introduced to watch over and improve the wrongdoings of welfare administration, and for this, the substantiality of welfare ombudsman’s activities should be guaranteed(Jones, 2009). While the term ‘substantiality’ can be used di-

versely, this article defines it as the state that welfare ombudsman's disposal of investigation can have substantial effectiveness in revising or complementing the incorrect behavior of welfare administration. If the disposal of welfare ombudsman does not have any compelling power and the executive neglects the recommendation pointing the misconducts and negativities of welfare administration, the welfare ombudsman system cannot be effective. In Scandinavian countries where the ombudsman system was invented, ombudsman was originally established under the legislative or independently and some countries provide ombudsman with compelling power as a way of effectuating the ombudsman system(Hong, 2011; Senevirante, 2002). If the decision to accept or reject ombudsman's recommendation is in the hands of the agencies investigated, welfare ombudsman does not differ much from a simple advisory committee. Accordingly, we need to provide welfare ombudsman with substantial authority and the agencies investigated with an obligation for correction, in order to achieve the essential goal of welfare ombudsman that watch over the wrongdoings of welfare administration. However, in reality, although welfare ombudsman conducts investigation into government departments and government-subsidized private institutions, he does not have compelling power to demand corrective action. In many cases, public institutions as well as private facilities do not respect or follow the decisions that welfare ombudsman makes. If so, the welfare ombudsman system may be ceremonial and ineffective, resultantly increasing the waste of welfare budget and extending the dead zone of welfare. Accordingly, it is important for examinees, whether they are government departments or private welfare facilities, to accept and follow the decisions made by welfare ombudsman.

3. An Investigation into Local Welfare Ombudsman: Daegu Metropolitan City Welfare Ombudsman

1) The Establishment and Operation of Daegu Metropolitan City Welfare Ombudsman

Local ombudsman is established by the Article 32 of the Act on Anti-Corruption and the Foundation of the Anti-Corruption and Civil Rights Commission. The first local ombudsman was founded in Bucheon City in 1997(Chai & Chai, 2011), and currently 12 municipal or local

governments establish the local ombudsman system. The DWO, the first local welfare ombudsman in Korea, was founded in 2008 by the Ordinance for the Establishment and Operation of Daegu Metropolitan City Welfare Ombudsman, to deal with complaints against city government and its affiliated agencies(DWO, 2014). Specific backgrounds behind establishing DWO were as follows: Large-scale increase of welfare budget; demand for the transparent management of welfare facilities; corruption and human rights violation in welfare facilities; and policy suggestions from civic groups(Son & Kim, 2015).

DWO is executive-type, director-type, and specialized ombudsman. DWO is single and non-standing, works 20 hours in a week. DWO is appointed by mayor through the process of open recruitment(Article 6 of the Ordinance). DWO is appointed part-time contractual civil servant. Office term is 2 year and can serve consecutive term for once. Status and tenure of welfare ombudsman are guaranteed. DWO cannot hold political jobs concurrently. He also cannot hold executives and staff of social welfare corporation and association, and cannot perform welfare-related business activities. Targets of DWO's jurisdiction include city government and its affiliated agencies, borough and county governments, city government-funded public enterprises, contracting-out agencies, and the individuals, corporate bodies and associations subsidized by city government.

Three staff dispatched from the Audit and Inspection Office of Daegu Metropolitan City to assist ombudsman, but they are not full-time assistants. When needed, ombudsman can ask for city government the appointment of part-time professional researchers(Article 20 of the Ordinance). Ombudsman should submit annual report to mayor and metropolitan council. Lawyer Kim Hyun-ik was appointed in March 2009 as the first ombudsman. In May 2011 Jung Jung-wha, a social worker, became the second ombudsman, and succeeded herself in May 2013(Daegu Metropolitan City Welfare Ombudsman, 2014).

DWO establishes an advisory committee composed of nine members, including 5 social welfare professors, 1 from private welfare association, 1 lawyer, and 1 certified public accountant. Mayor appoints committee members by the recommendation of ombudsman(2 members), mayor himself(3 members), and chair of metropolitan council(3 members), among the persons with specialty and experience in social welfare. The term of advisory committee members is 2 years and can serve consecutive term for once. The committee makes it a rule to

hold a meeting quarterly(Article 9 of the Ordinance).

DWO's budget of operating expenses in 2014 is only 12,400 thousand won. Expenses are composed of 5,000 thousand won of producing promotional materials, 2,500 thousand won of producing annual report, 3,300 thousand won of attendance allowance of advisory committee members, and 1,700 thousand won of general operation and miscellaneous expenses.

DWO performs the following missions: Investigates civil petition for grievance on the welfare administration handled by city government and its affiliated agencies handle, welfare facilities and associations subsidized by city government; Recommends correction to city government and related institutions; Expresses opinions and publicizes the contents of investigation with regard to the civil petitions regarding welfare services; Provides recommendation with regard to the improvement of welfare administration and welfare institutions; Adopts welfare initiatives by self-proposal and investigation; And coordinates and arbitrates repetitive and chronic civil complaints and collective petitions.

DWO received 73 cases of civil petition in 2013. Among them, 25 cases that were irrelevant to social welfare referred to relevant departments. Policy recommendation was 1 case and recommendation to improve institution was 1 case. The areas of civil petition for grievance in 2013 were 16 cases of basic livelihood security(34.9%), 9 cases of welfare for the disabled(19.6%), 1 case of elderly welfare(2.2%), 2 cases of child care(4.4%), 3 cases of social welfare corporation(6.5%), 4 cases of healthcare(8.5%), and others(institution, etc.) 11 cases(23.9%). Table 1 shows DWO's handling of civil petition from his inception to 2013.

[Table 1] DWO's Handling of Civil Petition for Grievance(unit: case)

Type of handling		2009	2010	2011	2012	2013	Total
Notification of impossibility		8	11	9	10	10	48(22.6%)
Suggestion of alternatives or guidance		16	13	14	21	21	85(40.1%)
Acceptance		2	3	4	6	10	25(11.8%)
Settlement while investigating		3	12	7	5	1	28(13.2%)
Recommend-ation, opinion expression	Acceptable	4	3	2	3	4	16(7.5%)
	Unacceptable	5	2	1	2	-	10(4.7%)
Total		38	44	37	47	46	212(100%)

Source: adapted from 2013 DWO Annual Report.

2) An Analysis of the Current Situation and Underlying Problems of Daegu Metropolitan City Welfare Ombudsman

Despite of the first example of welfare ombudsman in Korea, DWO has a long way to go. In the aspect of impartiality, DWO lacks instruments to fairly manage civil petition. Although three staff dispatched from the Audit and Inspection Office help the desk job of DWO, they are not full time assistants. They perform their principal jobs in the Office, while helping ombudsman as part-timers. Thus, DWO lacks of assistant staff and has limitation in treating and investigating diverse civil petitions. Also, there are no persons who hold DWO in check in a situation where DWO is a single judge ombudsman. Moreover, although DWO presents annual report to city government and metropolitan council, that is very ceremonial. City government and metropolitan council do not have power to nullify the decisions made by DWO. The single judge ombudsman system has fundamental limitation in terms of impartiality. If ombudsman has a prejudice and bias in particular issues, the single judge system cannot guarantee impartiality. Accordingly, ombudsman Jung Jung-wha mentions the need of introducing collegiate-type ombudsman in the following manner.

It is difficult to judge and decide alone. It is inevitable that bias and subjectivity intervene in making decisions. I think a better way is to compose the ombudsman system with at least three ombudsmen.

DWO is also insufficient of independence from both administrative power and external pressure. Above all things, DWO's independence from city government is very fragile. While the Act recommends guaranteeing the 4-year term of ombudsman(Article 33), the office term of DWO is merely two years. Further, mayor appoints ombudsman on his own authority without any consent from or report to metropolitan council. Under this system of unchecked appointment, the mayor may have tendency to appoint the person who is likely to be cooperative to city administration as ombudsman. The shortage of DWO budget also reduces the independence of ombudsman's activities. The budget amount of ombudsman office is tiny and DWO does not

have any power to spend budget flexibly. Under this situation of budget constraints, DWO has difficulties in treating missions independently, as is partly proven by the following reference of ombudsman Jung Jung-wha.

Ombudsman does not have any authority in budget management and personnel administration. I am working under the austerity situation of budget and thus have fundamental limitation in adopting welfare initiatives by self-proposal. Also, I cannot evaluate the staff that is dispatched from city government, because I do not have any power in relation with personnel administration.

Maintaining independence from external pressure is another underlying problem of DWO activities. Under the local autonomy system that citizens elect the mayor, the head of city government cannot but be sensitive to the demands or pressure from the general public and interest groups. For example, the association of welfare facilities exerts pressure on city government as a reaction against ombudsman's investigation into the operation of welfare facilities(see the below Article). There is a case that welfare facilities staged protests against ombudsman's investigation and city government took side with their opinions by giving a public apology for the decisions made by DWO.

Employees in the welfare facilities of Daegu Metropolitan City demanded DWO's apology for his distortion of welfare facilities' reality, which pointed out the illegality of welfare facilities' management. About two thousand employees in the welfare facilities of Daegu Metropolitan City held a rally, on 8 March, to ask for the resignation of DWO and to urge city government to take a responsible action. They alleged, "DWO who is ignorant of the accounting procedures and inspection affairs of welfare facilities distorted the facts without going through accurate confirmation procedures. We cannot overlook this kind of unilateral and malicious distortion." Prior to this, welfare facilities association accused DWO of damaging the reputation of employees in welfare facilities(The Chosun Ilbo, 2010. 3. 9).

DWO has limitation in terms of professionalism. While DWO covers all the aspects of social welfare, the area of social welfare is very wide and diverse. A single ombudsman cannot have every professional knowledge in social welfare. DWO treats diverse kinds of civil petition in the area of social welfare, including welfare facilities, child protection, healthcare, welfare for the elderly, welfare for the disabled, basic livelihood, and basic pension. In the meantime, DWO works alone and professional researchers are vacant due to budget limitation. Assistant staff dispatched from city government is not welfare specialist. They are general public officials. Moreover, the role of advisory committee is ceremonial, and accordingly the professional knowledge of its members cannot be utilized properly.

In terms of accessibility, citizens can apply petition via diverse routes and in this regard the accessibility to DWO is not so low. The scope of welfare services that citizens can present a petition is also wide and comprehensive. But the problem is that ordinary citizens do not have proper information about the welfare ombudsman system. Publicity activities of welfare ombudsman are absolutely deficient, and thus citizens generally do not acknowledge the very existence of DWO.

All the people who I met said, “The name ‘ombudsman’ is too difficult to remember.” When I introduced myself as saying “I am a welfare ombudsman”, nobody understood the name. Understandably, nobody knew the role of welfare ombudsman. Ordinary citizens are ignorant of the very existence of the welfare ombudsman system. So, I think more active advertisement is needed, but that is difficult because of unfamiliar name of ombudsman...All the while, welfare ombudsman office has advertised through diverse methods, including the distribution of promotion materials and the insertion in the newsletters of city government and borough office. But there was little effect. Very small numbers of people acknowledge the welfare ombudsman system(A press interview with ombudsman Jung Jung-wha, The Maeil Shinmun, 2012. 3. 7).

As a result, the recipients of welfare services seldom apply petition, whereas most of petitioners are employees in welfare facilities(Kim, 2010; Son & Kim, 2015). Although DWO opens diverse routes of civil petition, the general public does not use the ombudsman system due to the lack of relevant information. DWO is passive in disseminating proper information about the ombudsman system, lowering the accessibility to ombudsman. The following comment of om-

budsman Jung Jung-wha signifies the ignorance of the general public about the existence and usefulness of welfare ombudsman.

Petition against the illegitimacy and illegality of welfare facilities are filed mostly by employees in facilities. I did not receive any petition from users of facilities. It might be certain that there are many cases of human rights violation in welfare facilities. I am very regrettable that users or customers of facilities do not file complaints.

The substantiality of DWO is another contentious issue. DWO can recommend correction to city government, express opinions and publicize contents with regard to civil petition grievance. DWO can recommend the improvement of relevant institutions. DWO can also adopt initiatives by self-proposal and coordinate repetitive and chronic civil complaints and collective petitions. However, ombudsman's recommendation does not have any binding authority, and city government and related agencies pay little attention to ombudsman's recommendation. Ombudsman has neither judicial power nor enforcement power. Welfare facilities investigated tend to neglect ombudsman's decisions. Although city government and related agencies are obliged to cooperate with ombudsman's request, they are passive in providing relevant materials. Ombudsman Jung Jung-wha complains of her impotent feeling in the following manner.

Ombudsman does not have judicial power. I just judge through the materials that those investigated submit to me. If they fabricate documents, I cannot properly expose their corruptive behaviors and illegality. If things come to this stage, petitioners have dissatisfaction with results. I feel very uncomfortable with this situation.

4. Suggestions for Good and Competent Local Welfare Ombudsman

The welfare ombudsman system is a useful institution in making welfare administration accountable and responsible, and for this reason most of democratic countries introduce the ombuds-

man system in the area of welfare administration. This article analyzed local welfare ombudsman in Korea and reviewed the case of the United States, to provide information on the actual condition and underlying problems of the welfare ombudsman system. However, while welfare ombudsman contributes to protecting and relieving the unlawful practices of welfare administration, there is still much to improve to make the welfare administration of local government more accountable and responsible.

1) Reinforcing the Impartiality and Fairness of Welfare Ombudsman

As shown in the analysis of DWO, single judge ombudsman has weakness in maintaining the impartiality of his activities in a situation where there is no balancing power. In order to enhance the impartiality of the welfare ombudsman system, it is recommended to increase the number of ombudsman to at least three and to establish the cross-checking system between them. As the second best, recommendable is to establish the deliberation committee that confirms or reviews the decision made by single ombudsman. Another way to raise the impartiality of ombudsman is to bolster assistant staff whose status is independent from executive branch. If assistant staff is dispatched from city government, they cannot be neutral from the interests and pressure of executive branch.

2) Maintaining the Independence of Welfare Ombudsman

One of key conditions of successful ombudsman is to maintain its independence from the executive branch and external interests(Waseem, 2010). To the end, the appointment of ombudsman needs to be cross-checked between the executive and the legislature. In this regard, it is more desirable for the chief executive to appoint ombudsman with the consent from provincial assembly. In the case that provincial assembly appoints ombudsman, the consent from the chief executive is needed vice versa. Also, proper level of budget has to be provided to ombudsman and the autonomous use of budget should be guaranteed, in order to maintain the independence of ombudsman from budget constraints. If budget supplier tightly regulates the use of budget,

ombudsman's independence will be damaged. Moreover, the will of chief executive is critical in making ombudsman independent from external pressure. Under the local autonomy system, senior civil servants are very sensitive to the demand of voters and interests groups. However, in many cases, their demands may be irrational and collide with public interest. Thus, the chief executive like mayor or governor needs to stand against external pressure to be a windbreak of ombudsman. We should urge chief executive not to be a simple messenger of external pressure but to be a protector of ombudsman's activity from external pressure. Additionally, it is urgent to redesign the role division between ombudsman and inspection office. In case of DWO, the jurisdiction boundary between ombudsman and the Audit and Inspection Office tends to be blurred. However, above all else, maintaining the unwavering conviction to keep independence is the most imperative virtue of ombudsman. Ombudsman should be incorruptible and be a man of integrity.

3) Raising the Professionalism of Welfare Ombudsman

Ombudsman is confronted with complicated situation in carrying out his duties and receives diverse kinds of civil complaints. Accordingly, ombudsman and his staff should be professional(Soderman, 2004). In case of welfare ombudsman, he ought to have professional knowledge about a wide range of social welfare, including child protection, healthcare, and welfare for the disabled. However, in reality, some of welfare ombudsman are deficient of professional knowledge on social welfare, whereas some cannot demonstrate their expertise due to diverse reasons. In this regard, we need to take measures to improve and maintain the professionalism of ombudsman from diverse angles. First, professional staff or researchers need to be supplemented. In case of DWO, the professionalism of assistant staff is low and there is no professional researcher. Full-time staff and assistant researchers or investigators need to be supplemented, to reduce the paper work of welfare ombudsman and subsidize the investigation into civil petitions. A civic group asks for the reinforcement of assistant staff in ombudsman office in a following manner.

We urge the Daegu city government to reinforce the assistant staff of DWO and strengthen office organization, in order to increase the effectiveness and professionalism of the welfare ombudsman system. Except for a part-time ombudsman, only 2 assistant staff is treating all the affairs of ombudsman office. Moreover, they do not have high professionalism in the area of social welfare. With this insufficient manpower, we cannot expect the faithful on-the-spot investigation. We call for the Daegu city government to expand assistant staff to at least 5 persons. We strongly urge mayor to let us know the plan to expand the assistant staff of ombudsman office. (Extracted from the statement of Uri Welfare Citizen Coalition, Peace News, 2009. 3. 11).

Second, it is needed to multiply ombudsman in compliance with the area of social welfare, taking charge of child protection, healthcare, and welfare facilities, etc. In particular, we need to consider regional characteristics in appointing welfare ombudsman. For example, the rural area that mainly consists of older people needs welfare ombudsman with professional knowledge in elderly welfare. Third, activating the function of advisory committee is necessary. To the end, we need first to evenly distribute advisory committee members, so as to represent diverse sectors of social welfare, and then should substantialize the function of advisory committee. Currently, the function of DWO's advisory committee tends to be ceremonial. Fourth, welfare ombudsman needs to make properly use of volunteers. While miscellaneous desk jobs and simple counseling are assigned to volunteers, ombudsman and professional staff can concentrate on core duties like investigation of complaint.

4) Improving the Accessibility to Welfare Ombudsman

In order to effectuate the ombudsman system, the access to ombudsman should be easy and relevant information must be publicized (Seneviratne, 2002). However, the welfare ombudsman system is generally unknown to the general public, except for employees in welfare facilities. Accordingly, first and most important thing to raise the accessibility to welfare ombudsman is to let the general public know the very existence of the welfare ombudsman system. Most of general citizens are unaware of access routes to welfare ombudsman. So, it is imperative to actively

disseminate information on the works of welfare ombudsman through diverse measures, such as local newspaper ads and distributing pamphlets. The next step is to simplify the procedure of filing civil complaints and diversify access points to ombudsman. Installing suggestion box in welfare facilities and elsewhere is an alternative way of collecting complaints from recipients of welfare services. Activating on-line and hot-line access system and increasing on-the-spot-visit of ombudsman are also recommendable. More active excavation of civil complaints is another task of ombudsman to improve the accessibility to ombudsman. Welfare ombudsman needs to find out civil complaints by his own authority, because recipients or beneficiaries of welfare services tend to be socially disadvantaged and unfamiliar with welfare administration. Thus, welfare ombudsman needs to protect the rights of welfare recipients preemptively.

5) Making the Operation of Welfare Ombudsman More Substantial

Welfare ombudsman may take diverse measures according to the results of investigation into filed complaints, including correction recommendation and opinion expression. Welfare ombudsman is also able to publicize the results of investigation and recommend relevant departments and agencies to change related institutions or irrational practices(Amirarjmand, 2008; Jones, 2009). However, the problem is that welfare ombudsman's recommendation or opinion expression does not have any binding authority. If the executive branch or welfare facilities refuse to follow the recommendation, welfare ombudsman is unable to compel his will. Accordingly, in order to substantialize the welfare ombudsman system, we need to discuss about the measures to provide welfare ombudsman with more compelling power, such as reporting illegal administrative practices to the prosecution office. Also, we need to devise the method to reinforce the penalty against the insincere submission of materials or documents by government departments, agencies, and welfare facilities. Currently, examinees are less cooperative in the process of collecting materials or documents for the investigation of complaints. Additionally, reinforcing the educational function of ombudsman is another way of effectuating the welfare ombudsman system. If welfare ombudsman can properly educate welfare providers to protect the rights of recipients in the process of welfare service provision, this is more effective way of

reducing recipients' complaints against welfare administration.

6) Strengthening the Evaluation and Monitoring on the Activity of Welfare Ombudsman

It is important to guarantee the independence of welfare ombudsman. However, this does not mean that welfare ombudsman is completely free from evaluation and feedback. The activities and performance of welfare ombudsman need to be checked and monitored periodically by neutral evaluative organization(Aufrecht & Hertogh, 2000; Stuhmcke, 2009). Currently, although welfare ombudsman submits annual report to the chief executive and provincial assembly, the contents of annual report is poor and scanty. There are no systematic evaluation and feedback about the activities and goal-attainment of welfare ombudsman. In this regard, we may recommend the establishment of neutral evaluation body to monitor welfare ombudsman's activities under the leadership of provincial assembly. This institution evaluates the performance of welfare ombudsman annually and reports to the chief executive and provincial assembly. Further, it is needed to conduct customer survey, targeting applicants of civil complaints, about their satisfaction with welfare ombudsman's handling of complaints(Hong, 2005). However, an important thing is that evaluation and monitoring should be conducted within the limit of maintaining the independence of welfare ombudsman. Guaranteeing the independence of welfare ombudsman is inviolable value of the ombudsman system.

5. Concluding Remarks

Up to till, this article analyzed the contemporary situation and underlying problems of welfare ombudsman and suggested policy alternatives to make the welfare administration of local government accountable and responsible, by delving into the Daegu Metropolitan City Welfare Ombudsman as a target of case study. Such five criteria as impartiality, independence, professionalism, accessibility, and substantiality were introduced to explore and evaluate the welfare

ombudsman system.

In general, while taking into account the short history of DWO in evaluating his performance, it is certain that DWO has not a few of supplement points to be a good and competent welfare ombudsman. Above all else, the effort to secure the impartiality of welfare ombudsman should be made with sincerity. For this, we have to improve relevant institutions and create friendlier environment, along with promoting ombudsman's responsibility and sense of duty. The following are included in these efforts: establishing the monitoring system to review the fairness of ombudsman's business treatment, making the cross-checking system between multiple ombudsman, and reinforcing assistant staff and supporting researchers.

Another important thing is to guarantee the independence of welfare ombudsman from both executive branch and external pressure. For this, what is more important than anything else is the unwavering volition of welfare ombudsman himself to keep independence. In the institutional aspect, we need to establish the cross-checking system between provincial assembly and executive branch in appointing welfare ombudsman and also rethink the current status of welfare ombudsman, which is affiliated to executive branch. We also need to increase the budget to support ombudsman's activity and give bigger autonomy in implementing the budget. Particularly important is the will of chief executive to protect welfare ombudsman from external pressure.

Ombudsman also need a high-level of professionalism and for this, we need to consider the following: recruiting welfare ombudsman on the basis of the specialty on social welfare, supplementing assistant staff and professional researchers, multiplying the number of welfare ombudsman in accordance with the specific areas of welfare services, making the best use of advisory committee, and utilizing professional volunteers more actively.

It is also imperative to raise the accessibility of the general public to welfare ombudsman. To attain this end, we ought to activate the advertisement on the system of welfare ombudsman and simplify the procedure of filing complaints. The routes of access points to welfare ombudsman must be more diversified.

Lastly, local government and outside examinees should respect ombudsman's recommendation, in order to effectuate the ombudsman system. As an idea, we may think the way to

give ombudsman's decision a binding authority. Moreover, the performance and usefulness of welfare ombudsman need to be evaluated periodically by the authoritative and neutral agency, to provide constructive feedback to the activity of welfare ombudsman.

There is a long way to go to settle the welfare ombudsman system in local welfare administration. It is not enough to simply establish institutions and make laws. While many local governments found the welfare ombudsman system with variety of title, most of them are motivated politically and end up in an anticlimax. In many cases, the status of welfare ombudsman is uncertain in between the legislature and executive branch. Legal and institutional strategies are insufficient in stabilizing the ombudsman system. There is no specific plan about how to evaluate the accomplishment of welfare ombudsman and establish the clear scope of ombudsman's role. Now is the time when we start a more substantial discussion to maximize the effectiveness of the welfare ombudsman system, in order to make local welfare administration more accountable and responsible.

■ 참고문헌 □

- Amirarjmand, A.(2008). Role of ombudsman in protection of civil rights. AOA Members Studies.
- Asian Development Bank(2011). *Strengthening the ombudsman institution in Asia: Improving accountability in public service delivery through the ombudsman*. Manila, Philippines: Asian Development Bank.
- Aufrecht, S. & M. Hertogh, M.(2000), Evaluating ombudsman systems, In R. Gregory & P. Giddings (eds). *Righting Wrongs: the ombudsman in Six Continents*. Amsterdam: IOS Press.
- Buck, T., Kirkham, R. & Thompson, B.(2011). *The ombudsman enterprise and administrative justice*. Farnham: Ashgate.
- Busch, M. & Folaron, G.(2005). Accessibility and clarity of state child welfare agency mission statements. *Child Welfare*. 84(3). 415-430.
- Chai, W. & Chai, G.(2011). A study on the development of ombudsman institution in Korean local government: A case study of Bucheon City. *Korean Society and Public Administration*. 22(2),23-48. (in Korean)
- Choi, Y. et al.(2013). Activating the ombudsman institution in Korea. *Korean Journal of Public Administration*. 51(2),95-119. (in Korean)
- Daegu Metropolitan City Welfare Ombudsman(2014). 2013 Annual report. Daegu Metropolitan City.(in Korean)
- Evans, T.(2012). *Professional discretion in welfare services: Beyond street-level bureaucracy*. Farnham, England: Ashgate Publishing.
- Evetts, J.(2003). The sociological analysis of professionalism: Occupational change in the modern world. *International Sociology*. 18(2). 395-415.
- Fowlie, F.(2008). A practitioner's guide to evaluating ombudsman offices. IOI Occasional Paper Series No,83.
- Friedrich, C.(2000). Public policy and the nature of administrative responsibility. *The science of public policy: Essential readings in policy analysis*. II. 7.
- Henriksson, L., Wrede, S. & Burau, V.(2006). Understanding professional projects in welfare service work: Revival of old professionalism? *Gender, Work & Organization*. 13(2). 174-192.
- Hong, J.(2005). *Investigation and analysis of customer satisfaction with civil complaint administrative service*. Seoul: Korea Institute of Public Administration,(Korean)
- Hong, S.(2011). *A comparative study on ombudsman institution in Asian region*. Seoul: Anti-Corruption and Civil Rights Commission. Korea.

- Hwang, O.(2003). A proposal for the development of children's ombudsman for promoting children's rights. *Journal of Korean Council for Children's Rights*, 7(1), 1-20. (in Korean)
- Jones, G.(2009). *Conducting administrative oversight and ombudsman investigations*. Aurora, Ontario: Canada Law Books.
- Jung, S.(2005). *Proposals to improve the ombudsman in Korea*. Seoul: The Ombudsman of Korea.(Korean)
- Kim, H.(2010). Local administration and experiences as ombudsman. A paper presented at 2010 annual conference of the Korean Association of Governmental Studies.(Korean)
- Kirkham, R.(2012). The 21st century ombudsman enterprise. A paper to be presented to the IOI Biennial Conference. November 2012, Wellington, New Zealand.
- Lee, J.(2006). Ombudsperson for children as an independent institution to protect children's rights. *Journal of Korean Council for Children's Rights*, 10(1), 23-47. (in Korean)
- Lee, Y.(2010). An introduction of welfare ombudsman to treat civil complaints against long-term elderly facilities. *Korean Social Welfare Administration*, 12(1), 1-25. (in Korean)
- Lubbers, J.(1997). Ombudsman offices in the federal government: An emerging trend? *Administrative and Regulatory Law News*, 22(7).
- Pang, J. & Lai, I.(2009). Comparative study of ombudsman systems of Asia: Review of systems in Macao, Korea and India. AOA Members Studies.
- Park, J.(2006). Background of the ombudsman and its structural characteristics. *Ombudsman of Korea Policy Collection*.(in Korean)
- Rosanvallon, P.(2011). *Democratic legitimacy: Impartiality, reflexivity, proximity*. Princeton University Press.
- Seneviratne, M.(2002). *Ombudsmen: Public services and administrative justice*. London: Butterworths.
- Soderman, J.(2004). How to be a good ombudsman. IOI Occasional Paper Series No. 80.
- Son, N. & Kim, J.(2015). Introduction of welfare ombudsman in Gyeongbuk-Do, Korea. Gyeongbuk Happiness Foundation.(Korean)
- Song, C.(2005). Measures to activate citizen ombudsman in local governments. A paper presented at the 2004 Annual Conference of the Korean Association for Local Government Studies.(Korean)
- Stadlmayer, G.(2008). *European ombudsman institutions*. Wien: Springer.
- Stuhmcke, A.(2009). *Evaluating ombudsman: A case study in developing a quantitative methodology to measure the performance of the ombudsman*. *International Ombudsman Yearbook* 10.
- The Ombudsman of Korea(2014). Study on foreign ombudsman institutions.(Korean)
- Waseem, M.(2010). Independence of ombudsman. AOA RETA Studies.

지방정부 복지행정의 책임성 제고수단으로서의 복지옴부즈맨 활성화 방안: 대구광역시 복지옴부즈맨에 대한 분석을 중심으로

김순양*

본 연구의 목적은 지방정부의 복지서비스 제공과정에서의 책임성을 제고하기 위한 방편으로서, 현행 복지옴부즈맨 제도의 실태와 문제점을 대구시 복지옴부즈맨을 사례로 분석하고, 이를 토대로 복지옴부즈맨 제도를 활성화하기 위한 정책적 시사점을 제공하려는 것이다. 이러한 연구목적을 달성하기 위하여 우선은 옴부즈맨과 복지옴부즈맨에 대한 이론적 논의를 행하고, 이를 토대로 유능하고 성공적인 복지옴부즈맨이 되기 위한 다섯 가지 기준을 중심으로 분석틀을 설정하였다. 다섯 가지 기준에는 불편부당성, 독립성, 전문성, 접근성, 실질성이 포함된다. 다음 장에서는 한국에서의 복지옴부즈맨의 제도적 장치, 실태, 문제점, 성과 등을 대구시 복지옴부즈맨을 사례로 하여 실증적으로 분석하였다. 마지막으로, 대구시 복지옴부즈맨에 대한 실증분석을 토대로 지방정부 복지행정의 법적, 도덕적 책임성을 제고하기 위한 복지옴부즈맨의 개선방안을 상기한 다섯 가지 기준에 입각하여 제시하였다.

주제어: 책임성, 옴부즈맨, 복지옴부즈맨, 대구시 복지복지옴부즈맨

◆ 2015.07.16. 접수 / 2015.08.22. 1차 수정 / 2015.08.31. 게재 확정

* 영남대학교 교수(kimsy@ynu.ac.kr)