



Northern Ireland  
**Public Services**  
Ombudsman

To: All Listed Authorities

21 December 2017

Dear All

**OMBUDSMAN (NORTHERN IRELAND) ACT 2016 (2016 ACT)**  
**NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN (NIPSO)**

The Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act) provided for significant changes to my jurisdiction as Ombudsman. Since April 2016, I have overseen the phased introduction of a number of extensions of remit for my office, which now covers a wider range of public services in Northern Ireland. The Assembly's legislation also brought a number of wider changes, including a more accessible service, clearer signposting of complainants to the Ombudsman, a more streamlined investigative process and new governance arrangements. A full account of the changes over the course of 2016/17 can be found in my annual report <https://nipso.org.uk/site/wp-content/uploads/2016/02/NIPSO-Annual-Report-2016-17-Final-2.pdf>.

From 1 April 2018, and in subsequent years, I will have new powers impacting on how my office operates. I want to ensure that all public service providers under my remit are aware of these changes in order to prepare for these.

**Publishing investigation reports in the public interest**

From April 2016, I have the power to publish reports of my investigations (when it is in the public interest to do so). This is an important new power which ensures that public service providers are held to account for failures in service. Publication enables the learning from complaints to be widely shared. It is important that the lessons learned are available to all listed authorities to support them in improving service delivery to the public and their complaints handling practices.

In line with the provisions of the 2016 Act, I will be publishing my first public interest reports early in 2018. I will ensure that I take into account the interests of complainants, listed authorities and any person alleged to have taken action to which a complaint relates, and others as I consider appropriate. However, the decision on publication will be made by me on a case by case basis having regard to relevant public interest factors. In taking decisions on publication I will be mindful of privacy and confidentiality considerations. It is my intention to ensure that a wide range of

reports will be available publicly to help ensure that there is transparency in relation to my findings and recommendations. This publication of investigation reports was not previously available to my predecessors under legislation that is now replaced by the 2016 Act.

Publication of a report will mean laying my report before the Assembly and the report will be available on my website. It is my intention that my published investigation reports and my annual report will be complemented by a more regular supply of information on the learning from my findings on complaints, including case summaries of a full range of investigations.

### **Own Initiative investigations**

From 1 April 2018 I will have the power to undertake investigations on my own initiative where I have a reasonable suspicion of systemic maladministration or systemic injustice. The new investigation power will allow me to proceed with an own initiative investigation where one or more complaints have been made, or where no complaints have been made. The authority to undertake own initiative investigations was a key part of the discussions around the development of the 2016 Act with the former Committee for the Office of the First Minister and deputy First Minister.

This is an important new power and one which will help my office identify and address systemic failures potentially affecting the wider public and not just individual complainants to ensure significant failings are addressed across sectors as a whole.

As required by the 2016 Act, over the coming months my office will be working to prepare for this new investigation power through the development of new processes and investigation methodology. I will be publishing criteria to be used in determining whether to commence an own initiative investigation. My staff will be engaging with each relevant sector to explain this role and the published criteria.

### **Improving complaints handling**

The 2016 Act includes provision for a complaints standards authority role for NIPSO, subject to commencement by the Northern Ireland Assembly. These provisions are aimed at enabling the Office to take forward improvements in complaints handling by all public bodies through the development of a common set of complaints handling principles and model complaints handling procedures. These are supported by monitoring, promoting and sharing best practice guidance on complaints handling.

To prepare for this future role, my Office will be undertaking research to develop a detailed understanding of the complaints landscape across Northern Ireland and experiences of complaining. This will include mapping listed authorities' complaints handling procedures, capturing the public's experiences of complaining and understanding the perspective of listed authorities on complaints handling challenges, and good practice approaches. This Northern Ireland-based research will build on experience of complaints handling good practice and following on from the report published by the former Ombudsman, Dr Tom Frawley CBE, on 'Mapping the Administrative Justice Landscape in Northern Ireland'.

Please note that further information on the research for stakeholders will be communicated by my Office in 2018.

I will continue to keep you informed of progress in these areas as they develop in the future. The 2016 Act provided for a phased implementation of NIPSO powers and I wish to ensure full implementation of the new legislative provisions during my term as Ombudsman.

Yours sincerely

A handwritten signature in black ink that reads "Marie Anderson". The signature is written in a cursive, flowing style.

**MARIE ANDERSON**  
Ombudsman