



Own Initiative – Wider Investigations Factsheet - For members of the public

Introduction

The Ombudsman has the power to undertake ‘own initiative investigations’. This means that he can investigate matters, where he has a reasonable suspicion of widespread maladministration or service failure by public bodies in Wales, even if he has not received a complaint about it from an individual.

The Ombudsman may complete two types of ‘own initiative’ investigation:

- An extension to an existing investigation of a complaint brought by an individual: or
- A stand-alone wider investigation which does not relate to a specific individual or complaint.

The wider own initiative investigation powers give the Ombudsman the opportunity to provide a service which is responsive to current issues, is citizen focused and future proof. It is a power that will be used sparingly, but effectively, to investigate a problem which is or may be widespread.

This factsheet explains how the Ombudsman will use his wider own initiative investigation powers.

Information about extended Own Initiative Investigations can be found on the [‘Own Initiative Investigations’](#) page, under the ‘About Us’ tab.

What the Ombudsman can do

The Ombudsman can open a wider own initiative investigation when he is satisfied that evidence suggests or indicates that widespread maladministration/service failure has occurred, exists or that it has potential to.

An own initiative investigation can consider a part or whole sector of a service provided by a public body in Wales and/or concerns relating to more than one body.

The Ombudsman will consider all information available to him to establish if there is a need to initiate an investigation. He will also consider if the [criteria](#) (available on the [‘Own Initiative Investigations’](#) page, under the ‘About Us’ tab) to do so is met, including:

- Whether the matter is in the public interest
- Whether there is reasonable suspicion of widespread maladministration that may cause a person or a wide group of people to experience injustice or hardship
- Whether the concerns identified would impact on a wide group of people, particularly if they may be vulnerable or disadvantaged (for example, a person or group of individuals who would have difficulty in making a complaint) and appear likely to suffer injustice or hardship in consequence
- The nature, amount and reliability of the evidence available

Although there is no widely accepted definition of public interest it is thought to be “something which is of serious concern and benefit to the public”. We consider it to be something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The public in this context does not necessarily mean the entire population of Wales. It may refer to a distinct section of the public such as a small community or interest group.

What the Ombudsman cannot do

Although the Ombudsman can consider information provided to him by employees who pass on information concerning wrongdoing in their workplace (whistleblowers), any resulting investigation will not substitute or interfere with the whistleblowing duties, responsibilities and processes of the public bodies concerned. The Ombudsman will signpost any potential whistleblowers to the body concerned or an appropriate person for consideration.

Complaints about specific incidents or complaints of maladministration/service failure affecting individual members of the public only are unlikely to meet the criteria for an own initiative investigation. Such matters are more appropriate for consideration using the Ombudsman's general powers of investigation.

Issues to bear in mind

Where the Ombudsman considers that he should start an investigation he will arrange a consultation exercise with amongst others regulators of public bodies in Wales to seek views on the merits of investigation. It may be possible to collaborate with one of these bodies to undertake a joint investigation and produce a report.

The Ombudsman may in certain cases seek the views of the wider public, by advertising the proposed investigation on the PSOW website, in the media and/or by holding discussion events.

Suggestions for Investigation

Suggestions for wider own initiative investigations can be made by:

- The public
- Service User Groups, Charities or Voluntary organisations
- Advocacy services

If you wish to make a suggestion you may do so on the '[Own Initiative Investigations](#)' suggestion page, under the 'About Us' tab.

Contact us

If you require any further information about own initiative investigations, please contact us

owninitiative@ombudsman.wales

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday