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Own Initiative – Wider Investigations

Introduction

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

We 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 us 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 we will use our 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 we can do

We can open a wider own initiative investigation when we are 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.

We will consider all information available to us to establish if there is a need to initiate an investigation. We 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 we cannot do

Although we can consider information provided to us 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. We 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 our general powers of investigation.

Issues to bear in mind

Where we consider that we should start an investigation we 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.

We may in certain cases seek the views of the wider public, by advertising the proposed investigation on our 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