

# **Own Initiative Investigations**

Criteria for Investigation

## Wider Investigation

1. Sufficient evidence should be available to demonstrate the need to begin a wider ‘own initiative’ investigation.
2. Evidence may:
  - Suggest that systemic maladministration/service failure has occurred
  - Indicate that systemic maladministration/service failure exists
  - Indicate that there is potential for systemic maladministration/service failure
  - Suggest that identified maladministration or service failure may be more widespread and systemic.
3. Evidence may be from:
  - The complainant and/or the body complained about
  - The Ombudsman’s complaint records
  - Witness/es
  - Other public service providers, third sector organisations and other third parties
4. The evidence is assessed to establish if the criteria to initiate an investigation are met, including:
  - whether the matter is in the public interest
  - whether there is reasonable suspicion that there is systemic maladministration that may cause any person to sustain injustice or hardship

- whether the concerns are such that they would impact upon a wide group of citizens or individuals, 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 sustain injustice or hardship in consequence of the matter being considered for investigation
  - the weight of the evidence
  - the persuasiveness of the evidence
5. If the Ombudsman considers that the above criteria are met, there will be a consultation exercise to seek views on the merits of investigating, or whether other organisations are better placed to investigate.

## Extended Investigation

6. Where the Ombudsman has already begun an investigation into a complaint and he wishes to begin an own initiative investigation into matters that have a substantial connection with the matter already being investigated, he will begin an extended investigation on his own initiative.
7. An extended investigation may be carried out where a complaint about:
  - one element of a service, and/or
  - one service provider



is closely linked to

- another possible incidence of service failure, and/or
- another related service provider.

8. If the above criteria are met, the service provider(s) involved and the complainant will be advised of the decision to extend the investigation. The parties involved will have the opportunity to submit comments and evidence as part of the investigation process. If the extended investigation relates to health services, the complainant will be given the opportunity to progress the matter under the ‘Putting Things Right’ regulations as an alternative, if they wish.

## **How to contact us**

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