



**Ombwdsmon
Ombudsman**
Cymru • Wales

Own Initiative Investigations

Procedure for investigation



Mae'r ddogfen hon hefyd ar gael yn y Gymraeg
This document is also available in Welsh

Foreword

1.1. Many public services Ombudsman officeholders throughout the world have the power to undertake investigations on their own initiative.

1.2. It is a power to investigate a problem when no complaint has been received or where information or individual complaint(s) suggests that an issue may be widespread or systemic. The power is used only where appropriate – concerns are referred to other regulators, if they are considered to be more suitable bodies to pursue them.

1.3. The 'own initiative' power is likely to become more important in our ageing society, where vulnerable people are either unable, or afraid, to complain.

1.4. The power will also, and more usually, be used to extend an investigation of a complaint to directly-related issues or to other bodies involved in the matters complained about.

1.5. We are pleased that this power has been incorporated into legislation governing the Ombudsman's jurisdiction in Wales.

Types of Own Initiative Investigation

a) A stand-alone Investigation

2.1. We may exercise our discretion to initiate a wide range of investigations. For example, we may wish to look into:

- other bodies in the same sector or public service as a body originally complained about
- concerns about a part of or a whole sector of public service
- an anonymous complaint
- a complaint from a 'whistleblower'
- concerns brought to our attention by regulatory bodies, patients' groups, service user groups, MPs/AMs, the media etc.
- concerns arising from our own investigations or from intelligence gleaned by our officers.

b) Extending a live Investigation

2.2. There are a number of instances when we may wish to broaden a current investigation into a consideration of related issues. We may wish to take a live investigation in another, associated direction. For example, an ongoing investigation of a complaint against a GP could reveal information of concern about a related matter involving the local Health Board. There may be evidence of a problem at the Health Board which is beyond the control of the GP complained about. We may therefore consider it appropriate to extend the current investigation to include the Health Board.

Jurisdiction and Delegation

3.1. We may start an own initiative investigation in respect of any bodies within the Ombudsman's jurisdiction.

3.2. A decision to start an own initiative investigation will be taken by the Ombudsman who will decide the outcome of any investigation.

Suggestions for stand-alone Own Initiative Investigations

4.1. Suggestions for potential own initiative investigations may be collated from numerous sources, including:

- Suggestions from our investigative staff, stemming from existing/ previous investigations or complaints received
- Suggestions from our Improvement staff, as a result of concerns about a specific body, sector or service. This includes trends identified from our data and/or intelligence by the Complaints Standards Authority or from our own complaints.
- Media reports
- Service user groups, charities or voluntary organisations
- Advocacy services

4.2. Individuals or bodies with ideas are encouraged to complete and submit a form, which will be available on our website and staff intranet. The form records the topic suggested, the bodies to be investigated and why the matter is considered worthy of investigation (see Appendix A).

4.3. The Own Initiative Lead Officer will acknowledge receipt of the forms and complete an initial assessment of the suggestions (see Appendix B). They will consider whether any remedial action is planned by the body concerned, which would render investigation unnecessary. Suggestions which are assessed as potentially suitable for an Own Initiative investigation will be retained by PSOW. At the appropriate time, a more detailed assessment of suitable subjects will be undertaken, taking into consideration the criteria below.

Criteria for Investigation

a) Stand-alone Investigation

5.1. We may exercise our discretion to initiate a wide range of investigations where 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.

5.2. Evidence may be from:

- The complainant and/or the body complained about
- Our complaint records
- Witness/es
- Other public service providers, third sector organisations and other third parties

5.3. 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.

5.4. If we consider 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.

a) Extending an Investigation

5.5. Where we have already begun an investigation into a complaint and we wish to begin an own initiative investigation into matters that have a substantial connection with the matter already being investigated, we will extend an investigation on our own initiative.

5.6. An extended investigation may be carried out where a complaint about:

- one element of a service, and/or
- one service provide is closely linked to
- another possible incidence of service failure, and/or
- another related service provider.

5.7. If we consider that 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 (or from 1 April 2026 the 'Listening to People' regulations), if they wish, if they have not used the Putting Things Right (or Listening to People) process in relation to the matter previously. If the complainant chooses not to use the Putting Things Right process (or Listening to People process), our consideration of the matter will proceed in accordance with standard Ombudsman procedures.

Consulting and informing

6.1. Before an investigation is initiated we must consult or inform, as appropriate:

a) Stand-alone Investigation

6.2. When planning a stand-alone investigation, it will be prudent to consult with one or more of the Welsh Commissioners, regulatory bodies, the Auditor General or other professional bodies. This will prevent any duplication of work and it may be possible to collaborate with one of these bodies, to undertake a joint investigation and produce a joint report. In certain cases, it may also be appropriate to seek the views of the wider public, by advertising the proposed investigation on our website or publicising in the media. However, it may not be necessary to consult the wider public in all cases and this will be decided by the Ombudsman, taking into consideration the evidence available.

b) Extending an Investigation

6.3. When planning to extend an investigation into a related area, we must inform the complainant, the body being or to be investigated and any person who may be identified in relation to the investigation in a negative way. They will be given an opportunity to comment during the investigation.

Proposal for a stand-alone Investigation

7.1. Following the consultation exercise, the Own Initiative Lead Officer will prepare a paper detailing the outcome of the consultation, the scope of the proposed investigation, including the body (or bodies) to be investigated if not previously identified, and planned timescale, and present it to the Ombudsman. The proposal must explain the reasons for the investigation and outline how it meets the criteria to investigate (see section 5 above).

7.2. The proposal must be sent to the body or bodies to be investigated, with an invitation to comment. They will also be invited to meet with the Ombudsman to discuss the proposed investigation. Anyone named in the proposal and referred to negatively, should also be given the opportunity to comment.

7.3. We will consider all comments on the proposal and will assess the availability of office resources, before determining whether to proceed to initiate an investigation. We must approve and share the final proposal with relevant bodies, if we wish to proceed. We may publish our decision to start an investigation but may not identify the body or bodies concerned.

7.4. If, following consultation, a decision is taken not to start an investigation or a decision is taken to discontinue an investigation, we will prepare a statement of reasons and send it to the relevant body/bodies involved and the complainant if applicable.

7.5. Following the conclusion of the consultation/proposal stage, we may issue short survey to relevant stakeholders to gain views on the process of determining the subject matter for the investigation.

Investigation

8.1. When we have started an investigation, it will be managed in accordance with our existing processes for complaint handling at PSOW. Requests for information and evidence will be proportionate and necessary for the investigation process. We may need to sample case files or request additional information dependent on the evidence required for the specific investigation.

8.2. Unless the investigation is discontinued for any reason, on completion of the investigation, a draft report will be shared with the body under investigation to allow them to comment. Any comments will be considered before the investigation report is finalised and issued. The final report will include detail of why the subject matter was chosen. The final investigation report will also be published if it is considered appropriate, in line with our guidance, such as the findings are in the public interest and there is an opportunity for wider learning. It will be shared with relevant organisations, including relevant bodies other than those investigated, who will be encouraged to reflect on the findings and implement any recommendations made.

Appendices

Appendix A – Own Initiative Investigation Suggestion

Name / Organisation:	
Date:	
Subject matter (a brief overview):	
Body / bodies to investigate:	
Name anyone affected by this matter:	
Add any other relevant information:	

Appendix B – Own Initiative Investigation Assessment of Suggested Topic (by Own Initiative Lead Officer at PSOW)

Suggestion from:	
Date of Suggestion:	
Assessor:	
Date of Assessment:	
Review of Subject Matter:	Include any relevant case ref numbers Attach any relevant evidence from case files
Body / bodies to investigate:	Are they within jurisdiction? Are they the appropriate bodies? Are there other, relevant bodies?
Those affected:	Are there others than those named?



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