Ombwdsmon
Ombudsman
Cymru • Wales

Own Initiative Investigations

Criteria for investigation

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

Introduction

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

We may conduct an Own Initiative investigation in two ways:

- A stand-alone investigation – this is an investigation which will not usually relate to a specific individual complaint or person.
- Extending a live investigation – this is an extension of an investigation we have already begun into a specific complaint.

Stand-alone Investigation

1. Sufficient evidence should be available to demonstrate the need to begin an '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
- Our 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 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.

Extending a live Investigation

6. 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 using our own initiative power.

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 (or from the 1 April 2026, the 'Listening to People' regulations), if they wish.



Ombwdsmon
Ombudsman
Cymru • Wales

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203