

## **Own Initiative – Extended Investigations – For bodies in jurisdiction**

### **Introduction**

We can conduct two types of own initiative investigation:

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

This factsheet explains how we can use our extended own initiative powers under Section 4 of the Public Services Ombudsman (Wales) Act 2019.

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

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# What we can do

Our [criteria](#) (available on the [‘Own Initiative Investigations’](#) page, under the ‘About Us’ tab) for extending an investigation says that, 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 begin an extended investigation on our own initiative.

An extended investigation may be carried out where we have a reasonable suspicion that a complaint about:

- One element of a service, and/or
- One service provider

Is closely linked to:

- Another possible incidence of systemic maladministration or service failure, and/or
- Another related service provider

And:

- In a case involving the exercise of professional judgement in a health or social care case – that systemic injustice has been sustained as a result of that professional judgement
- It must be in the public interest to begin an investigation

Matters which are likely to fall within the meaning of “systemic maladministration/service failure or systemic injustice” include:

- a failure which does not appear to have occurred as a result of a “one-off” event or failure but rather, has occurred as a consequence of an apparent widespread failure in the public body’s systems, processes or procedures
- a failure in a public body’s approach or procedure which could cause injustice to a number of people

- an apparent widespread failure of approach or procedure which appears to be accepted or condoned by the public body

Matters which are likely to fall within the meaning of “public interest” include:

- an issue of significant public interest or a known issue of current concern to us.
- an issue which may relate to the abuse of power by a public body against an individual person
- where the ‘vulnerability’ or particular circumstances of the complainant or group of complainants suggest that our intervention would be merited

We may wish to extend or take a live investigation in another associated direction where examination of records, professional advice received or other evidence available identifies concerns, beyond those in the complaint received, which meet the criteria.

Where we consider that an extended own initiative investigation is required the public body concerned and the complainant will be advised and will have the opportunity to comment and/or submit evidence as part of the investigation process.

When we have initiated an extended investigation, it will be managed in accordance with our existing complaints handling processes.

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## What we cannot do

- Extend a complaint which is not under investigation
  - Extend an investigation to consider matters which would not meet our jurisdiction for investigation
  - Extend an investigation which does not meet our own initiative criteria
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# Issues to bear in mind

If an extended investigation relates to health services and the 'Putting Things Right' regulations are of relevance, the complainant will be given the opportunity to progress the matter under these regulations as an alternative, if they wish.

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## Contact us

If you require any further information about our service, please contact us:

[ask@ombudsman.wales](mailto:ask@ombudsman.wales)

0300 790 0203

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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](mailto:ask@ombudsman.wales)

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