

Own Initiative – Wider Investigations

Factsheet – For bodies in jurisdiction

Introduction

We may conduct two types of own initiative investigation:

- Extended Investigation – this can be started when we decide, during the course of an existing investigation, that additional issues, or the actions of another body in jurisdiction, are suggestive of maladministration and/or service failure, should also be considered.
- Wider Own Initiative Investigation – this is a stand-alone investigation which will not usually relate to a specific individual complaint or person. A wider own initiative investigation can be started to consider when there is evidence of, or potential for, systemic or widespread maladministration and/or service failure on the part of a body (or bodies) in jurisdiction. Wider Own initiative investigations give us the opportunity to provide a service which is responsive to current issues, is citizen focused and future proof.

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

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 have discretion to start a wider own initiative investigation in respect of any bodies within jurisdiction to consider whether there is evidence that:

- Suggests that systemic maladministration/service failure has occurred
- Indicates that systemic maladministration/service failure exists
- Indicates that there is potential for systemic maladministration/service failure
- Suggests that identified maladministration or service failure may be more widespread and systemic

A wider own initiative investigation may focus on a service or services provided by an individual body in jurisdiction or consideration of the same issues across one or more bodies in jurisdiction.

We can, as part of a wider own initiative investigation, consider actions and services provided before the PSOW Act 2019 came into force.

How we will decide

We will use our discretion to decide if there is the need to start an investigation. We will consider evidence available to establish if the criteria to initiate an investigation is met, including;

- Whether the matter is in the public interest
- Whether there is reasonable suspicion that there is systemic maladministration that may cause a person, or group of persons, to sustain injustice or hardship
- Whether the concerns are such that they would impact on a wide group of citizens or individuals, particularly if they may be vulnerable or disadvantaged and appear likely to sustain injustice or hardship in consequence
- The weight of the evidence
- The persuasiveness of the evidence

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.

We may consider evidence from a number of sources, including:

- Complainants and/or a body complained about
- Witness/es
- Other public service providers, Regulators, third sector organisations and other third parties
- The Media
- Anonymous complainants
- *Whistleblowers (see below)
- Concerns arising from complaints received and/or investigated by us from members of the public or intelligence obtained the office’s improvement work.

The Own Initiative Investigation Process

Where we consider that there is the need to start an investigation and the criteria is met, we will consult on the subject of our proposed investigation with amongst others the Welsh Commissioners, other regulatory bodies and/or the Auditor General. It may be possible, in some circumstances, to collaborate with one of these bodies, to undertake a joint investigation and produce a joint report.

It may also be appropriate to seek the views of the wider public, by advertising the details of the proposed investigation on our website, in the media and/or by holding discussion events.

Following consultation, a proposal to investigate will be sent to the body or bodies to be included in the investigation with an invitation to comment, express its views and comment on the merits of investigating.

If, having considered any comments from the body, or bodies, included in the proposed investigation, we decide that it is appropriate to proceed, the details and scope of the investigation will be shared with the bodies concerned. The investigation will be managed in accordance with our existing complaints handling processes.

What we cannot do

Although we can consider information provided by persons who may meet the statutory definition of whistleblower, the Ombudsman is not a prescribed person under the Public Interest Disclosure (Prescribed Persons) Order 2014. In such circumstances, we will signpost any potential whistleblowers to the body concerned

or the appropriate prescribed person for that type of complaint. Any resulting investigation will not substitute or interfere with the whistleblowing duties, responsibilities and processes of the public bodies concerned.

Own initiative investigations will not usually be started to consider specific incidents or complaints of maladministration/service failure affecting individual members of the public only. Such matters are more appropriate for consideration using our general powers of investigation.

Contact us

You can submit an idea for an own initiative investigation on the '[Own Initiative Investigations](#)' page, under the 'About Us' tab.

If you require any further information about own initiative investigations, please contact us.

owninitiative@ombudsman.wales

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

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