



A NEW PUBLIC SERVICES OMBUDSMAN FOR NORTHERN IRELAND

Our Vision for 2015-18

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Glossary of Terms

ADR	Alternative Dispute Resolution
AOCC	Assembly Ombudsman/ Commissioner for Complaints
ASSIST	Advice, Support Service and Initial Screening Team
DFP	Department of Finance and Personnel
EFM	Explanatory Financial Memorandum
HSC	Health and Social Care
IC	Implementation Committee (chaired by Deputy Ombudsman)
LGES	Local Government Ethical Standards
NIJAO	Northern Ireland Judicial Appointments Ombudsman
NIPSO	Northern Ireland Public Services Ombudsman
OFMDFM	Office of the First Minister and Deputy First Minister
OMT	Operational Management Team
SMT	Senior Management Team

Foreword by the Ombudsman

Welcome to my Strategic Plan for 2015 - 2018.

As Northern Ireland Ombudsman I lead an independent statutory office responsible for investigating complaints of maladministration relating to public services, and complaints of breaches of the Northern Ireland Local Government Code of Conduct for Councillors (the Code of Conduct). My office undertakes investigations independently of the bodies or individuals complained of. All of my investigations are conducted in private. When I find maladministration I send a copy of the report to the complainant and the body complained of detailing any necessary recommendations for remedying the injustice identified. In relation to the Code of Conduct my office undertakes two separate functions; investigation and adjudication. This is a new and discrete element of my jurisdiction which was introduced in May 2014 as part of local government reform in Northern Ireland. My role in this jurisdiction is quasi judicial in nature.

The office of Ombudsman was first established in 1969 and the legislation that informs my role is based on two statutory instruments which were last revised in 1996 and 1997. Over the period covered by this strategic plan, 2015-18, the office is facing significant change as a result of the reform of the legislation under which it was established. In September 2013, the Chair of the OFMDFM Committee of the Northern Ireland Assembly introduced proposals to bring forward legislation to create a new Northern Ireland Public Services Ombudsman (NIPSO). Under that new legislation the Ombudsman's powers and remit will expand greatly, adding new bodies to jurisdiction and new statutory powers such as the power to undertake an own initiative investigation. The proposed NIPSO legislation will also bring about, over the period of this plan, the transfer-in to this Office of the functions of the Northern Ireland Judicial Appointments Ombudsman (NIJAO).

The office has an established reputation for undertaking detailed and comprehensive investigations and this will be preserved in the new legislation. The new law creates an evolutionary rather than a revolutionary change. That change will require an appropriate strategic response and the objective of this three year strategic plan is to guide my office through what will be a complex and challenging transition. This Plan therefore is an important first step in the change process.

In support of the Plan I have reviewed our vision, strategic aims and priorities. Accordingly the renewed **vision** for the Office is:

Making a difference through Fairness, Justice, and Nurturing our Expertise.

Drawing directly from this, my Mission Statement for the proposed NIPSO's office is:

To uphold the principles of fairness, justice and accountability in all that we do, by safeguarding the principles and standards of good public administration across the public service in Northern Ireland, and by promoting ethical conduct in local government.

This statement reflects our detailed understanding of what matters to citizens and the public bodies that fall within the jurisdiction of this office. I know that my staff and I are committed to working together, in an effective way, to uphold the principles of fairness, justice and accountability in all that we do.

With the prospect of further financial constraints across the public sector there is a significantly increasing risk of an even greater number of complaints about the level and quality of service that citizens receive as a result of budgetary cuts. Balanced against that, however, I am also mindful that in making its determinations my office must take account of the constrained financial environment within which our public services are being asked to deliver and maintain high quality public services.

Whilst we know there will be challenges ahead and tough decisions to be made, there are also many exciting opportunities as the proposed new office of the NIPSO comes into being. Working with stakeholders, strategic partners, citizens and the Assembly we aim to deliver a more focused and modern Public Services Ombudsman service for current and future generations in Northern Ireland.

A handwritten signature in black ink, appearing to read 'Tom Frawley', written in a cursive style.

Dr Tom Frawley CBE

STRATEGIC PLAN 2015-2018

1. Introduction and Background

1.1 This Plan outlines the vision, strategic aims and priorities that will drive the activities and performance of the Ombudsman's Office for the period from April 2015 to March 2018. Its main aim is to provide the strategic framework for the transition from the existing Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints (AOCC) to the single office of the Northern Ireland Public Services Ombudsman (NIPSO).

The Plan has been developed by the Ombudsman and his Senior Management Team (SMT) following on from a number of workshops and discussions at SMT throughout 2014 and early 2015, this process culminated in a Strategic Change workshop led by the Deputy Ombudsman in mid-January 2015.

1.2 The high level strategic aims for the Office, set in the previous strategic plan, were as follows:

- (a) Modernising the Ombudsman's office;
- (b) Benefits for the citizen; and
- (c) Improving public administration.

There has been significant progress in meeting these aims.

1.3 The Ombudsman's office developed and implemented a new case handling system in 2012-13 and this has in 2014-15 been enhanced to provide performance management data on a weekly basis. The Office has been restructured to deal with the year on year increases in complaints. The table below (Table 1) illustrates this upwards trend in the number of complaints received, which was due mainly to the increases in health cases emerging from the change in 2009 when the Health and Social Care (HSC) complaints procedure was reduced from a two stage procedure to a single stage procedure.

Table 1 – Six Year Trend in Maladministration Complaints

Year	No of Maladministration Complaints	Year on Year % Change	Cumulative % Change
2009/10	681	-	-
2010/11	695	2%	2%
2011/12	640	-8%	-6%
2012/13	742	16%	9%
2013/14	972	31%	43%
2014/15	830	-15%	22%

This overall growth in complaint numbers has given rise to significant operational challenges and resulted in the build up of a backlog of complaints and investigations. In response, in May 2013, the Ombudsman's office was reorganised and restructured to provide for a front of office *Advice, Support Service and Initial Screening Team* (ASSIST) and two generalist investigation teams. The increase in the number of complaints peaked at 31% in 2013-14 with no increase in staffing complement. By January 2014 the total number of cases with ASSIST was 143, and each of our two investigation teams had almost 60 active cases. From this peak the figures have since been reducing gradually. In October 2014 the Director of Investigations in ASSIST introduced a more robust approach to the application of the Investigation and Validation Criteria Policy, alongside a revision of our complaints handling process. A weekly performance management report now provides management with comprehensive information on the status of all existing cases.

- 1.4 The above initiatives have helped reduce the number of cases passing through to the investigation teams, affording them greater opportunity to focus on the resolution of older investigation cases. In the financial year 2014-15 numbers have stabilised due also in part to a reduction in the number of complaints made under the Assembly Ombudsman legislation against Executive Departments.
- 1.5 Looking to the future, against the backdrop of the implementation of the new legislation and the prospect of significantly reduced public spending, the key challenge over the life of this 2015 - 2018 Strategic Plan will be to maintain the throughput of cases without a loss of investigative quality, which is a hallmark of this Office.
- 1.6 At the January 2015 Strategic Change Workshop, led by the Deputy Ombudsman, the nature of the change being introduced by the proposed NIPSO legislation was discussed. It was agreed that the change should be classed as evolutionary (rather than revolutionary), as the core function of the Office would remain to provide an independent and impartial investigation service. The proposed changes will increase the number of bodies in jurisdiction, extend the remit to include complaints about commercial and contractual matters around procurement by Government departments as well as providing for own initiative investigations. Once the legislation passes into law, the NIPSO will also take on the role of the Northern Ireland Judicial Appointments Ombudsman (NIJAO), in addition to oversight of conduct by Local Government Councillors, a role the Office has fulfilled since June 2014.
- 1.7 The Explanatory Financial Memorandum (EFM) supporting the NIPSO Bill provides for up to £0.5 million additional resource across the three years commencing 2015-16 to support the changes in jurisdiction. This Strategic Plan aims to set the direction for the evolutionary change from AOCC to NIPSO, seeking to preserve the achievements, values

and strengths of the current Office whilst dealing with the emerging challenge of Local Government Standards and the completely new jurisdiction of Judicial Appointments with an engaged, competent and adequately resourced workforce. A number of implementation working groups have been established to ensure this transition is managed smoothly and effectively and this programme of change forms one of the central planks of this strategic plan.

2. Our Purpose and Values

2.1 Who we are:

The Office of the Northern Ireland Ombudsman, which is completely independent, was established in 1969 by an Act of Parliament. The Ombudsman and his Deputy are assisted by a team of investigators and support staff.

2.2 What we do:

We investigate complaints made by people who believe that public bodies in Northern Ireland have not acted properly or fairly towards them. If we find maladministration we can make recommendations to address it through suggested remedy and redress. We also use the evidence obtained, and the conclusions reached, to contribute to improvements in public services.

2.3 You can expect us to:

- be thorough and efficient
- be fair and impartial
- consider complaints independently and in confidence
- behave professionally and with integrity
- communicate clearly and effectively
- treat people with respect and with regard for their human rights.

2.4 The previous strategic aims of the Office were developed following an office-wide review in 2009-10 which examined the recommendations of the “Deloitte Review”¹ for a modernised Ombudsman’s office. A paper setting out a new Vision for the Northern Ireland Ombudsman’s Office sparked a debate and as a result the following high level strategic aims (as at 1.2 above) were developed - Modernising the Ombudsman’s Office; Providing Citizen Redress; and Improving Public Administration.

¹ See at: <http://www.ofmdfmi.gov.uk/review-assembly-ombudsman-part1.pdf>

3. New Corporate Vision and Aims 2015-18

- 3.1 In February 2015 the Ombudsman and SMT undertook a review of the current strategic position of the Office and the projected impact both internally and externally of the emerging NIPSO legislative proposals. As a result of this review we have defined our overall **vision** as:

Making a difference through Fairness, Justice, and Nurturing our Expertise.

The component parts of this vision may be expanded to form a number of key corporate priorities, as follows:

Making a difference

We will strive to enhance the experience of citizens' by improving the standard of our public services.

We will seek to collaborate with public bodies where appropriate (and where it does not compromise our independence) in order to improve their administrative and complaints handling practices and promote a culture of continuous learning.

We will build strong partnerships and share good administrative and ethical practice with sister bodies and with bodies in jurisdiction where that's appropriate.

Fairness

We will treat complainants, councillors and staff of bodies in jurisdiction fairly and with respect.

We will respect diversity and human rights.

We will work in an open and transparent way.

Justice

We will investigate impartially allegations of maladministration and poor conduct.

We will protect the privacy of the complainant and those complained of.

We will report openly on our findings in order to meet the public interest.

We will seek to achieve appropriate citizen redress through the most proportionate and appropriate means, including the consideration of all available models of Alternative Dispute Resolution (ADR).

Nurturing and Building our Expertise

We will recruit and retain people with appropriate skills, competencies and expertise.

We will value and believe in our people.

We will constantly develop, improve and motivate our people through appropriate training and organisational development initiatives.

We will initiate and maintain links and collaborate where appropriate with other public sector ombudsman offices and oversight bodies.

3.2 Following on from paragraph 2.4 above, our restated high level strategic aims over the three years of this revised strategic plan are:

1. **To achieve a successful transition from AOCC to NIPSO**
2. **To safeguard the principles and standards of good public administration across the public service in Northern Ireland**
3. **To promote ethical conduct in local government in support of local government reform.**

It is important to note that these strategic aims preserve the existing objective in relation to improving public administration but reflect also the new jurisdiction of investigation and adjudication on complaints about alleged breaches of the Code of Conduct. It must also be recognised that there is a discrete challenge in transitioning the office from Assembly Ombudsman and Commissioner of Complaints (AOCC) to Northern Ireland Public Services Ombudsman (NIPSO) during the life of this Plan. To that end these revised strategic aims will directly shape the detail of the Business Plans for each of the next three years.

4. The transition from AOCC to NIPSO

4.1 An Implementation Committee (IC) has been formed, led by the Deputy Ombudsman, to achieve the first strategic aim of moving from the current AOCC office to the new NIPSO. That group is to meet monthly from February 2015 to March 2016, and beyond this period as necessary, in order to oversee the task of implementing the changes brought about by the new legislation. The IC comprises the Deputy Ombudsman as chair and each of the five Directors as well as the Human Resources Manager. To implement the necessary changes a number of workstreams have been identified as key elements of NIPSO implementation and programmes allocated to members of the IC as follows:

- Communications
- Website Design and Development
- Operational Processes and Procedures
- Organisational Development and Human Resources
- Governance and Accountability

4.2 The Chair of the IC is accountable to the Ombudsman for delivering the change programme successfully and will report on progress at OMT, SMT and Audit Committee. In addition the Chair is a member of the Assembly NIPSO Bill team and the Assembly Implementation team and will report also on progress to the Assembly's Implementation team.

4.3 Success in all of the above strands of the change programme is clearly key to the success of the overall transition. In particular there is a need to ensure that we have effective and timely communications to keep all of our external and internal stakeholders informed along the way. Hence a 3 year Communications Strategy, coinciding with the period of this strategic plan has been developed and is available separately.

4.4 Also of particular significance, in anticipation of the introduction of the NIPSO the Office will review its current approach to governance and accountability to ensure that we put in place a system that builds upon existing arrangements and provides appropriate assurances. This is particularly important given the additional responsibility and accountability associated with the assumption of responsibility for LGES and NIJAQ alongside the significant extensions to the jurisdiction of the Ombudsman.

5. Improving Public Administration

- 5.1 When the Ombudsman makes a finding of maladministration, he seeks to provide a remedy for any injustice caused to the citizen but also to ensure that the public service against whom the finding is made learns from the case and commits to improve public administration by implementing appropriate change. In this way, The Ombudsman seeks to ensure an improvement in the citizen's experience of public services. The new NIPSO legislation will also provide the Ombudsman with an 'own initiative' power to investigate without receiving a specific complaint on an aspect of public service where there is evidence of poor or inadequate service. This move from investigating individual complaints to more service wide investigations is a significant new additional authority for the Office and when initiated will require a new set of skills and protocols.

6. Promoting Ethical Conduct in Local Government

- 6.1 The Local Government Act (NI) 2014 provided the Ombudsman, in his role as Northern Ireland Commissioner for Complaints, with a significant new area of responsibility in respect of ethical standards in local government. Under this new legislation the Commissioner may investigate and adjudicate on complaints that councillors have breached the Northern Ireland Local Government Code of Conduct for Councillors (the Code). Conduct which breaches the Code has the potential to undermine the critical trust between the public and the people they elect. This relationship of trust is essential if public confidence in local government and in the democratic process itself is to be maintained.

- 6.2 The Local Government Ethical Standards (LGES) Directorate was established in 2013 as a small dedicated team undertaking development work in preparation for undertaking this function. The LGES Directorate will continue to have a key role in policy development in addition to managing an increasing investigation case load. The adjudication function will be undertaken by the Commissioner and development work is ongoing in respect of this new sensitive and potentially high profile responsibility.

7. Resource Implications, Financing and Managing Risk

- 7.1 This 2015 – 2018 Strategic Plan establishes the framework within which the Office will operate during a period of significant change and at time when public sector expenditure is due to remain under further and sustained downwards pressure. The following provides an overview of the financial and human resource required to deliver our plan.
- 7.2 The Office believes that delivering excellence can only be achieved through a committed, well trained and motivated workforce. To this end we will ensure that the human resource policies and procedures that are established for NIPSO are rigorous, thereby facilitating the development of resource and performance management systems.
- 7.3 The Office will ensure that all employees have a personal development plan which will include a commitment to identify and agree appropriate training. Our financial projections assume that the activities associated with the Strategic Plan are delivered with the organisation’s current level of management and staffing resource, supplemented by the additional resources negotiated through the Assembly to support the NIPSO implementation process.
- 7.4 While the Office recognises there are significant challenges in securing essential funding and as yet there is uncertainty as to whether adequate funding will be made available, it is essential at present that the Office monitors and manages risks proactively, remaining vigilant and being prepared to act quickly if and when circumstances change. Therefore the forecasts in the table below have been prepared on a best-estimate basis including an assessment of the additional resources that we expect to be allocated in order to support the successful implementation of the NIPSO proposals.

Indicative Planned Financial Resources 2015-16 to 2017-18:

	Provisional for 2014-15 £k	Projected Resourcing		
		2015-16 £k	2016-17 £k	2017-18 £k
Total DFP Revenue Funding	1,968	2,439	2,512	2,460
<u>Expended as follows:</u>				
Maladministration work	1,730	1,798	1,744	1,692
LGES	228	541	541	541
NIPSO Implementation (including NIJAO from 2016-17)	-	100	227	227
Total Expenditure	1,958	2,439	2,512	2,460
Net Under/(Over) spend	10	0	0	0

Note: Estimated funding and expenditure above for 2014-15 is based upon draft 2014-15 resource accounts and is subject to finalisation and audit adjustment. Projected resourcing for 2015-16 is based upon the agreed one-year budget advised by DFP, bar NIPSO implementation which is to be re-assessed during successive in-year monitoring rounds. The projections for 2016-17 and 2017-18 are indicative only and subject to a multi-year budget exercise that is expected to be commenced by DFP during 2015-16.

7.5 In respect of these projections, there are number of particular areas of financial risk and uncertainty that may impact on the Office’s ability to successfully see through the NIPSO implementation whilst also maintaining our current ‘business as usual’. Key risk areas are highlighted below, along with an assessment of the level of probability associated with their occurrence, an assessment of their potential impact on the required breakeven position and identification of associated risk mitigation strategies.

Key Areas of Financial Risk and Uncertainty

Area of Risk/Uncertainty	Likelihood of Occurrence	Potential Impact	Risk Mitigation Strategies
Deficit arising due to reduced funding or unanticipated expenditure	Medium	High	Ongoing monitoring of financial position. Defer expenditure. Reduce scope or pace of change plans.
Legal Fees	Medium	High	Constant review and proactive management of potential legal challenges while ensuring that all other avenues consistent with our statutory responsibility are explored to reduce the potential for legal proceedings.
Local Government Ethical Standards Funding	Medium	High	Open and transparent two-way communication with relevant Central Government sponsor department (DoE and successor) to ensure adherence to agreed financial protocol.
NIPSO Implementation Funding	Medium	High	Open and transparent two-way communication with Assembly Commission and provision of timely, reasoned and defensible bids
Delays in legislative process and/or significant changes to the legislative scope.	Medium	High	Open and transparent two-way communication with Assembly Commission and timely factoring-in of the resourcing implications of any delays or changes of scope.