Own Initiative

Investigating Systemic Maladministration

• ‘Own initiative’ investigation powers differ from individual complaint investigations
• The Ombudsman has reasonable suspicion of ‘systemic maladministration’ or ‘systemic injustice’*
• The Ombudsman considers the published criteria is met and proceeds to proposal
• Does not rely on receiving complaints on the issue
• Can investigate the actions of one or more public bodies in providing the service
• Opportunity to look at issues affecting a number of individuals & ‘seldom heard’ groups
• Opportunity to produce findings and recommendations that have widespread impact
• Must publish and lay a report on the investigation before the NI Assembly

*injustice consequent on the exercise of professional judgement in health and social care
Principles of Good Administration

Good administration by public service providers means:

1. Getting it right
2. Being customer focused
3. Being open and accountable
4. Acting fairly and proportionately
5. Putting things right
6. Seeking Continuous Improvement
Investigation into the administration of Personal Independence Payment

Background & Scope

• Investigation commenced 7 June 2019

• To examine the actions of the Department for Communities and service provider Capita in administering PIP with a particular focus on the availability and application of further evidence in the PIP benefit decision making and internal complaints processes.

Investigative Actions:

• Case sample of PIP claims & complaint files including telephony review
• Department and Capita contract, policies and management information
• Site visits of relevant business areas within the Department & Capita
• Engagement with Advice Sector, Support Groups & Research Group for APWGLD
• Consultation with Section 51 Bodies
Investigation into the administration of Personal Independence Payment

The systemic issues examined in the NIPSO investigation included:

• Communication with claimants, at the commencement of the claim, about the role of further evidence in the PIP process
• Gathering and application of further evidence within Assessments
• Consideration of further evidence within Decision Making (First Tier, Mandatory Reconsideration and Lapsed Appeals)
• Communication with claimants on what evidence was used and how it was evaluated to reach the decision outcome
• Handling of complaints about the gathering and use of further evidence in the PIP process

Observations and information shared during investigation

Reporting Phase

• Opportunity to Comment
• Publish and lay a copy before the Assembly