

## OWN INITIATIVE – DECISION FRAMEWORK

File Number: \_\_\_\_\_ File Name: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Review by: \_\_\_\_\_ Date: \_\_\_\_\_

| Decision Framework                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Issue(s) Identification</b>                                     | <p>Briefly describe the issue(s):</p> <p>Briefly address the following:</p> <ul style="list-style-type: none"> <li>• Specify body or bodies which are to be investigated.</li> <li>• Why has this body been included in the investigation?</li> <li>• Has another investigation of this matter been undertaken by NIPSO or by any other body? If so, what was the outcome?</li> <li>• What issues are to be investigated and why?</li> <li>• Will the investigation include matters that involve clinical or social care judgement? If so, will independent advice be required?</li> <li>• When will the investigation commence/be completed?</li> <li>• If the body to be investigated has more than one operational unit/site will the fieldwork involve one site or more?</li> <li>• What will the investigation process involve (face to face interviews/written submissions/formal evidence on oath)?</li> </ul> |
| <b>Does the investigation have possible systemic implications?</b> | <p>Factors to consider include:</p> <ul style="list-style-type: none"> <li>• Has there been a number or pattern of complaints about the body or the issue to be examined?</li> <li>• The number of complaints identified that relate to broadly similar issues.</li> <li>• Does the issue involve a range of policies/processes, if so, which policies?</li> <li>• Are a number of individuals potentially affected?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Is this a sensitive/high profile issue?</b>                     | <ul style="list-style-type: none"> <li>• Does the matter to be examined relate to a sensitive/high profile issue or subject?</li> <li>• Is or has the issue been debated in political or civic foras?</li> <li>• Has the issue the potential to be one of significant public concern reflected in debate and discussion in the media or in professional/political circles?</li> <li>• Has the issue been identified by a whistleblower in the media or in private to NIPSO ?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Is it in the public interest to investigate?</b>                | <p>Factors to consider:</p> <ul style="list-style-type: none"> <li>• Is the potential injustice caused so egregious (on the face of it) that an Ombudsman investigation is considered necessary?</li> <li>• What other organisations are involved or potentially involved?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|                                                                                                        | <ul style="list-style-type: none"> <li>• Are there any limitations to their investigation (ie is any aspect of the issue under investigation by another organisation)?</li> <li>• Has the issue been raised in other public fora?</li> <li>• Will the investigation be likely to result in significant recommendations if the complaint is substantiated in whole or in part?</li> <li>• Is it an issue before the Assembly or a Committee of the Assembly?</li> <li>• Is there a risk to the general public health which may affect a large number of individuals?</li> <li>• Does the issue raise human rights considerations?</li> <li>• Is there a risk of substantial damage to the environment?</li> </ul> |
| <b>Are the facts at issue and/or would the likely fact gathering process be complex or protracted?</b> | <ul style="list-style-type: none"> <li>• Are the facts in dispute?</li> <li>• Will the issue require in-depth field investigation to ascertain the facts?</li> <li>• Are there a large number of potential witnesses?</li> <li>• Are there a large number of potential documents to gather and review?</li> <li>• What is the sensitivity of the information to be collected?</li> <li>• Is more than one body involved?</li> <li>• Will an investigation be looking at best practices in other jurisdictions?</li> <li>• Are reputations or livelihood of individuals at stake?</li> </ul>                                                                                                                      |
| <b>Would the investigation be a proportionate use of NIPSO resources?</b>                              | <p>Consideration must be given to the likely cost in time and other resources (financial and staff) versus the public interest benefits of any likely recommendations.</p> <p>Factors to consider:</p> <ul style="list-style-type: none"> <li>• Location of potential witnesses;</li> <li>• Number of potential witnesses;</li> <li>• Complexity of issues;</li> <li>• Age of the complaints received about the issues;</li> <li>• Other investigations undertaken by NIPSO and/or other bodies;</li> <li>• Need for independent advice and projected cost;</li> <li>• Need for follow up review by NIPSO or regulator to ensure compliance with recommendations.</li> </ul>                                     |
| <b>Informal resolution</b>                                                                             | Are the issues such that they will not likely be resolved informally?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Ombudsman's comments:

Ombudsman's Decision: \_\_\_\_\_ Date: \_\_\_\_\_

[ADMINISTRATIVE-JUSTICE-REPORT-AUGUST-2014.pdf](#)

<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/4515.pdf>  
(1 October 2014)

<http://www.niassembly.gov.uk/globalassets/documents/ad-hoc-nipso/correspondence/20141001-research-paper-update-on-estimated-costs.pdf> (22 November 2013)