Ombudsman Annual Report

of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints

2010 ~ 2011

My Role

The title of Northern Ireland Ombudsman is the popular name for two offices: The Assembly Ombudsman for Northern Ireland: and The Northern Ireland Commissioner for Complaints.

I deal with complaints from people who claim to have suffered injustice because of maladministration by government departments and agencies and a wide range of other public bodies in Northern Ireland.

The term "maladministration" is not defined in my legislation but is generally taken to mean poor administration or the wrong application of rules.

The full list of bodies which I am able to investigate is available on my website (<u>www.ni-ombudsman.org.uk</u>) or by contacting my Office (tel: 028 9023 3821). It includes all the Northern Ireland government departments and their agencies, local councils, education and library boards, Health and Social Care Trusts, housing associations and the Northern Ireland Housing Executive.

As well as being able to investigate both Health and Social Care, I can also investigate complaints about the private health care sector but only where Health and Social Care are paying for the treatment or care. I do not get involved in cases of medical negligence nor claims for compensation as these are matters which properly lie with the Courts.

I am independent of the Assembly and of the government departments and public bodies which I have the power to investigate. All complaints to me are treated in the strictest confidence. I provide a free service.

© Crown Copyright 2011

You may re-use this document/publication (excluding the Royal Arms and Northern Ireland Ombudsman logo) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <u>http://www.nationalarchives.gov.uk/doc/open-government-licence</u> or write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU; or email: psi@nationalarchives.gsi.gov.uk

ANNUAL REPORT of the ASSEMBLY OMBUDSMAN for NORTHERN IRELAND and the NORTHERN IRELAND COMMISSIONER for COMPLAINTS 2010/2011

Presented to the Assembly pursuant to Article 17 of the Ombudsman (Northern Ireland) Order 1996 and Article 19 of the Commissioner for Complaints (Northern Ireland) Order 1996

Contents

		Page
SECTION 1	The Year in Review	5
SECTION 2	Annual Report of the Assembly Ombudsman for Northern Ireland	11
	Written Complaints Received in 2010/11 The Caseload for 2010/11 Statistics	
SECTION 3	Annual Report of the Northern Ireland Commissioner for Complaints (excluding Health & Social Care complaints)	21
	Written Complaints Received in 2010/11 The Caseload for 2010/11 Statistics	
SECTION 4	Annual Report of the Northern Ireland Commissioner for Complaints (Health & Social Care complaints)	33
	Written Complaints Received in 2010/11 The Caseload for 2010/11 Statistics	
Appendix A:	Selected Case Summaries	43
Appendix B:	Key Activities 2010/11 and Financial Summary	67
Appendix C:	Handling of Complaints	73
Appendix D:	Staff Organisation Chart	77

4

Section 1 The Year in Review

The Year in Review



I am pleased to lay my tenth Annual Report before the Northern Ireland Assembly in accordance with the statutory requirements of the Assembly Ombudsman and Commissioner for Complaints legislation. This report, as the document of record, outlines the core functions of my office for the year 2010/11. A key function of the office is the investigation of complaints of maladministration about the actions of bodies from across the public sector in Northern Ireland. Therefore the investigations I have undertaken during the period being reported on relate to complaints raised with me by Members of the Northern Ireland Assembly as well as the individual citizen. The breadth of my jurisdiction is such that I consider complaints about matters including planning, health, social care, housing and education. With the devolution of policing and justice powers to the Assembly in April 2010, my jurisdiction has been extended this year to cover complaints about a range of justice bodies. Given this wide jurisdiction, I have a unique insight into the actual

performance of public administration in Northern Ireland and how it affects the lives of the citizens we serve.

The Constitutional Role of the Ombudsman

Ombudsman is a Swedish word meaning a 'trusted official' who is charged with the investigation of complaints about governmental and public bodies. In doing so the Ombudsman acts on behalf of the legislature and in Northern Ireland I am one of the three statutory officers of the Northern Ireland Assembly, along with the Comptroller and Auditor General and the Examiner of Statutory Rules. It is appropriate, therefore, that I report formally in this document on the activities of my office to the Assembly, given my unique constitutional relationship with that body.

Proposals to Reform and Update the Ombudsman Legislation

I am pleased to report that the OFMDFM Committee agreed in June 2010 to sponsor legislation to reform the legislation which underpins the work of my office. A consultation document was launched in September 2010 which identified a number of significant proposals for changes to the legislation under which the Office currently operates. These proposals, which include the merger into a single office, mirror closely the recommendations of the Deloitte Report which reviewed the office in 2004.

The consultation process closed on 17 December 2010 and the consultation responses were closely examined by the OFMDFM Committee which is sponsoring the proposed legislation. My Deputy and I gave evidence to the Committee in January and March 2011. An Assembly Research paper has been published on the proposals which seeks to ensure that changes in International and UK wide best practice are reflected in any legislative change in Northern Ireland. Among these proposals, and key to further strengthening of the constitutional role of the Ombudsman, is the proposal that any future appointment of the Ombudsman will require to be ratified on the basis of two thirds majority of the membership of the Assembly.

I would like to take the opportunity offered by this Report to thank the Chair, Members and Staff of the OFMDFM Committee for their consideration of the legislative proposals which will now form part of the legacy report to be considered by the new Committee. The Ombudsman is an essential part of the architecture of accountability in Northern Ireland and I do hope the new OFMDFM Committee and the new Assembly now take forward the programme of work that has been developed by the former Committee in informing the content of new legislation.

The Ombudsman in an Economic Downturn

Overall complaints to my office have only increased this year by 2%. After an initial period, complaints about justice bodies are increasing and both my staff and I have been concentrating outreach activity in this area, so as to better inform those bodies of my role and approach to complaints handling.

Budget constraints on the public finance are now also impacting on the delivery of public services as difficult choices are having to be made by senior management to ensure maximum efficiencies are achieved. At such times, the needs of individual citizens and the quality of the delivery of public services run the risk of becoming secondary. My Office has increased its efforts to provide a timely and impartial redress mechanism for citizens. Recognising the responsibility of this Office to improve quality, we have just completed a project to reduce the number of older cases and, as a result, the number of reports I have issued to public bodies this year has increased significantly by 68% from 64 to 108.

In November 2010 I launched a new initiative to provide more frequent updates on the work of my office to the Assembly, the bodies in jurisdiction and the wider public. These updates include a digest of anonymised cases that will give MLAs an insight into how different parts of the public services are performing. I consider this is important because the complaints I investigate can often highlight good practice and also systemic improvements that are needed if public bodies are to meet their primary objectives of delivering fair, effective and high quality public services. Importantly for public officials, my investigations reports do acknowledge good practice. My case summaries also record the complaints that have not been upheld and so ensure that bodies have a shield against unfair criticism or unreasonable complaints at a time of reducing public resources and heightened public expectations of services .

As Ombudsman I have an important role to play in ensuring the impartial investigation of citizen's grievances and, in the process, rebuilding lost trust and confidence in the public service to do the right thing.

Conclusion – Learning from Complaints

I am always particularly pleased when a public body reports to me that my investigation of a complaint has led to real learning within the organisation, and I would like to take this opportunity to highlight one such case. I wish, therefore, to conclude this Foreword by detailing a positive improvement to services. I commend this proactive approach - to what was a serious complaint - to other public bodies.

I found maladministration by the Fold Housing Association in how it had cared for an elderly resident who had suffered a fall, how the incident was documented, and how it was later investigated. The Chief Executive fully accepted and acknowledged the failings I had identified, but also drew to my attention the improvements that had been made following my report. In addition to meeting with me to explain the developments, the Chief Executive also summarised these in writing, and I have included extracts from this letter below.

'We confirmed our intention to review internal processes following your investigation. This included a review of:

- Training for all staff on 'head to toe' checks for residents;
- The completion of accident forms and the review of current form used;
- Procedures for preparing residents for hospital (including compulsory fasting);
- Training on investigations into accidents/incidents;
- Complaints training and review of complaints policy and procedure.

Staff awareness sessions were organised at all FOLD's housing-with-care schemes to reflect on the failures arising out of the Ombudsman investigation. The sessions reinforced the key elements of existing FOLD procedures and confirmed amendments to processes and documents such as FOLD's Accident Report Form.

We found staff engaged positively in this process and we are confident we now have more robust procedures in place.

Our management team, including those outside of the Care Services Directorate reflected on the shortcomings of our own internal investigations in this case. At a management workshop in April we reviewed our performance versus best practice in customer complaint investigations.

We expect that managers undertaking investigations in future will reflect on the shortcomings of this case and will seek to ensure greater thoroughness.

We are committed to continuous improvement. However we accept that on this occasion our service fell well below expectations. We believe we have learned from the Ombudsman's findings, enhanced our procedures and raised our awareness of how to manage such cases in the event they occur in the future.'

Number of Contacts 2010/11

Written Complaints – **695** Telephone Calls – **2273** Interviews – **38**

Breakdown of Telephone Calls to the Office 2010/11

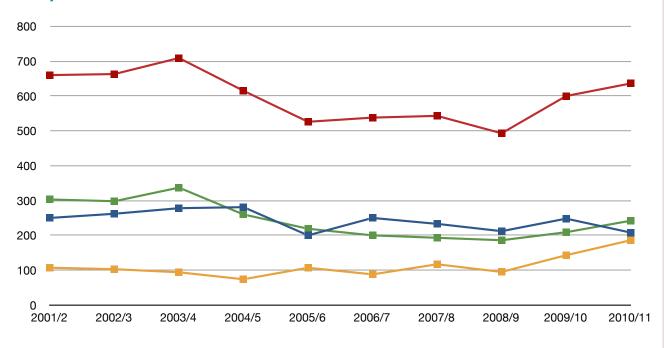
Assembly Ombudsman – Commissioner for Complaints – Health and Social Care – Outside Jurisdiction –

Breakdown of Interviews in the Office 2010/11

Assembly Ombudsman – Commissioner for Complaints – Health and Social Care – Outside Jurisdiction –

Breakdown of Written Complaints to the Office 2010/11

Assembly Ombudsman – Commissioner for Complaints – Health and Social Care – Outside Jurisdiction –



Complaints Received 2001/2 - 2010/11

Complaints Received by the Assembly Ombudsman

Complaints Received by the Commissioner for Complaints excluding HSC

Health & Social Care Complaints Received by the Commissioner for Complaints
Total Complaints Received



Section Two Annual Report of the Assembly Ombudsman for Northern Ireland The Office of Assembly Ombudsman has been part of the administrative justice landscape in Northern Ireland for over 40 years. My principal role as Ombudsman remains to investigate and, where necessary, to redress grievances from citizens. In doing so I also provide an important mechanism to improve public sector accountability.

This has been a challenging year for me as Assembly Ombudsman. In addition to the normal throughput of complaints to be investigated, the devolution of policing and justice powers has brought additional bodies within my jurisdiction. As part of my outreach programme I initiated discussions with representatives of the bodies concerned to explain my role and ensure prospective complainants are directed properly to my Office, where necessary.

An important part of the statutory role which I play in the administrative justice landscape is to highlight both good practice and poor administration. In addition I am conscious of the learning which is achieved through my investigation of individual complaints. With considerable experience of considering public service complaints, my office is uniquely placed to offer advice and insights into good practice. This is discharged in a number of ways including the issue of practice notes, general guidance to public bodies within an investigation report and one-to-one discussions with officials. My office can identify opportunities for public bodies to improve not only complaints handling but also systems, procedures and other aspects of service delivery. Furthermore, I am conscious that my investigation reports are the principal means of achieving improvement, and public bodies have responded very positively to these.

I am heartened by the progress made by a number of Departments and related agencies in the last year which has led to a reduction in the number of complaints to my office. There are however areas of public service which continue to give me concern.

In considering cases I apply a number of tests to determine if there is evidence of maladministration by the body concerned. The Principles of Good Administration developed by the Parliamentary and Health Service Ombudsman (available at www.ombudsman.org.uk) are widely accepted as a benchmark of the way public services should be delivered. They are intended to promote a shared understanding of what is meant by good administration and to help public bodies within my jurisdiction to provide a first-class public service to their clients and customers. Increasingly I am drawing the attention of bodies within my jurisdiction to this useful guidance.

Written Complaints Received in 2010/11

As Assembly Ombudsman for Northern Ireland I received a total of 208 written complaints during 2010/11, 40 less than in 2009/10. The most noteworthy reduction was in new Planning Service complaints, down from 58 in the previous year to 40. Given the disproportionate number of Planning Service complaints received by me in the previous year I welcome this reduction, however this is still the highest number of complaints regarding a single agency within my jurisdiction.

When their respective agencies are included, the Department of the Environment and the Department of Finance and Personnel attracted most complaints, 54 against the former and 38 against the latter. Of these 81 related to their agencies, with the Planning Service (40) and Land and Property Services (27) generating the largest number of complaints. In all, 133 of the 208 complaints received in 2010/11 related to the agencies of government departments.

Delay and Maladministration

A common theme which I see in complaints raised with me is delay which could have been avoided. I expect public bodies to deal with people promptly, within reasonable timescales. Where there is unnecessary delay this can often amount to maladministration.

Delay is a common feature of complaints and a source of considerable frustration for people who expect published timeframes to be honoured. The following three cases illustrate the impact on citizens of avoidable delays.

In a Department for Social Development case, a parent's request for a revision of child support assessment was not actioned for over two years resulting in an overpayment and financial hardship. In a Land and Property Services case, I found that there had been a delay of four years in revising the value of commercial premises, leaving the owner to pay the accrued rates and, in a Department of Agriculture case, a complainant's letter went unanswered for three months resulting in unnecessary frustration.

Clearly these are excessive periods of delay, however in other cases I have still found evidence of maladministration where the periods involved have been shorter.

Planning Service Complaints

The legislation governing my office does not give me the authority to question discretionary decisions, made by public servants, where there is no evidence of maladministration by the body concerned. I can investigate the way in which a public body arrived at a particular decision, but cannot review the decision itself just because the complainant does not agree with it. In my last Annual Report I commented on the shortcomings I had identified in the performance of Planning Service when dealing with a number of significant complaints.

I had indicated that the vast majority of complaints about Planning Service were from objectors, unhappy that approval had been granted for a development that, they believed, would adversely affect their quality of life, and they wanted to understand how such a decision was made. The lack of detail supporting the decision left an objector with the impression that the objection was not fully considered. In particular, I commented that I continued to receive complaints from citizens which featured basic administrative shortcomings that were avoidable. Of continuing concern was the fact that these basic errors persisted despite the Chief Executive's acceptance of my findings, and the distribution of relevant guidance throughout Planning Service.

To address these issues a number of meetings were held during the year between my staff and Planning Service to review progress made in improving complaints handling and related issues. Unfortunately, the efforts I made to engage with senior Planning Service Officials have not as yet reduced the number of cases where maladministration is evident. The number of cases of maladministration increased from 2 in the previous year to 8 cases this year. In addition a further 2 cases were settled by Planning Service without the need for a detailed investigation.

I am also aware the Chief Executive of Planning Service agreed that explanations given to complainants needed to be more detailed, and that documents supporting a planning decision should contain sufficient detail for the reasons for the decision to be clearly identified. I am therefore concerned that the Chief Executive's acknowledgement, of what I consider to be a basic requirement of customer service, has not yet been adopted throughout Planning Service as common practice. I continue to see record keeping which is inadequate and justifiably leaves Planning Service open to criticism. Disappointingly, I see only limited improvement in general administrative practice, despite reassurances from the Chief Executive that lessons learned from individual complaints have been fed back to front-line staff.

Caseload for 2010/11

Cases brought forward	
from 2009/10	48
Written complaints received	208
Total Caseload for 2010/11	256
Of Which:	
Cleared at Validation Stage	163
Cleared at Investigation Stage (without a Report), including cases withdrawn and discontinued	22
Settled	9
Full Report or Letter of	22
Report issued to MLA	33
Ongoing at 31/3/11	29

Written Complaints Received in 2010/11 by Authority Type

Government Departments – Agencies of Government Departments – Tribunals – N/S Implementation Bodies –

Written Complaints Received in 2010/11 by Complaint Subject

Agriculture	8
Benefits	15
Child Support	11
Education	4
Environment	15
Miscellaneous	33
Personnel	27
Planning	41
Rates	23
Roads	31

Recommendations in Reported and Settled cases

Case No	Body	Subject of Complaint	Recommendation
200801198	Northern Ireland Environment Agency	Charges for Services	Written Apology
200801249	Department of the Environment	Policy & Procedure	Written Apology & Review of Initial Action
200900059	Dept of Agriculture and Rural Development	Complaints Handling	Written Apology & Consolatory payment £500
200900083	Department for Social Development - CMED	Complaints Handling	Written Apology & Consolatory payment £2500
200900203	Planning Service	Planning Application	Written Apology & Consolatory payment £500
200900218	Department of the Environment	Personnel - Grievance	Written Apology & Review of Initial Action
200900231	Dept of Health Social Services & Public Safety	Complaints Handling	Written Apology & Consolatory payment £2000
200900252	Dept of Agriculture and Rural Development	Complaints Handling	Written Apology
200900289	Dept of Agriculture and Rural Development	Complaints Handling	Written Apology
200900299	Planning Service	Planning Application	Written Apology & Consolatory payment £1000
200900315	Planning Service	Complaints Handling	Written Apology & Consolatory payment £250
200900325	Land & Property Services	Rates & Arrears	Written Apology & Consolatory payment £9000
200900332	Planning Service	Complaints Handling	Written Apology & Consolatory payment £3000
200900343	Planning Service	Planning Application	Written Apology & Consolatory payment £1000

Case No	Body	Subject of Complaint	Recommendation
200900373	Planning Service	Planning Application	Written Apology & Consolatory payment £1000
200900477	Department for Social Development - CMED	Child Maintenance	Written Apology & Consolatory payment £500
200900623	Social Security Agency	Personnel - Grievance	Written Apology & Consolatory payment £500
200900659	Dept of Agriculture and Rural Development	Agriculture - Grants	Written Apology & Consolatory payment £5000
200900804	Roads Service	Complaints Handling	Written Apology
200900936	Planning Service	Planning Application	Written Apology & Consolatory payment £250
200901113	Planning Service	Planning Application	Written Apology & Consolatory payment £2850
201000032	Land & Property Services	Rates & Arrears	Written Apology & Consolatory payment £850
201000371	Department for Social Development - CMED	Child Maintenance	Written Apology & Consolatory payment £1000
201000049	Roads Service	Development & Alteration of Roads	Settled during investigation
200900505	Planning Service	Planning Application	Written Apology & Consolatory payment £250
200900612	Department for Social Development - CMED	Child Maintenance	Written Apology & Consolatory payment £250
201000473	Land and Property Services	Rates & Arrears	Written Apology & Consolatory payment £528
200900634	Land and Property Services	Rates & Arrears	Written apology & Consolatory payment £480
200900855	Planning Service	Planning Application	Written Apology & Consolatory payment £400

(16

Statistics

Analysis of Written Complaints Received in 2010/11

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Government								
Departments	16	70	51	2	9	10	1	13
Agencies of Government								
Departments	30	133	107	7	13	12	8	16
Tribunals	0	4	4	0	0	0	0	0
North/South Implementation								
Bodies	2	1	1	0	0	0	2	0
TOTAL	48	208	163	9	22	22	11	29

Analysis of Written Complaints Against Tribunals

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Industrial Tribunal	0	4	4	0	0	0	0	0
TOTAL	0	4	4	0	0	0	0	0

Analysis of Written Complaints Against N/S Implementation Bodies

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Lough Agency	2	1	1	0	0	0	2	0
TOTAL	2	1	1	0	0	0	2	0

Analysis of Written Complaints Against Government Departments

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
DARD	5	11	5	0	1	4	1	5
DCAL	0	1	0	0	1	0	0	0
DE	1	6	4	0	1	0	0	2
DEL	0	2	0	0	1	0	0	1
DETI	1	6	4	0	2	0	0	1
DFP	0	10	8	1	0	0	0	1
DHSSPS	1	3	3	0	0	1	0	0
DOE	3	1	1	0	0	2	0	1
DRD	0	7	6	0	0	0	0	1
DSD	1	6	6	0	1	0	0	0
DSD - CMED	4	11	9	1	1	3	0	1
OFMDFM	0	1	0	0	1	0	0	0
DOJ	0	5	5	0	0	0	0	0
TOTAL	16	70	51	2	9	10	1	13

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Driver Vehicle Agency	0	10	9	1	0	0	0	0
Northern Ireland Environment Agency	1	3	2	0	0	1	0	1
Land & Property Services	5	27	23	2	3	2	2	0
Planning Service	20	40	26	2	9	8	4	10
Rivers Agency	0	3	2	0	0	0	0	1
Roads Service	3	24	22	1	1	1	1	1
Social Security Agency	1	13	12	1	0	0	1	0
NI Prison Service	0	4	4	0	0	0	0	0
NI Courts and Tribunal Service	0	4	3	0	0	0	0	1
General Register Office	0	1	1	0	0	0	0	0
Compensation Agency	0	3	3	0	0	0	0	0
Ulster Scots Agency	0	1	0	0	0	0	0	1
TOTAL	30	133	107	7	13	12	8	16

Analysis of Written Complaints Against Agencies of Government Departments



Section Three Annual Report of the Northern Ireland Commissioner for Complaints (excluding Health & Social Care complaints) The Commissioner for Complaints (NI) Order 1996 covers virtually all the Northern Ireland public bodies except for government departments their agencies and certain Statutory Tribunals . A significant number of these complaints relate to health and social care matters. Details about these cases can be found in Section 4. Apart from health and social care, most complaints received under the above Order are about local councils and housing – both the Northern Ireland Housing Executive and registered Housing Associations. A growing number of complaints are also received about personnel matters (52 this year, in addition to the 27 received under Assembly Ombudsman jurisdiction). Existing legislation governing my role permits complaints about personnel and staffing matters in any public body within jurisdiction to be brought to me. This is so even though employers in the private and voluntary sector may only be challenged through internal procedures or by tribunal proceedings. I believe that, in many of the complaints brought to my office, an employment tribunal is the appropriate route to challenge any alleged process failure in this area, and this view was supported in broad terms by many of the respondents to the public consultation on proposed amendments to my legislation.

As has been mentioned in other parts of this report, this year has been a very challenging one for my office. Many complaints that are brought to me are complex and timeconsuming, and can take some considerable time to investigate. As a result of a targeted effort to reduce the number of cases that were more than 12 months old, the number of Commissioner cases carried forward into next year (29) has significantly reduced, when compared with previous years (43 in 09/10 and 42 in 08/09). The increased closure rate has occurred despite a large increase in the number of complaints received (242 – a 69% increase on last year).

The number of complaints about the Northern Ireland Housing Executive and registered Housing Associations continues to remain fairly constant, at around 60 per year. Over the last few years, my staff have built constructive working relationships with all public sector housing bodies in jurisdiction, and undertaken a number of joint training and information-sharing initiatives. It is pleasing to note that these efforts are now showing real benefits - the housing bodies' internal complaints procedures now operate much more efficiently, and the staff in these bodies demonstrate a better understanding of customer service in this area. The Northern Ireland Housing Executive, in particular, has shown real evidence of learning from previous complaints, and now takes a more proactive approach to resolving issues through its internal procedures.

An unusual situation arose this year, which, at least in part, explains the marked rise in the number of complaints received about local councils. It also highlights how the increasing use of modern technology can have a real impact on the work of my office. One complainant was keen to gain support for the 'cause' complained of, and set up a website detailing the complaint. The website urged readers to lobby the council on the complainant's behalf and, if they were dissatisfied with the reply, to complain to me. From an initial few complaints, I was soon receiving several per day, with the potential for the numbers to escalate very quickly. In this particular case, it was clear that (under my legislation) only the original complainant could be classed as the 'aggrieved person', and that supporters - many of whom lived outside the UK - should be viewed more as petitioners than individual complainants. In order to avoid increased enquiries on this issue, I asked the complainant concerned to remove the website's reference to my office, which, I am pleased to report, was done promptly. As I was

able to close these cases quickly, at validation stage, the number of complaints accepted for preliminary or detailed investigation (61) ultimately remained very similar to last year.

Extensions to my jurisdiction from 1 April 2010, following the devolution of policing and justice powers to the Northern Ireland Assembly, are beginning to have an impact on the office's caseload. I expect this area of work to grow as awareness of the office's role in relation to the justice bodies increases. The various justice bodies have done significant work with my office to ensure complainants were correctly 'signposted' to my office, following the devolution changes. In addition, my office continues to assist the justice bodies in reviewing their complaint-handling procedures and has been involved in a number of stakeholder events to better inform this sector of my role.

Written Complaints Received in 2010/11 by Authority Type

Local Councils – Education Authorities – Health and Social Services Bodies – Registered Housing Associations – Other Bodies Within Jurisdiction – Northern Ireland Housing Executive –

Written Complaints Received in 2010/11 by Complaint Subject

Building Control – Education – Environmental Health & Cleaning – Housing – Personnel – Recreation & Leisure – Miscellaneous –

Caseload for 2010/11

Cases brought forward from 2009/10	43
Written complaints received	242
Total Caseload for 2010/11	285
Of Which:	
Cleared at Validation Stage	181
Cleared at Investigation Stage (without a Report), including cases withdrawn	
and discontinued	38
Settled	10
Full Report or Letter of Report issued	27
Ongoing at 31/3/11	29

Recommendations in Reported and Settled Cases

Case No	Body	Subject of Complaint	Recommendation
201000786	Northern Ireland Housing Executive	Housing - Service Charge	Written Apology
200900933	Craigavon Borough Council	Personnel - Recruitment	Written Apology & Consolatory Payment £1000
200800513	South Eastern Education & Library Board	Education - Special Educational Needs	Written Apology & Consolatory Payment £250
200900336	Business Services Organisation	Personnel - Pay & Superannuation	Written Apology & Consolatory Payment £500
200900418	Southern Education & Library Board	Complaints Handling	Written Apology & Consolatory Payment £150
200900423	Council for Catholic Maintained Schools	Personnel - Complaints Handling	Written Apology & Consolatory Payment £450
200900826	Northern Ireland Housing Executive	Housing - Anti Social Behaviour	Written Apology & Consolatory Payment £350
200900834	Southern Health & Social Care Trust	Personnel - Complaints Handling	Written Apology & Consolatory Payment £1000
200900004	Coleraine Borough Council	Personnel - Recruitment	Review of Process
200900402	Arts Council	Grants, Funding	Written Apology
200900367	Fold Housing Association	Housing - Housing with Care	Written Apology & Review of Process
200700361	Regulation & Quality Improvement Authority	Complaints Handling	Written Apology & Consolatory Payment £2000
200701162	Northern Ireland Housing Executive	Land & Property - Sales & Leases	Written Apology & Consolatory Payment £20000
200801074	Belfast Health & Social Care Trust	Personnel - Complaints Handling	Written Apology & Consolatory Payment £450

Case No	Body	Subject of Complaint	Recommendation
200900238	Western Health & Social Care Trust	Personnel - Complaints Handling	Written Apology & Consolatory Payment £2000
200900321	Northern Ireland Housing Executive	Housing - Standard of Workmanship	Written Apology & Consolatory Payment £4000
200900824	Regional Health & Social Care Board	Personnel - Recruitment	Written Apology & Consolatory Payment £6000
200900940	Larne Borough Council	Recreation & Leisure - Parks	Written Apology & Consolatory Payment £100
201000062	Ballynafeigh Housing Association	Housing - Applications & Transfers	Consolatory Payment £300
200900082	South Eastern Health & Social Care Trust	Personnel - Promotion	Written Apology & Consolatory Payment £1000
200900151	Western Education & Library Board	Personnel - Grievance	Written Apology & Consolatory Payment £2000
200900825	Northern Ireland Housing Executive	Housing - Outstanding Repairs	Offered Transfer to Alternative Housing
201001011	Northern Ireland Housing Executive	Housing - Standard of Workmanship	NIHE to make repairs
200900191	Down District Council	Personnel - Grievance	Written Apology & Consolatory Payment £500
201001006	Equality Commission for Northern Ireland	Personnel - Complaints Handling	Written Apology & Consolatory Payment £300
200900724	Derry City Council	Complaints Handling	Written Apology & Consolatory Payment £250
200900810	Down District Council	Environmental Health - Complaints Handling	Written Apology & Consolatory Payment £100
201000816	Northern Ireland Housing Executive	Housing - Outstanding Repairs	NIHE to make repairs

Statistics

Analysis of Written Complaints Received in 2010/11

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Local Councils	12	123	116	4	6	3	1	5
Education Authorities	6	8	4	0	2	4	1	3
Health and Social Services Bodies	10	20	12	0	1	7	0	10
Housing Authorities	12	61	36	5	20	6	2	4
Other Bodies Within Jurisdiction	3	30	13	1	9	1	2	7
TOTAL	43	242	181	10	38	21	6	29

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Antrim BC	0	1	1	0	0	0	0	0
Ards BC	0	2	2	0	0	0	0	0
Armagh C&DC	1	0	0	0	0	0	0	1
Ballymoney BC	0	1	0	0	0	0	0	1
Banbridge DC	0	1	1	0	0	0	0	0
Belfast CC	1	80	80	0	1	0	0	0
Carrickfergus BC	1	1	1	0	0	0	1	0
Coleraine BC	1	1	1	0	0	1	0	0
Cookstown DC	0	2	2	0	0	0	0	0
Craigavon BC	1	1	1	0	0	1	0	0
Derry CC	1	23	21	2	0	0	0	1
Down DC	3	1	0	2	1	0	0	1
Larne BC	1	0	0	0	0	1	0	0
Lisburn CC	1	3	2	0	2	0	0	0
Moyle DC	0	1	1	0	0	0	0	0
Newtownabbey BC	0	2	2	0	0	0	0	0
North Down BC	1	3	1	0	2	0	0	1
TOTAL	12	123	116	4	6	3	1	5

Analysis of Written Complaints Against Local Councils

Analysis of Written Complaints Against Education Authorities

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
CCMS	1	3	2	0	1	1	0	0
North Eastern E&LB	0	1	0	0	0	0	0	1
South Eastern E&LB	1	1	1	0	0	1	0	0
Southern E&LB	3	3	1	0	1	1	1	2
Western E&LB	1	0	0	0	0	1	0	0
TOTAL	6	8	4	0	2	4	1	3

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Belfast Health & Social Care Trust	1	7	4	0	0	1	0	3
Belfast Services Organisation	1	0	0	0	0	1	0	0
Northern Health and Social Services Board	1	0	0	0	0	0	0	1
Northern Health & Social Care Trust	0	3	1	0	0	0	0	2
Regional Health and Social Care Board	1	0	0	0	0	1	0	0
Regulation & Quality Improvement Authority	2	0	0	0	0	1	0	1
South Eastern Health & Social Care Trust	1	1	1	0	0	1	0	0
Southern Health & Social Care Trust	1	2	1	0	0	1	0	1
Western Health & Social Care Trust	2	7	5	0	1	1	0	2
TOTAL	10	20	12	0	1	7	0	10

Analysis of Written Complaints Against Health and Social Care Bodies (where the complaint does not relate to health care)

Analysis of Written Complaints Against Housing Authorities

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
NIHE	9	39	21	5	13	4	2	3
Ark Housing Association (NI) Ltd	0	2	0	0	2	0	0	0
Ballynafeigh Housing Association Ltd	0	1	0	0	0	1	0	0
Clanmil Housing Association Ltd	0	2	2	0	0	0	0	0
Fold Housing Association	3	3	2	0	2	1	0	1
Habinteg Housing Association (Ulster) Ltd	0	4	3	0	1	0	0	0
Helm Housing Association Ltd	0	6	4	0	2	0	0	0
Oaklee Housing Association Ltd	0	1	1	0	0	0	0	0
Rural Housing Association	0	1	1	0	0	0	0	0
SHAC Housing Association	0	1	1	0	0	0	0	0
South Ulster Housing Association Ltd	0	1	1	0	0	0	0	0
TOTAL	12	61	36	5	20	6	2	4

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Arts Council	1	3	1	0	1	1	0	1
CCEA	0	9	2	0	7	0	0	0
Equality Commission	0	1	0	1	0	0	0	0
Invest NI	0	1	1	0	0	0	0	0
National Museums NI	0	1	1	0	0	0	0	0
NI Fire and Rescue Service	1	0	0	0	0	1	0	0
NI Legal Services Commission	0	4	2	0	1	0	0	1
NI Policing Board	0	6	2	0	0	0	0	4
NI Social Care Council	0	1	1	0	0	0	0	0
NI Tourist Board	0	1	1	0	0	0	0	0
Probation Board for NI	0	2	1	0	0	0	0	1
Ulster Supported Employment Ltd	0	1	1	0	0	0	0	0
Youth Council for NI	1	0	0	0	0	0	1	0
TOTAL	3	30	13	1	9	2	1	7

Analysis of Written Complaints Against Other Bodies Within Jurisdiction



Section 4 Annual Report for the Northern Ireland Commissioner for Complaints Health & Social Care complaints Health and Social Care continues to represent the largest proportion of casework undertaken by my office. This is not surprising given that Health and Social Care subsumes the largest part of the Northern Ireland budget. This year a total of 186 written complaints were received by my office. This represents a small reduction of 23 cases in the total received in 2009/10. Such a reduction is perhaps not surprising given that it has now been 2 years since the implementation of the new Health and Social Care complaints. The focus of the new procedure was enhanced to ensure a reduction in the number of unresolved complaints.

Ninety eight (53%) of the cases I received this year were not accepted for investigation. The largest number of these cases (43) was received 'prematurely', that is prior to the Health and Social Care Body being complained of being notified of the complaint by the complainant and given the opportunity to resolve the matter in the first instance. This is a continuing trend and one which I am keen to try and address through innovative outreach strategies to promote the role of my office as one of 'last resort'.

The office devoted a significant proportion of its resources to dealing with telephone or 'in person' enquiries about matters relating to Health and Social Care. A total of 256 such enquiries were received in comparison to 165 enquiries last year. My office promotes and encourages telephone or face to face contact in the first instance as a means of ensuring that complainants are correctly signposted, as efficiently as possible, as to any action they require to take prior to my considering whether to accept their complaint for investigation. Whilst such work can be resource intensive, and does not remove the requirement for a complainant to submit a complaint to me in writing, it is my belief that investing such time with the complainant at an early stage not only benefits the

complainant in terms of an efficient use of their time but also in fully explaining the role and purpose of my office in dealing with complaints. Such knowledge, in my view, is central to ensuring complainants are confident in the independent and impartial service offered by my office in the event their complaint cannot or has not been dealt with to their satisfaction by the Body concerned.

As mentioned in other parts of this report, my office decided this year to divert resources to completing the investigation of cases which were older than one year. Whilst this had a negative impact, in the short term, on our turnaround times for making decisions on which cases should be accepted for investigation, I am hopeful that this will ultimately result in an improved position for complainants, where their case has been accepted for investigation, by decreasing the total length of time taken to complete the investigation of their case.

Reflective of my office's efforts in this regard is the significant increase in the number of cases reported on within the year in comparison to the previous similar period. Forty eight cases were reported on in year which represents an increase of 28. This is substantial given that there was not an equivalent increase in the number of Investigating Officers aligned to the Health and Social Care Directorate of my office. Thus, my focus continues to be driving improvement and activity in casework within available resources.

A central and important feature of my work involves liaising with bodies within jurisdiction to ensure that themes in complaints handling are remedied not only for the individual complainant, but also address the source of the problem to prevent a repetition of the experience for other citizens in Northern Ireland. I continue to share with Health and Social Care bodies lessons from my casework. Last year I focused on dealing with common complaints handling failures such as:

- Insufficient time being spent by the body finding out what has gone wrong from the complainant's perspective, and inadequate investigation of the complaint by the body
- Not explicitly stating where clinical notes fail to substantiate what has been offered as oral evidence

I have encouraged bodies to spend more time at the outset in securing a clear and precise 'statement of complaint' from complainants. I have also reminded bodies of the need to think holistically about cases, especially in Health and Social Care where a number of services and therefore professionals have been involved in a case.

I highlighted the need for bodies to engage with complainants on issues which are key to the complaint but which perhaps the complainant has not 'explicitly' raised. Undoubtedly the Health and Social Care system can be difficult to navigate, and moreover much of the subject matter of complaints in this area are complex. Often the complainant will not have the clinical knowledge and expertise to enable them to describe their complaint and thereafter to know what exactly should have happened in their case. I have stressed to organisations that effective complaints handling, in my view, can only be achieved when matched with open disclosure by the professionals central to a complaint and the organisation as a whole.

I also drew the HSC bodies attention to the fact that the greatest source of 'maladministration' in HSC cases continues to be poor clinical/social care record keeping. I highlighted that this invariably makes investigations more difficult; the actual complaint harder to resolve; and exposes individual professionals to criticism. I have stated the need for more emphasis to be placed on the importance of good record keeping by professionals at the time of dealing with individual patients, clients and their families.

Written Complaints Received in 2010/11 by Authority Type

Health & Social Services Boards* – **141** Health & Social Care Trusts – **39** Other Health & Social Care Bodies – **6**

Written Complaints Received in 2010/11 by Complaint Subject

Health Service Provider – Hospital – Ambulance – Other – **76** Prison Healthcare –

*My office continued to deal with cases which had arisen prior to the introduction of the new HSC complaints procedure in 2009.

Caseload for 2010/11

Cases brought forward	
from 2009/10	76
Written complaints received	186
Total Caseload for 2010/11	262
Of Which:	
Cleared at Validation Stage	98
Cleared at Investigation Stage (without a Report), including	
cases withdrawn and discontinued	20
Settled	7
Full Report or Letter of Report issued	48
Ongoing at 31/3/11	89

Recommendations in Reported and Settled Cases

36

Case No	Body	Subject of Complaint	Recommendation
200700752	Southern Health & Social Services Board	Social Services - Adoption	Written Apology
200900403	Health Service Provider - Out of Hours GP	Independent GP - Clinical Treatment & Care	Written Apology
200900483	Western Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology
200900979	Southern Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology and Review of Procedure
200900996	Northern Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology
200800978	Western Health & Social Services Board	Professions Allied to Medicine - Clinical Treatment & Care	No Maladministration by Board
200700960	Health Service Provider (GP)	Independent GP - Clinical Treatment & Care	Written Apology and Review of Process
200900537	Belfast Health & Social Care Trust	Hospital - Clinical Treatment & Care	Review of Process
200700959	Eastern Health & Social Services Board	Social Services - Complaints Handling & Administration	Written Apology & Consolatory Payment £250
200801254	South Eastern Health & Social Care Trust	Social Services - Complaints Handling & Administration	Written Apology & Consolatory Payment £500
200900080	Western Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology & Consolatory Payment £750
200900475	Belfast Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology & Consolatory Payment £5000
200900509	South Eastern Health & Social Care Trust	Social Services - Complaints Handling & Administration	Written Apology & Consolatory Payment £500
200900733	Northern Health & Social Care Trust	Hospital - Complaints Handling & Administration	Written Apology & Consolatory Payment £250
200900854	Southern Health & Social Services Board	Hospital - Clinical Treatment & Care	Written Apology & Consolatory Payment £250

Case No	Body	Subject of Complaint	Recommendation
200900674	Health Service Provider (GP)	Independent GP - Staff Attitude, Dignity & Confidentiality	Written Apology, Consolatory Payment £250 & Review of Process
200800934	Southern Health & Social Services Board	Social Services - Complaints Handling & Administration	Written Apology
200900687	South Eastern Health & Social Care Trust	Social Services - Staff Attitude, Dignity & Confidentiality	Written Apology
201000501	Health Service Provider (GP)	GP - Admission, Discharge & Transfer Procedures	Written Apology
200700098	Southern Health & Social Care Trust	Complaints Handling & Administration	Written Apology & Consolatory Payment £3000
200701115	Eastern Health & Social Services Board	Social Services - Complaints Handling & Administration	Written Apology & Consolatory Payment £500
200900200	Health Service Provider (GP)	Independent GP - Clinical Treatment & Care	Written Apology & Consolatory Payment £10000
200900224	Belfast Health & Social Care Trust	GP - Admission, Discharge & Transfer Procedures	Written Apology & Consolatory Payment £2000
200900233	Health Service Provider - Private Nursing Home	Nursing - Clinical Treatment & Care	Written Apology & Consolatory Payment £4000
200900481	Northern Health & Social Services Board	Ambulance - Staff Attitude, Dignity & Confidentiality	Written Apology & Consolatory Payment £500
200900487	South Eastern Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology & Consolatory Payment £5000
200900622	Northern Health & Social Services Board	Complaints Handling & Administration	Written Apology & Consolatory Payment £250
201000307	Western Health & Social Care Trust	Complaints Handling & Administration	Written Apology & Consolatory Payment £5000

Case No	Body	Subject of Complaint	Recommendation
200900524	Belfast Health & Social Care Trust	Social Services - Children	Written Apology, Consolatory Payment £500 & Review of Process
200900142	South Eastern Health & Social Care Trust	Hospital - Clinical Treatment & Care	Written Apology & Consolatory Payment £200
200900272	Southern Health & Social Care Trust	Social Services - Elderly Care	Consolatory Payment £500 & Reimburse Legal Fees £5772.01
200900360	Western Health & Social Services Board	Social Services - Continuing Care	Written Apology & Consolatory Payment £250
201000360	Belfast Health & Social Care Trust	Hospital - Complaints Handling & Administration	Written Apology & Consolatory Payment £250
201000183	Health Service Provider (GP)	GP - Admission, Discharge & Transfer Procedures	Written Apology and Review of Process
201000852	Health Service Provider (GP)	GP - Staff Attitude, Dignity & Confidentiality	Written Apology

Statistics

Analysis of Written Complaints Received in 2010/11

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
H&SS Boards	17	6	3	1	0	10	7	2
H&SS Trusts	47	141	74	4	20	15	8	67
Other H&SS Bodies	12	39	21	2	0	6	2	20
TOTAL	76	186	98	7	20	31	17	89

Analysis of Written Complaints Against Health and Social Services Bodies (including Boards)

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Eastern H&SSB	4	2	0	0	0	3	2	1
Northern H&SSB	4	0	0	0	0	2	2	0
Southern H&SSB	4	0	0	0	0	3	1	0
Western H&SSB	5	2	1	1	0	2	2	1
Regional H&SC Board	0	2	2	0	0	0	0	0
TOTAL	17	6	3	1	0	10	7	2

Analysis of Written Complaints Against Health and Social Care Trusts

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Belfast Health & Social Care Trust	15	44	26	1	5	4	4	19
Northern Health & Social Care Trust	8	22	10	0	4	2	2	12
South Eastern Health & Social Care Trust	13	21	11	1	1	4	1	16
South Eastern Health & Social Care Trust (Prison Healthcare)	1	7	5	0	0	0	1	2
Southern Health & Social Care Trust	7	11	5	1	2	2	0	8
Western Health & Social Care Trust	3	28	14	1	6	3	0	7
NI Ambulance Service	0	8	3	0	2	0	0	3
TOTAL	47	141	74	4	20	15	8	67

	Brought forward from 2009/10	Received	Cleared at Validation Stage	Settled	Cleared at Investigation Stage	Report Issued Complaint Upheld/ Partially Upheld	Report Issued Complaint Not Upheld	Ongoing at 31/3/11
Health Service Providers - GDP	0	6	3	0	0	0	0	3
Health Service Providers – GP	7	20	10	2	0	4	1	10
Health Service Provider - Pharmacists	1	0	0	0	0	0	1	0
Independent HSC Provider - Out of Hours GP Services	1	1	0	0	0	1	0	1
Independent HSC Provider - Private Nursing								
Home Department of Health, Social	3	6	5	0	0	1	0	3
Services & Pubic Safety	0	1	1	0	0	0	0	0
Guardian Ad Litem Agency	0	2	1	0	0	0	0	1
Regulation and Quality Improvement Authority	0	2	1	0	0	0	0	1
NI Social Care Council	0	1	0	0	0	0	0	1
TOTAL	12	39	21	2	0	6	2	20

Analysis of Written Complaints Against Other Health and Social Care Bodies



Appendix A Selected Case Summaries

Assembly Ombudsman – Selected Summaries of Investigations

Child Maintenance and Enforcement Division, Department for Social Development

Handling of application for shared care

The complainant in this case was aggrieved about the way in which the Child Maintenance and Enforcement Division (CMED) had handled a request that her former husband made to it for a revision of his child support maintenance assessment on the basis that he had shared care of two of their children. The complainant said CMED had initially contacted her about this request in June 2007, when she provided it with full details as to why she disputed her former husband's claim. The complainant also said CMED interviewed her on two occasions in August 2008 about this matter. However, the complainant said it was not until December 2009, a period of 21/2 years after the relevant application had been made, that CMED informed her of its decision to award shared care to her former husband with effect from 4 June 2007.

The complainant said she was informed by CMED that, as a result of its decision, she would have to reimburse an overpayment of child support maintenance (CSM) made to her by instalments, thus reducing, by 75%, the monthly amount of CSM she would receive.

Having investigated this case, I concluded that the complainant was fully justified in complaining to me regarding the maladministration she considered she had experienced. My detailed investigation revealed a number of instances of maladministration by CMED, which affected its handling of the application for shared care in this case. In particular, I identified delay by CMED during the extended periods from 10 September 2007 to 24 June 2008 and from 25 September 2008 to 10 November 2009.

I had no doubt that the complainant experienced alarm, annoyance and stress when she was informed by CMED that she had received, and would have to reimburse by instalments, a very substantial overpayment of child support. I also had no doubt that, as a consequence of the maladministration I had identified in my investigation, the complainant also experienced the injustice of frustration, anxiety, inconvenience and anger as well as disappointment.

CMED had acknowledged to the complainant that it had failed to provide her with "the standard of customer service she was entitled to expect". Also, I noted and welcomed CMED's statement to me that it was willing to waive collection from the complainant of the sum of £1,285.60, representing the amount of overpayment that would be outstanding when her maintenance assessment ended. I asked CMED, and it agreed, to honour that undertaking.

However, I concluded that the complainant should receive further appropriate redress from CMED. I therefore recommended that the Acting Head of CMED should issue an apology to the complainant and that CMED should make a consolatory payment of £1,000 in recognition of the significant injustices the complainant had experienced. I was pleased to record that the Acting Head of CMED accepted my recommendations **(201000371)**.



Department of Agriculture and Rural Development

Poor handling of a complaint by Veterinary Service

This was a multi-element complaint, the core of which centred on the Department of Agriculture & Rural Development (DARD's) delay of three months in responding to a letter from the complainants dated 6 March 2006, which focussed primarily on a catalogue of errors surrounding: (a) the implementing and lifting of herd restrictions (in August 2005); (b) the testing and exporting of a bull (in February 2006); and (c) the recording of details on DARD's computer system. Overall, the complainants requested to know what changes DARD had put in place to ensure other farmers did not experience the same problems.

Having carefully considered the evidence available to me, I concluded that DARD's delay in responding to the letter referred to above constituted maladministration and was not in keeping with the quality of response which members of the public have a right to expect from public bodies. I also concluded that a great deal of annoyance and frustration for the complainants could and would have been avoided if their correspondence had been handled more expeditiously by DARD's Veterinary Service. In terms of appropriate redress, I recommended that DARD's Permanent Secretary issue a written apology to the complainants. I also reminded the complainants that if they suffered a financial loss as a result of their herd being prematurely closed, they should submit a claim for compensation to DARD for consideration. Finally, I am pleased to record that DARD's Chief Veterinary Officer subsequently issued instructions to all veterinary staff outlining the lessons learned as a result of this complaint **(200900252 & 200900289)**.

Department of Agriculture and Rural Development

Repayment of agricultural claims

This case centred on the Department of Agriculture & Rural Development's (DARD) decision to apply a 100% penalty on all of the complainant's 2003 bovine claims and to seek repayment of £9,349.54, plus interest, in respect of all payments issued to him under the 2003 Beef Special Premium Scheme, the 2003 Suckler Cow Premium Scheme and the 2003 Slaughter Premium Scheme. The Beef Special Premium Scheme (BSPS), a headage payment scheme providing direct support to beef farmers, was fully funded by the European Community and operated until 2004.

Having carefully considered the evidence available to me, I was satisfied that the complainant's 2003 BSPS claim was correctly assessed in accordance with the relevant BSPS and EU rules. These rules did not allow payment of premium on animals with Date of Birth Queries (DOBQ) and No Notification of Birth (NNO) status codes which could not be rectified. Given that the complainant had notified DARD of the birth of the animals outside the required time limits, the animals claimed on his 2003 application forms were ineligible and could never become eligible for BSPS. In addition, under EU rules, errors under each scheme were aggregated and used to calculate one penalty which was applied to the payments due under all bovine schemes. This accumulation rule, when applied to the complainant's bovine subsidy payments in 2003, resulted in an overpayment of £9,349.54, plus interest. I considered that through the BSPS 2003 - Notes for Guidance issued to the complainant by DARD, he was made aware of the consequences of

failing to rectify DOBQ and NNO status codes. Consequently, I concluded that DARD's decision to apply a 100% penalty on all of the complainant's 2003 bovine claims and to seek repayment of £9,349.54, plus interest, was not attended by maladministration.

However, in relation to DARD's handling of the complainant's Farm Subsidies appeal, I concluded this was unsatisfactory to the extent that it constituted maladministration. As a consequence of DARD's failure to inform the complainant of the financial impact should his appeal be disallowed and the length of time taken by DARD to process the appeal, he incurred interest charges for a period longer than necessary. By way of redress, I concluded that the complainant should receive a letter of apology from DARD's Permanent Secretary, together with a consolatory payment of £500. I am pleased to record that my recommendations were accepted **(200900059)**.

Land and Property Services

Action taken in relation to reassessment of property valuation

This case concerned the actions of Land and Property Services (LPS) with regard to the revision of the valuation of the complainant's business premises following the construction of an extension there in 2004, and the determination that he owed arrears of rates amounting to more than \pounds 60,000.

The complainant was aggrieved that LPS had delayed in undertaking its reassessment of his property's valuation. He also complained that LPS did not then give him enough notice of the increased direct debit rates payments that resulted from the reassessed valuation. In addition, he considered that it had failed to provide him with an explanation of how the new valuation had been determined, including justification for part of the increase in valuation, which was due to the correction of measurement errors that LPS had made in a previous valuation survey undertaken in 1995. In particular, the complainant was aggrieved that LPS had determined that, for the purpose of calculating his rating liability, both elements of the increase in the valuation (arising from the extension works he had completed and from the correction of the previous survey errors) should be backdated to 2004. Additionally, he considered it unfair that he should have to pay arrears based on the correction of errors made in 1995, well before he had acquired the property, when no such demand was also being made of previous owners.

My investigation found evidence of a number of instances of maladministration. Most significantly, I established that LPS had incorrectly applied the provisions of the Rates (Northern Ireland) Order 1977 in determining that both elements of the increase in property valuation should be applied from 2004. In addition, I found that there had been an unreasonable delay of almost four years before LPS had undertaken the inspection of the complainant's property and completed its revision of its valuation. LPS had also failed to provide a timely and accurate explanation of that revised valuation and the impact of the 1995 measurement errors.

I found no evidence of maladministration on the part of LPS with regard to the notice it had given to the complainant of the revised direct debit payments due from him or in relation to its decision not to require previous owners of the property to pay arrears of rates resulting from the correction of the 1995 errors. By way of redress for the injustice caused to the complainant as a consequence of the failings I had identified, I recommended that the LPS Chief Executive issue a written apology to him and make a consolatory payment of £9,000. In addition, I recommended that LPS recalculate the complainant's rating liability on the basis of the correct application of the Rates (NI) Order 1997. I also recommended that LPS ensured that its staff were fully aware of the correct application of the rates legislation and that in communicating lessons learned in this case, it reminded staff of the need to be vigilant in undertaking valuation assessments or reviews in order that any other cases, which might have been handled in the same inaccurate manner, could be identified and appropriate remedial action taken. The Chief Executive accepted my recommendations **(200900325)**.

Land and Property Services

Mistaken issue of rates bills in subsequent years

The complainant in this case was a registered company. The company received a rates bill from Land and Property Services (LPS), in May 2008, in respect of a property that was not in its ownership. Despite being advised in writing that the rates demand was erroneous, LPS proceeded to issue debt recovery proceedings before eventually realising its mistake. One year later, the same thing happened again - the company received a rates bill from LPS in respect of the unrelated property. Again, despite being advised in writing for a second year in a row that the rates demand was erroneous, LPS issued debt proceedings before eventually realising its mistake.

The company decided to complain to me about the poor standard of LPS's administration.

In response to my enquiries, LPS acknowledged the poor level of administration experienced by the complainant as a result of its failures in this case. I was also assured that LPS had conducted a review of its processes and procedures with the aim of preventing such failures from recurring. In particular I was advised that the relevant LPS team has been reorganised to split work into district council areas, the aim being to provide a more even distribution of work and identify recurring correspondence, so that it can be actioned in a timely manner.

I recommended that the Chief Executive of LPS should write a letter of apology to the complainant and that a consolatory payment of £480 should be made. LPS accepted my recommendations (200900634).

Northern Ireland Environment Agency

Issues regarding Environmental Legislation

I received a complaint on behalf of a group of residents who were concerned with, what they believed to be, serious failures on the part of the Northern Ireland Environment Agency (NIEA) to properly enforce significant and ongoing breaches of environmental legislation in relation to an animal rendering plant located in the area. They believed these failures led to significant impacts on the environment including pollution of watercourses along with impacts on amenity and

quality of life for local residents. The complainants also believed that NIEA failed to adhere to its own published enforcement policy.

My investigation identified that NIEA was fulfilling its sampling responsibilities to ensure the quality of the local river. NIEA had also undertaken a comprehensive inspection routine to ensure adequate monitoring by the animal rendering plant. I did, however, identify some administrative shortcomings in the recording of these inspections. The complainants also complained that NIEA failed to monitor downstream of the rendering plant's point of discharge and failed to compel the company to install 24 hour monitoring to its discharge, however, I found no evidence of maladministration by NIEA in reaching this decision.

In relation to the odorous emissions from the plant, I again identified some administrative shortcomings on the recording of inspections carried out by NIEA. However, the number of inspections and visits carried out by NIEA was in excess of the targets set for compliance monitoring. I did, however, identify that NIEA had not fulfilled its check monitoring requirements of the chimney stack of plant one and two at the facility, a failure I consider represented maladministration. I also sought an undertaking from NIEA that check monitoring would resume at plant two of the facility.

While I found evidence of maladministration in NIEA's failure to review the effectiveness of its Enforcement Policy, I was unable to conclude whether this would have materially affected the enforcement action taken against the rendering plant. For the failings identified, I recommended that the Chief Executive personally issue a letter of apology to the resident's representatives **(200801198)**.

Planning Service

Alleged mishandling of planning application and lack of enforcement action

In this case the complainant raised various issues concerning the Planning Service's (PS) handling of a development to the rear of his property.

The complainant claimed that the dwelling had been built at the wrong level and that this issue was never dealt with by the PS. I also found that the taking of enforcement action with regard to this matter proved to be unnecessary. I did not uphold these aspects of the complaint.

In addition, the complainant stated that the PS had not kept him informed of what was happening but, having reviewed the interaction (both written and by telephone) between the complainant and the PS, I did not uphold this aspect of the complaint.

In considering a further claim regarding a gabion wall which had been erected, my investigation revealed that the erection of the gabion wall did have the necessary planning permission.

With regard to the alleged lack of enforcement action concerning the height of the gabion wall, I learned that the PS did identify a breach of the planning permission, in that the wall had been built higher than approved, and sought to address matters with the co-operation of the applicant by seeking a retrospective planning application indicating the wall as built. A retrospective application was submitted and rejected as invalid and a second application was refused planning

permission with the subsequent successful imposition of a height restriction. It was clear to me that the actions showed that the PS did address the breach of planning control.

With regard to the alleged unwillingness of the PS to deal properly with the complainant's concerns, the manner in which the PS deals with actual or alleged deviations from a planning approval is a discretionary decision. I was of the view that the action chosen by the PS in this instance was not unreasonable; nor did I find any evidence that the decision making process was attended by maladministration.

It was also claimed that the PS had failed to assess the stability of the site. I found that the stability of the site or any structure on the site is not a matter for the PS. Also, with regard to the removal of rubble and the slippage of material from the development site, I was satisfied that the PS has no role in respect of either of these matters.

Overall, I found no evidence of maladministration on the part of the PS (200900315).

Planning Service

Failure to neighbour-notify

The complainant lived in the countryside next to a field, and on the outskirts of a village. A few years previously the Planning Service (PS) had notified the complainant that a planning application had been received for the construction of two dwellings in the field which would be sited adjacent to the rear of the complainant's house. This communication was part of PS's normal neighbournotification procedure for those living next to a proposed application site. The complainant submitted an objection but, during the consideration of the proposal, the application was withdrawn.

However, unbeknown to the complainant, the applicant later submitted another application, this time for just one dwelling on the same site. On this occasion, PS failed to notify the complainant in accordance with its procedures. The application was approved. The complainant did not learn of this further application, and the granting of planning permission that followed, until some months later when building work actually started on site.

My investigation found that as a result of PS's failure to neighbour-notify the complainant, the complainant lost an opportunity to submit an objection to the application. I found that this constituted maladministration.

I recommended that the Chief Executive of PS should apologise and that the complainant should receive a consolatory payment of \pounds 1,000.

The Chief Executive accepted my recommendations (200900299).

Planning Service

Poor handling of enquiry about planning requirements

The complainant lived next to a supermarket. The rear of her home was adjacent to the rear of the supermarket, the two being separated by an alleyway. Around the year 2000, the complainant noticed a buzzing (or vibrating) noise emanating from the supermarket site and found that plant (or machinery) had been installed in the alleyway. The complainant found the noise associated with the machinery to be a nuisance and as part of the action she took to address this issue, she contacted the Planning Service (PS) to enquire as to whether planning permission was needed for such plant.

PS investigated her enquiry and, in 2002, advised her in writing that planning permission was not required. The complainant accepted this and pursued a resolution to the noise nuisance through other channels.

In 2007 the complainant contacted PS again, having experienced the effects of noise nuisance for some years. At this point PS advised the complainant that the plant that had been installed in the alleyway had actually required planning permission after all. PS explained that its previous letter sent in 2002 had been incorrect and should have stated that although planning permission was required, the plant had been installed more than four years prior to the complainant's initial enquiry and that, in those circumstances, planning law prevented action being taken by PS to rectify the breach. However, contrary to PS's position, the complainant was clear that the plant had been installed within the four year period. It is at this point that the matter was brought to me.

My investigation found maladministration in relation to the erroneous letter issued to the complainant in 2002. My investigation also found that the plant had been installed within the four year period and so PS could have taken action at the point that the original enquiry was made. Although PS was clear that had a planning application been submitted for the plant in question, it would almost certainly have been granted, I found the failure of PS to make appropriate enquiries, prior to making the decision that no action was possible, to constitute maladministration. I also found maladministration in PS's handling of an enquiry from the complainant regarding the stages of its internal complaints process.

I recommended that the Chief Executive should apologise in writing to the complainant and that a consolatory payment of £3,000 should be made. The Chief Executive accepted my recommendation **(200900332)**.

Planning Service

Poor handling of planning application

The complainant's terraced home was adjacent to the rear of a neighbouring detached dwelling, the rear garden of which was the site upon which planning permission had been granted to build a two storey detached house. The complainant did not agree that access to the site was adequate for the proposed dwelling and he had concerns that his property would be overlooked and

overshadowed by the new development. The complainant's concerns were representative of other residents in the area.

The complainant raised a number of issues with me concerning the handling of the planning applications specific to the site. My investigation found maladministration in the following areas:

- Inadequate written record of the decision-making process
- Failure to respond to written enquiries
- Inadequate written record of the priority level given to a breach of planning control concerning the premature commencement of building works

I recommended that the Chief Executive of Planning Service should apologise to the complainant in writing and that a consolatory payment of \pounds 1,000 should be made.

The Chief Executive agreed to my recommendations (200900343).

Roads Service

Traffic waiting restrictions

This complainant, on behalf of a number of residents, stated that they had been concerned for a number of years about the level and nature of all day parking by non-residents within their area. The complainant said that such parking is very inconsiderate; little thought being given to keeping accesses to driveways and footways clear, or leaving sufficient road width to facilitate larger vehicles such as delivery or emergency service vehicles. The complainant said that, in these circumstances, the residents concerned asked Roads Service (RS) to introduce traffic waiting restrictions in the area. The residents were aggrieved that RS had refused to meet their request.

Having investigated this complaint, I established that the issue of non-residents' parking in residential streets is common across many urban locations within Northern Ireland. In general, drivers are legally entitled to park a vehicle on a public road provided they do not cause an obstruction and do not contravene any legal restrictions that apply to that particular location. Also, it is not an offence to park a vehicle either partly or wholly on a footway provided that such parking does not contravene a specific restriction, such as the footway being adjacent to an urban clearway or that the vehicle involved is not a heavy goods vehicle.

My investigation further established that the Department for Regional Development (DRD) is legally empowered to make a traffic regulation order in respect of any public road for the purpose of avoiding danger to persons or other traffic using that or any road or for preventing the likelihood of any such danger arising. The traffic regulation may include prohibiting or restricting the waiting of vehicles in any public road. Also, DRD may make and implement experimental traffic control schemes where it considers these are essential to the expeditious, convenient and safe movement of traffic. My investigation found that consideration on the use, or otherwise, of waiting restrictions and the reasons for their use are matters for RS, within the practice and policy which apply at the time of the request for such restrictions to be introduced. I found that RS has a long established practice on the use of waiting restrictions, which are similar to those practices adopted by other road authorities, and which involve the consideration of road safety issues, which can be substantiated by a history of collisions involving personal injury, or where there are persistent traffic progression problems.

Having carried out parking surveys and repeated visits, it was the view of RS that there was no persistent hindrance to traffic progression in the residential area concerned, even with parking on both sides of the streets, and that the collision history for the area, involving personal injury, did not indicate a safety problem. On this basis, RS decided that, from its perspective, the introduction of waiting restrictions, in response to the residents' requests, was not merited.

While I could fully understand the annoyance, disappointment and frustration that the residents concerned experienced in relation to the decision by RS not to introduce waiting restrictions or to undertake an experimental traffic control scheme to deal with all day parking in the area by non-residents, I found no evidence of maladministration in the way in which those decisions had been reached by RS. Consequently, I did not uphold this complaint **(200900725)**.

Commissioner for Complaints – Selected Summaries of Investigations

Council for Catholic Maintained Schools

Handling of a recruitment exercise

This complaint concerned the handling of a recruitment exercise by the Council for Catholic Maintained Schools (CCMS) for a Principal post. The complainant applied for the post but was unsuccessful. The complainant believed that procedures were not followed at interview which led to an unfair appraisal and that CCMS failed to inform him about his rights of appeal.

I did not find any evidence of maladministration in the procedures followed during the interview process. However, my investigation identified that CCMS failed to inform all unsuccessful candidates of their right of appeal at the earliest opportunity. I also identified maladministration in subsequent correspondence issued by CCMS when the complainant was given incorrect information in relation to the time limits for receipt of appeals.

I recommended that CCMS should include guidance on appeal procedures when notifying all unsuccessful candidates of the outcome of a competition and clearly communicate the appropriate time limits for the appeal. I also recommended that the Chief Executive write personally to the complainant apologising for the failings identified during my investigation along with a consolatory payment of £250 **(200900423)**.

Craigavon Borough Council

Poor handling of a recruitment selection procedure

The complainant was one of a number of candidates that had applied for a particular job with Craigavon Borough Council (the Council). Candidates were required to give a presentation at the beginning of an interview. Written instructions given to each candidate had advised that a paper copy of their presentation should be brought to interview in case of any technical problems. However, instead of being asked to revert to the paper copy, one candidate who experienced technical difficulties was permitted to take advantage of a later interview slot. That candidate was the sole internal candidate and also was chosen by the Panel as the successful candidate. The complainant learned of these events and complained that the process was unfair. The complainant was interviewed directly after the internal candidate and he also complained that he had experienced a 40 minute delay before the beginning of his scheduled interview. He complained that no-one from the Council had given any explanation for the delay or offered an apology to him while he was waiting.

I also found that the Panel had not recorded interview start and finish times, nor had it recorded the timing of an unscheduled break immediately before the complainant's interview had begun.

While I was satisfied that the Panel acted in good faith, I was also satisfied that by departing from the written procedure, the Panel's actions (however innocently intended) created the very clear perception that one candidate had received preferential treatment in comparison to the other candidates. I found the Panel's departure from the written procedure to have constituted maladministration; I found that the delay experienced by the complainant was avoidable and constituted maladministration; and I found the Panel's record keeping to be poor which I viewed as also having constituted maladministration.

I recommended that the Council's Interim Chief Executive should write a letter of apology to the complainant and offer a consolatory payment of £1,000. The Council, I am pleased to record, accepted my recommendation **(200900933)**.

Down District Council

Anti-social behaviour

In this case the complainant lived close to a recreational area owned by the Council. She found that youths would gather on the Council's land adjacent to her home, consume alcohol, drop litter, and generally cause an anti-social nuisance. Matters worsened when a fence owned by the Council, which separated the complainant's property from the Council land, became insecure and garden items belonging to the complainant were stolen.

The complainant sought help from the Council, in writing, on numerous occasions. However, despite the promise of action, no action was taken by the Council to address the problem and the matter was raised with me. In response to my enquiries a newly appointed Chief Executive acknowledged that the complainant had not received the level of service that the Council would have wished her to receive, and he admitted that the standard of the Council's communication with the complainant had been inadequate. The Chief Executive offered to resolve the issues that the complainant had originally raised, including repairs to the fence. In addition, I recommended that the Chief Executive should write to the complainant to apologise for the Council's failures in this case and that the Council should make a consolatory payment to the complainant of £100. The Chief Executive agreed to my recommendations. **(200900810)**.

Fold Housing Association

Treatment of resident following a fall

The complainant in this case was aggrieved at the treatment a relative, now deceased, who had been a resident in a Supported Housing Scheme operated by the Fold Housing Association (the Association), received from the Association's staff when she was found lying on the floor of her room following a fall.

The complainant was aggrieved that the Association's staff failed to detect, from a head to toe check, that in addition to pain and swelling in her left wrist, which was attributable to a fracture, her relative had sustained a fracture of her left hip in the fall.

The complainant was further aggrieved that, following the fall, the Association's staff moved her relative several times.

Having completed an investigation of the matters raised, I fully upheld this complaint.

I found evidence of what I considered to be particularly serious examples of maladministration by the Association. In particular, I found that

- the Association's staff had delayed seeking help from an Out of Hours GP for a period of 44 minutes;
- the evidence of staff that the resident concerned had complained only about her injured wrist was completely at odds with the information recorded by the Out of Hours GP and the Northern Ireland Ambulance Service;
- the evidence of staff that the resident was able to weight bear and expressed no pain in her hip was totally inaccurate and wrong; and
- the staff who attended the resident failed to adhere to the Association's formulated procedures by offering the resident breakfast

I concluded that the Association's action in this case fell significantly short of the standard that citizens have a right to expect from a public body and which I acknowledged the Association strives to deliver.

I recommended that the Association should apologise to the complainant and her family, and I was pleased to record that the Association accepted my recommendation. **(200900367)**.

Larne Borough Council

Handling of complaints

The complainant in this case complained to me about Larne Borough Council's (the Council) handling of complaints made to it about an incident involving a family member that occurred at one of the Council's play parks in September 2009. The complainant said that having made numerous attempts to contact Parks Department, without success, a complaint was made to the Council's Chief Executive (CE) requesting a meeting with that officer. The complainant said the Council informed him that, on return from sick leave, the CE would meet him and that the Council would investigate the complaint in advance of the meeting. However, the complainant received no further contact from the Council about the meeting or the outcome of its investigation into the complaint.

My investigation of this complaint established that the CE overlooked the commitment given to meet the complainant on his return to work and, therefore, the meeting did not take place. I regarded this oversight by the Council as constituting maladministration which warranted my criticism. As a consequence of this maladministration, the complainant had raised expectations, which were subsequently disappointed, that the concerns raised would be fully addressed by the CE at a face to face meeting. I was satisfied that the complainant experienced the injustice of

annoyance and frustration at the Council's failure to engage with her in this matter.

I recommended to the CE that an apology should also extend to the poor level of service that the Council provided to the complainant, and that the Council should make a consolatory payment of ± 100 to the complainant in recognition of the injustice experienced. The Council accepted my recommendations **(200900940)**.

Northern Ireland Fire and Rescue Service

Removal of montage

This complaint centred on the Northern Ireland Fire and Rescue Service's (NIFRS) decision to remove permanently, from the wall of Enniskillen Fire Station and, subsequently, Lisnaskea Fire Station, a montage of the photographs of the eleven victims who died as a result of the Enniskillen bombing in November 1987. The montage had remained on the wall of the Fire Station for approximately 19 years, having only been temporarily removed during the refurbishment of the Station in the summer of 2007.

My enquiries established that the issue which gave rise to this complaint was that NIFRS Headquarters received a telephone call stating that a picture that had been put up in the Fire Station the previous Sunday was causing offence. As directed by NIFRS, the montage was subsequently removed.

Against this context, I did not believe that an uncorroborated complaint, from one caller, was sufficient to warrant the immediate removal of a montage which had been on the wall for 19 years, at the instigation of the staff, in recognition of an incident that clearly had a major impact on the staff who had been directly involved in dealing with the incident. I considered, at the very least, a sensitive and thorough investigation should have been conducted by NIFRS into the background, nature and content of the montage, in order to inform any decision to remove it from the wall of the Fire Station. I therefore found that the process which led to NIFRS' decision to remove the montage was attended by maladministration.

It was clear to me that the complainant had experienced hurt and anxiety as a consequence of NIFRS' actions. I therefore recommended that the Chief Fire Officer issue a letter of apology to the complainant for the injustice he had experienced **(200800849)**.

Northern Ireland Housing Executive

Refusal to waive service charge

The complainant is the leasehold owner of a property within a complex of nine flats, five of which are owned by the Northern Ireland Housing Executive (the Executive). The others are privately owned.

In 2010, the Executive undertook construction and maintenance/improvement works to the flats, which included exterior painting. All of the Executive's tenants and some of the private owners

were required to move out of their properties while the work was ongoing. The complainant was not required to vacate his property.

The Executive asked the complainant to pay his share of the cost of the painting work. However, it waived that cost for the owners who had had to move out to facilitate the improvement works.

The complainant considered that he should not have been disadvantaged simply because he had not been required to move out of his property. He also was of the view that the painting work had been unnecessary. In addition, he complained that the Executive's (former) Chief Executive, in responding to his formal complaint about the matter, had provided him with inaccurate information about which owners had been required to move out and which had been required to pay the service charge associated with the painting.

My investigation found that the terms of the Complainant's lease for his property provided for the Executive to determine when exterior decoration of it was necessary. I found no evidence of maladministration in the Executive's discretionary decision to carry out the exterior painting to the complainant's flat. I did not therefore uphold this element of the complaint.

The terms of lease also provided for the Executive to pass on to the complainant a share of the costs associated with the painting work. I established that the Executive had a policy by which it could waive costs associated with improvement/maintenance works but that this applied only in circumstances where an owner had been required to move out to facilitate the works. I found no reason why that policy should be disregarded in the complainant's case. Consequently, I did not uphold the complaint about this matter.

I found that the (former) Chief Executive, in response to the complainant's formal complaint, had provided him with inaccurate information about which owners had been required to move out and which had been required to pay the service charge for the painting work. I considered this to be maladministration.

I recommended that the Executive provide a written apology to the complainant for this failing. The Acting Chief Executive accepted my recommendation **(201000786)**.

Northern Ireland Housing Executive

Sale of land

The complainant contended that, despite a written undertaking by the Northern Ireland Housing Executive (the Executive) that a piece of land in Belfast would be advertised for sale on the open market, the Executive sold the land direct to a Contractor, thus denying the complainant the opportunity to bid for it.

My enquiries established that in 1998, the Executive was approached by a Contractor to vest a piece of land in Belfast to provide car parking for the existing apartment block in that area. In January 2000, the Contractor was granted planning permission to build four apartments on the piece of land which had been vested by the Executive. Following a telephone call from the complainant to the Executive in March 2000, stating that he would be interested in purchasing the

land in question, the Executive wrote to both the complainant and the Contractor in June 2000, stating that the land would be advertised on the open market. This decision was endorsed by the Chief Executive's Business Committee on 17 July 2000 and 20 April 2004, having obtained legal opinions that the Executive was not contractually bound to sell the land to the Contractor. However, in spite of the undertaking given to the complainant, the Executive changed its stated position and sold the surplus land direct to the Contractor.

Where a public body has given an undertaking that represents how it proposes to act in a particular case, fairness requires that the undertaking should be honoured unless there is an overriding reason not to do so. On the basis of the information available to me, I considered the Executive's handling of this case constituted maladministration for which I criticised the body. It was clear to me that the complainant had lost the opportunity to bid for the land. I therefore recommended that the Chief Executive should issue a letter of apology to the complainant, together with a consolatory payment of £20,000. I am pleased to say that the Chief Executive accepted my recommendations **(200701162)**.

Western Education and Library Board

Handling of a complaint about the actions of non-Board co-workers

This case concerned a complaint from an employee of the Western Education and Library Board (the Board) regarding its response to a complaint she had made about the actions of non-Board co-workers, alongside whom she was required to work. The complainant was aggrieved with the way in which the Board addressed her concerns, which she had reported to it on a number of occasions. In particular, it had stated to her that it was unable to investigate her complaint because it was not the employer of the individuals about whom she had complained.

Having investigated the circumstances of the complaint, I concluded that the Board failed to deal appropriately with the grievance the complainant had brought to it. Significantly, I found that the Board failed to have in place a policy and procedure to address complaints from its staff about non-Board employees. While I acknowledged that the Board did take some steps to deal with its employee's grievance, it was evident that the lack of a specific procedure, under which complaints about non-Board co-workers could be addressed, resulted in the complainant being denied the opportunity to have her concerns about her co-workers addressed in a timely, thorough and impartial way.

By way of redress, I recommended that the Chief Executive issue a written apology to the complainant and make a consolatory payment of £2,000. I am pleased to record that the Chief Executive accepted my recommendations **(200900151)**.

Youth Council for Northern Ireland

Reduction of funding

The complainant in this case was aggrieved that changes that the Youth Council for Northern Ireland (YCNI) made to its funding policy, which were implemented with effect from 1 April 2009, had resulted in a substantial reduction in the grant that YCNI had allocated to his organisation in respect of 2009/10 and the following three financial years.

Having investigated this complaint, I established that, under its revised policy, funding from YCNI is now split into two streams, Infrastructure Funding, comprising the two strands i.e. Infrastructure Support and Thematic Infrastructure Support Funding, and Programme Funding. I further established that Infrastructure Support Funding is offered at a rate of 75% to those organisations whose primary purpose is Youth Work in order to support eligible core costs based on those defined by the Department for Social Development (DSD). Thematic Infrastructure Support Funding, at a rate of between 12.5% and 20%, is offered to organisations which do not meet the infrastructure support tests, but which deliver themed work considered to be of substantial value to the Youth Work sector, and it is provided to support eligible core costs, based on those defined by DSD. The other stream of funding, Programme Funding, is paid at a rate of between 12.5% and 20% in respect of programmes that meet priority themes in the Youth Work Strategy and/or address specific priorities of YCNI.

The complainant raised a number of elements in his complaint. However, the core of his complaint was his dissatisfaction with the decision by YCNI, in response to his organisation's application for funding for 2009/10, that it was ineligible for Infrastructure Support Funding, on the grounds that it did not meet the criteria for that level of funding, and that the application would be considered for Thematic Infrastructure Support Funding.

While I could understand the disappointment that the complainant experienced in relation to the above decisions by YCNI, my detailed investigation of his complaint found no evidence of maladministration by YCNI in the way in which it had reached those decisions. Consequently, I did not uphold this complaint **(200900170)**.

Commissioner for Complaints – Selected Summaries of Health and Social Care Investigations

Belfast Health and Social Care Trust

Care and treatment

The complainant asked me to investigate a complaint about the care and treatment provided to his late mother by the Mater Hospital. It was clear from my investigation that the Belfast Health and Social Care Trust (the Trust) had not dealt with the complaint in line with the HPSS complaints procedure applicable at that time. This was acknowledged by the Trust during my investigation and I welcomed the Trust's assurance that procedures have been put in place whereby all complaints/enquiries are now managed and graded by a complaints manager. The Trust also apologised for its failings in dealing with the complaint.

During my investigation I also identified some shortcomings in the record keeping of both medical and nursing notes in relation to decisions which were made, and the nursing care. To ensure patients' comfort I recommended that the Trust monitor the contractual arrangements regarding the ordering and delivery of special mattresses, to ensure these arrangements and timescales were being adhered to. I also reminded the Trust of the importance of carrying out and recording objective assessments of a patient's pressure areas to show how a decision to use a primo or any other type of mattress was informed.

The Trust agreed to my recommendation that the medical and nursing staff be reminded of the importance of good record keeping and to ensure decisions regarding care and treatment are well documented.

Nevertheless, faced with what was a very difficult situation, I was satisfied that the complainant's mother received appropriate treatment for her condition and there were no issues of clinical concern that required further investigation **(200900537)**.

Belfast Health and Social Care Trust

Care and treatment

This is a tragic case of a young man who, on a night out, choked on a piece of food, had a cardiorespiratory arrest and, as a result, sustained a hypoxic brain injury. He was left in a vegetative state.

The patient was initially admitted to the Royal Victoria Hospital (RVH) and during this critical stage he was treated at the Intensive Care Unit and High Dependency Unit. Two months later he was transferred to the Regional Brain Injury Unit (RBIU) at Musgrave Park Hospital (MPH). During

this time he developed a chest infection and an increase in seizure activity and was then transferred back to the RVH, where he remained until August 2010. I am pleased to note that during the course of my investigation, a care package was arranged which enabled the patient to return to his mother's home.

The patient's mother had complained on several occasions to the Trust about the care and treatment her son had been receiving at both hospitals and felt that had it not been for the family, he would have been neglected by the staff as his condition did not allow for him to call for help when needed.

In April 2009 the complainant submitted her complaint to me, having remained dissatisfied and frustrated by the responses she had received from the Belfast Health and Social Care Trust (the Trust). There were several elements to her complaint, involving what she considered to be the poor management of the patient's tracheostomy and medication whilst a patient at MPH. She was also not happy with the management and treatment in relation to his suprapubic catheter, dietary and physiotherapy requirements and the control of MRSA whilst he was an in-patient at the RVH. The complainant does not agree with the patient's long term prognosis that he will remain in a state diagnosed as a persistent vegetative state.

In my examination of the documentation, and on advice from my Independent Medical Advisors (IMAs), I acknowledged that both hospitals were providing an exemplary level of recorded care. The protocols and care pathways were all evidence based, problems and issues were well documented, elevated to the next level and dealt with. Risk management issues were highlighted and plans were put in place.

After a long and very detailed investigation into the issues of the complaint, the majority of which were complex clinical matters, and having obtained independent advice, I determined that the level of treatment the patient had received was of an acceptable standard. Overall, I concluded that the level of care was reasonable and was well communicated to all members of the multi disciplinary team and the family. I noted that senior management and clinical staff had met with the complainant on a frequent basis both formally and informally in an attempt to address her concerns. I therefore did not uphold the complaint **(200900037)**.

Health Centre

Care and treatment

The complainant asked me to investigate a complaint against a Health Centre (the Practice). His complaint related to the care and treatment of his late father in April 2008.

The complainant's father was the recipient of a successful kidney transplant in 2002 and was taking immuno-suppressive (anti-rejection) drugs. He became unwell on 21 April 2008 and on 24 April his partner telephoned the Practice and was told that a doctor would phone back after surgery. The patient did not receive this phone call. On 25 April, an urgent housecall was requested. A doctor returned the call, spoke to the patient, and diagnosed him with a chest infection and arranged for a prescription to be collected. On 29 April the Practice was contacted

as the patient's condition was not improving. A doctor visited the patient's home that afternoon and immediately telephoned for an ambulance. The patient was subsequently diagnosed as having infective endocarditis and later transferred to Belfast City Hospital, where he sadly passed away on 26 June 2008.

The complainant first submitted a complaint to the Practice, however, he was not satisfied with the response which he received, and he therefore submitted his complaint to my office.

Details of the complaint made to me were sent to the Practice Manager. I requested all of the documentation relating to the handling of the complainant, and any relevant comments or observations on the points which had been raised by the complainant. I requested GP medical records from the Business Services Organisation (formerly the Central Services Agency), and also hospital records which were relevant to this complaint. To assist in my consideration of this case I also had the benefit of detailed advice from two Independent Professional Advisors (IPAs).

I carefully examined the evidence including the advice received from my IPAs, and found that the complainant suffered injustice as a result of maladministration by the Health Centre. The Practice acted inappropriately in diagnosing the patient over the telephone, poor medical notes were made in relation to this consultation, the patient was left in pain for several days as a result of this misdiagnosis and as a result, fatal complications may have set in.

Whilst I have been assured that the Practice has learned and improved its policies and procedures as a result of this sad case, I recommended that the Practice provide the complainant with a full written apology, including assurances that these protocols and procedures have been improved at a Practice level and details of how they have been improved. I also recommended that the Practice provide the complainant with a consolatory payment of £10,000 in respect of the distress caused to him, and the inadequate response which he received from the Practice to his complaint **(200900200)**.

Pharmacy

Dispensing of medication

The complainant requested that I investigate a complaint about the actions of a pharmacist in relation to an incident at the pharmacy on 27 January 2009. The issues raised were that the pharmacist denied having a prescription to supply the complainant with necessary and approved medicines, resulting in the complainant having to leave the shop without the prescribed medication, and that the conduct of the pharmacist fell short of the professional standard required. The complainant also refuted the allegations made by staff about his behaviour.

This case amounted to differing perceptions and, therefore, differing accounts of what happened during the exchange between the complainant and the pharmacist on the afternoon of 27 January 2009. The crux of the complaint is that the complainant believes the onus was on the pharmacist to ensure the prescribed medicine was dispensed and claimed that the injustice experienced was that the complainant was forced to leave the pharmacy without the prescribed medication. The fact is that I have been unable to establish any evidence that there was a

prescription for the medication. The pharmacist claimed she was trying to ascertain if there was a prescription and it is unfortunate that it is the complainant's clear belief that she did not intend to issue him with his medication, and he therefore left the pharmacy. When dealing with conflicting versions of events, without independent corroborating evidence, I am faced with a circumstance on which I am unable to reach a judgment.

My investigation concluded that there was no formal evidence that a prescription was ordered by the complainant in the first instance, and nothing to suggest there was a prescription at the pharmacy at the time he called in. In the absence of any evidence to indicate otherwise, I concluded that it was not unreasonable for the pharmacist to question if a prescription had been requested, and to establish the facts that informed the receipt of the prescription before dispensing medication. I believe it is unfortunate that the heated exchange resulted in a communications breakdown. Had the situation been handled in a more managed and controlled manner and the clear misunderstanding been properly clarified at the time, this may have prevented the escalation of the complaint. I have concluded that there was no evidence of a breach of the codes of conduct and guidance on this occasion by the pharmacy and I am satisfied that the complainant did not experience an injustice as a consequence of the pharmacist's actions. The complaint was therefore not upheld **(200900504)**.

Southern Health and Social Care Trust

Care and treatment

The complainant was aggrieved by the actions of the Southern Health & Social Care Trust (the Trust) in its handling of her complaint concerning the care and treatment of her mother-in-law, provided by a Nursing Home in England, under placement by the Trust.

The Trust's contract with the Nursing Home did not state the written requirement of providers outside Northern Ireland to allow the Trust access to all client records/notes. The Trust was therefore unable to access medical records from the Nursing Home in order for the complaint to be investigated fully. The complainant had to pursue access to medical records through the courts. This was the focus of my investigation.

Whilst I recognise that the Trust is now rectifying its procedures in relation to contracts with providers outside Northern Ireland, as a consequence of this not being in place at the time the complainant incurred legal fees to the amount of £5,772.01 in having to pursue access to the requisite records through the courts. As a settlement, my recommendation to the Trust was that in order to redress this, the complainant should be reimbursed for the legal fees arising from her having to, with the encouragement of the Trust, access records which should have formed part of the Trust's investigation into the initial complaint. I am pleased to say that the Trust accepted my recommendation **(200900272)**.

Western Health and Social Services Board

Treatment received

In this case the complainant claimed to have sustained injustice as a result of maladministration by the Western Health & Social Services Board (the Board). The complaint concerned how the Convenor handled a request for an independent review of her complaint against the Western Health and Social Care Trust (the Trust) about the treatment she received at Altnagelvin Hospital when tragically she lost her baby, just over 25 weeks into her pregnancy, in June 2007.

The complainant was pregnant for the third time and receiving antenatal care when she was admitted to the hospital on 27 April 2007 because of high blood pressure. Sadly, the baby died in utero on 31 May 2007 at about 25 weeks gestation. Attempts to induce labour were unsuccessful, and delivery was achieved by lower segment caesarean section on 5 June 2007. Although the Trust's actions were not the subject of investigation by me, the advice I received from my Independent Medical Adviser (IMA) indicated that the clinical management by the Trust was reasonable.

I have written separately to the Trust to highlight that I find it regrettable that a senior obstetrician was not present at the meeting with the complainant on 24 April 2007 as suggested by the Convenor, which may have given her more confidence in the information that she was being given. That said, I have not identified that the absence of a senior obstetrician limited the complainant's opportunity to put questions to those in attendance. In relation to the clinical management of this case, I agree with my IMA in that in the circumstances, there was no undue delay on the part of the hospital in the assessment or treatment. My IMA also stated that the reason for deferral of the caesarean section, given the complexity of the case, was understandable. In my letter to the Trust, I highlighted the importance of good record keeping and the appropriate use of language by doctors in dealing with vulnerable patients. I asked that the Chief Executive of the Trust share and reinforce these observations with the appropriate staff.

I did not identify any administrative shortcomings which constituted maladministration in the Board's handling of the complaint, nor in the clinical management of the complainant's case. I am pleased to say that the Trust accepted my recommendations **(200800663)**.

Western Health and Social Care Trust

Care and treatment

This complaint was about the Western Health and Social Care Trust (the Trust) regarding a failure by Altnagelvin Hospital to properly manage care, resulting in delays in treatment which led to the complainant seeking and paying for private cardiac surgery. The issues specifically related to the Trust's delay in arranging and undertaking an exercise stress test (EST) and angiogram, the consequences of the delay on the overall waiting time for surgery, and the Trust's failure to offer reimbursement for the surgery the complainant chose to have carried out privately.

In respect of the EST that was to be carried out, I examined the overall waiting time experienced. I established that there was, at the time of the complainant's experience, no official waiting time

target in respect of EST and that there was no ceiling for the maximum amount of time a patient should wait for this procedure.

However, I did establish that there was no evidence that the routine referral for the complainant's EST was ever processed. This resulted in the complainant having a total wait of a year and four months, which exceeded the average year-long waiting time cited by the Trust. The Trust apologised for the unacceptable delay experienced by the complainant and indicated that it was unable to explain what happened. I therefore concluded that the Trust's failure to correctly process the referral for an EST, and thereafter to sufficiently investigate and respond to this aspect of the complaint, constituted maladministration.

I also established that waiting times for coronary angiography in Altnagelvin Hospital were not subject to any official waiting time target until 2007/2008 when a target waiting time of 13 weeks was introduced for achievement by March 2008. Therefore, the wait experienced by the complainant of 6 weeks from the time of the EST was more favourable than that experienced if the target had been fully realized in this case.

Furthermore, my Independent Medical Advisor confirmed that this delay did not place the complainant at any increased risk given his clinical condition. I have not identified any maladministration in respect of the Trust's arranging of the angiogram. To the contrary, I consider the actions of the Trust in referring to a doctor with a shorter waiting list to have been good administrative practice.

As for the complainant's decision to opt for private surgery, given the clinical symptoms and the categorization of the case as routine, the complainant was always going to be subject to at least a 6 month wait for surgery. I did not find that there was a subsequent delay in receiving cardiac surgery and it was therefore reasonable to have placed the complainant on an elective waiting list of 6 months as the surgery did not require any elevated priority. Consequently I did not reasonable to complainant for the cost of his private treatment.

I recommended that the Trust apologise to the complainant and make a consolatory payment of \pounds 750 for the distress caused by the delay in not having the EST completed within the year long average waiting time and for failing to investigate how this occurred in this case. I am pleased to say that the Trust accepted my recommendation **(200900080)**.



Appendix B Key Activities 2010-2011 and Financial Summary

Key Activities 2010-2011

My Corporate Plan covering the period 2010- 2013 was issued in April 2010 following a major review of the Office. The Strategic Objectives outlined in the Plan relate to three discrete areas -

1. Benefits for Individual Citizens

2. Improving Public Services

3. Modernising the Ombudsman Office

In November 2010 my senior staff held a workshop focussing on modernising the office. A number of initiatives were identified at that workshop to meet this objective. These included increased use of early resolution techniques; an older cases project aimed at closing cases more than 12 months old; production of an investigation plan and a streamlined investigation report template.

The Audit Committee has developed a new Risk Management Strategy and the Risk Register has been updated to reflect this strategy and to assist the Senior Management Team in identifying risks as they emerge. The Risk Register is examined and discussed regularly at SMT and Audit Committee meetings.

A Human Resources Strategy Group has been established and is supported by expert employment law advice. The group now meets regularly to discuss staffing issues and members of the group have met and discussed a number of such issues with the Equality Commission. To improve internal communications with staff in the Office, a Staff Information Bulletin has been established and this highlights changes in policy or practice, or other Ombudsman news.

Improvements to service delivery have been achieved through customer feedback in relation to complaints under my Internal Complaints Policy. As a result, an online internal complaints form has been developed. A new service standards leaflet has also been produced. When I conclude a case and a complainant remains unhappy with my findings, I will initiate a review if there is fresh evidence that I have not considered. To support this review process a new leaflet entitled 'Your Complaint - Our Decision' has been developed and is now fully in use.

A key element of modernising the office is the updating of the legislation which underpins my role as Ombudsman.

Financial Summary

The Assembly Ombudsman and the Commissioner for Complaints (AOCC) full Resource Accounts 2010-11 will be laid before the Northern Ireland Assembly in June 2011 and will be available on our website at www.ni-ombudsman.org.uk.

Summary Financial Statements for the year ended 31 March 2011

The following Financial Statements are a summary of the information extracted from the AOCC's full annual Resource Accounts for 2010-2011. The full annual Resource Accounts and auditors report should be consulted for further information.

The Comptroller and Auditor General has given unqualified audit opinion on AOCC's Resource Accounts.

Financial Review

The Net Total Resource allocated to the AOCC was £1,689k with the Net Cash Requirement being \pm 1,703k approved through the annual Estimate and Supplementary Estimate process by the Northern Ireland Assembly.

The actual net resource outturn was £1,626k, £63k less than the estimate, with the actual net cash requirement being £1,611k, £92k less than the estimate. This variance was primarily due to a reduction in legal expenditure resource requirement. This reduction could not be substantiated until February 2011 which, therefore, did not allow for adjustment through the Spring Supplementary Estimate. The AOCC did however surrender £50k relating to this reduced resource requirement during the February 2011 monitoring round process.

Capital expenditure amounted to £33k, £2k less than the estimated figure.

Staff costs equated to 74% of the total net cash requirement with the remainder being split between property rent and rates, premises expenses, travel and subsistence, consultancy and other general office expenditure.

The office is committed to the prompt payment of bills for goods and services received in accordance with the Better Payment Practice Code. Unless otherwise stated in the contract, for invoices not disputed, payment is due within 30 days after receipt of invoice or delivery of goods and services, whichever is later.

As indicated, to comply with the Government's commitment to improving the payment culture, the office adheres to the policy of payment of suppliers within a 30 day period. This was met in 99.7% of cases compared with 99% in the previous financial year.

Summary of Resource Outturn 2010–11

2010-11 £000									2009-10 £000
	Estim	ate			Outturn			. Net Total	Outturn
Request for Resources	Note	Gross Expenditure	AR	Net Total	Gross Expenditure	AR	Net Total	outturn compared with Estimate: saving/ (excess)	Net Total
A	2	1,689	-	1,689	1,626	-	1,626	63	1,464
Total resources	3	1,689	-	1,689	1,626	-	1,626	63	1,464
Non-operating cost AR		-	-	-	-	-	-	-	-

Net cash requirement 2010-11

				2010-11 £000	2009-10 £000
	Note	Estimate	Outturn	Net total outturn compared with estimate: saving/(excess)	Outturn
Net cash requirement	4	1,703	1,610	(93)	1,417

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2011

		2010-11 £000				Restated 2009-10 £000
	Note	Staff Costs	Other Costs	Income	Total	
Administration Costs (Request for resources A)						
Staff costs	9	1,194			1,194	984
Other administration costs	10		605		605	647
Operating income	12			-	-	(1)
Totals		1,194	605	-	1,799	1,630
Net Operating Cost	3				1,799	1,630

Statement of Financial Position

as at 31 March 2011

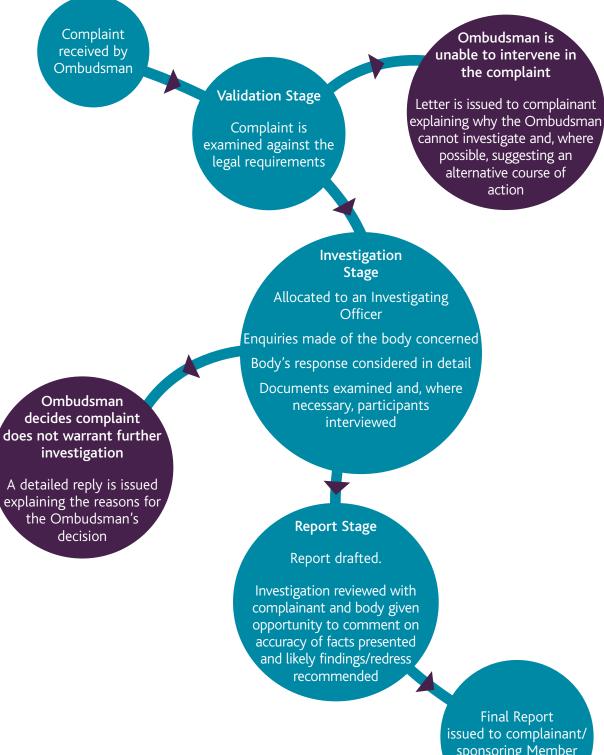
		2011 £000	2010 £000	2009 £000
	Note			
Non-current assets				
Property, plant and equipment	13	58	55	46
Intangible assets	14	32	45	50
Receivables falling due after more than one year	18	-	-	-
Total non-current assets		90	100	96
Current assets				
Inventories	17 -	-	-	-
Trade and other receivables	18	75	95	98
Cash and cash equivalents	19	5	12	15
Total current assets		80	107	113
Total assets		170	207	209
Current liabilities				
Trade and other payables	21	(34)	(41)	(44)
Total current liabilities		(34)	(41)	(44)
Non-current assets plus/less net current assets/liabilities		136	166	165
Non-current liabilities				
Provisions	22	0	(26)	(6)
Total non-current liabilities		0	(26)	(6)
Assets less liabilities		136	140	159
Taxpayers' equity:				
General fund		119	125	155
Revaluation reserve		17	15	4
Total taxpayers' equity		136	140	159



Appendix C Handling of Complaints

Handling of Complaints

How is a Written Complaint Handled by the Ombudsman's Office?



sponsoring Member and body

THE PROCESS:

Validation Stage

Each complaint is checked to ensure that:

- the body complained of is within jurisdiction;
- the matter complained of is within jurisdiction;
- it has been raised already with the body concerned;
- it has been referred to me by an MLA (where necessary);
- sufficient information has been supplied concerning the complaint; and
- it is within the statutory time limits.

Where one or more of the above points are not satisfied a letter will issue to the complainant/MLA explaining why I cannot investigate the complaint. Where possible, this reply will detail a course of action which may be appropriate to the complaint (this may include reference to a more appropriate Ombudsman, a request for further details, reference to the complaints procedure of the body concerned, etc.).

Where the complaint is found to satisfy all of the points listed above, it is referred to the Investigation Stage (see below). The Office target for the issue of a reply under the Validation Stage is currently 15 working days.

Investigation Stage

The purpose of an investigation is to ascertain whether there is evidence of maladministration in the complaint and how this has caused the complainant an injustice. The first step will generally be to make detailed enquiries of the body concerned. These enquiries usually take the form of a written request for information to the chief officer of the body. In Health Service cases it may also be necessary to seek independent professional advice. Once these enquiries have been completed, a decision is taken as to what course of action is appropriate for each complaint. There are three possible outcomes at this stage of the investigation process:

- a. Where there is no evidence of maladministration by the body a reply will issue to the complainant/MLA explaining that the complaint is not suitable for investigation and stating the reasons for this decision;
- b. Where there is evidence of maladministration but it is found that this has not caused the complainant a substantive personal injustice a reply will issue to the complainant/MLA detailing my findings and explaining why it is considered that the case does not warrant further investigation. Where maladministration has been identified, the reply may contain criticism of the body concerned. In such cases a copy of the reply will also be forwarded to the chief officer of the body; or

c. Where there is evidence of maladministration which has apparently also led to a substantive personal injustice to the complainant - the investigation of the case will continue (see below).

If, at this stage of the investigation, the maladministration and the injustice caused can be readily identified, I will consider whether it would be appropriate to seek an early resolution to the complaint. This would involve me writing to the chief officer of the body outlining the maladministration identified and suggesting a remedy which I consider appropriate. If the body accepts my suggested remedy, the case can be quickly resolved. However, should the body not accept my suggestion or where the case would not be suitable for early resolution the detailed investigation of the case will continue. This continued investigation will involve inspecting all the relevant documentary evidence and, where necessary, interviewing the complainant and the relevant officials. Where the complaint is about a Health Service matter, including clinical judgement, professional advice will be obtained where appropriate from independent clinical assessors. At the conclusion of the investigation the case will progress to the Report Stage.

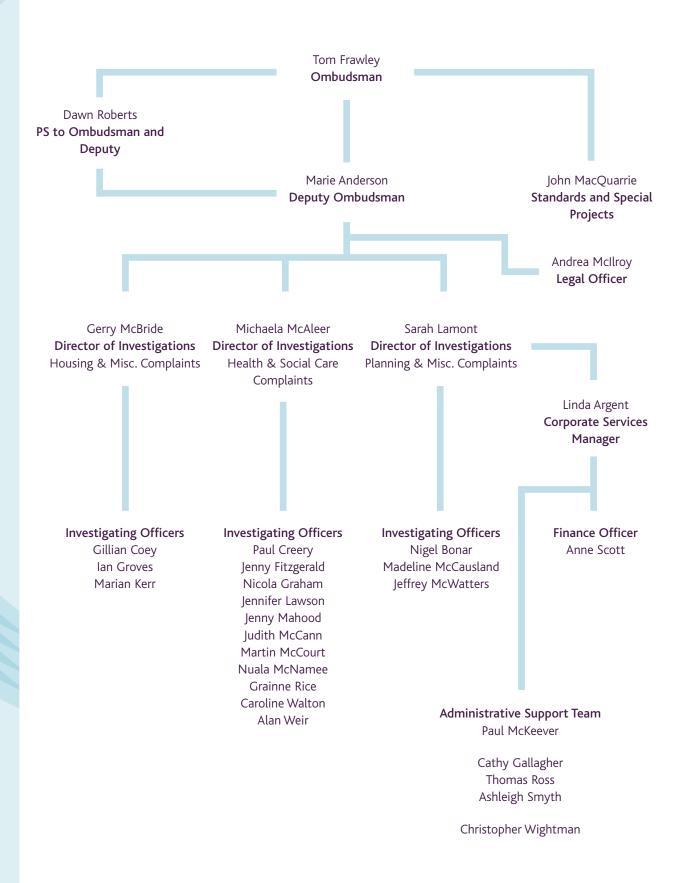
Report Stage

I will prepare a draft Report containing the facts of the case and my likely findings (at this point the case will be reviewed with the complainant). The body concerned will be given an opportunity to comment on the accuracy of the facts as presented, my likely findings and any redress I propose to recommend. Following receipt of any comments which the body may have I will issue my final Report to both the complainant/MLA and to the body. This is a very time consuming exercise as I must be satisfied that I have all the relevant information available before reaching my decision.

The Office target is to complete the Investigation and Report Stages within 12 months of initial receipt of the complaint.

Appendix D Staff Organisation Chart

Staff Organisation Chart



78

Contacting the Office

Access to my office and the service I provide is designed to be user-friendly. Experienced staff are available during office hours to provide advice and assistance. Complaints must be put to me in writing either by letter or by completing my complaint form; the complainant is asked to outline his/her problem and desired outcome. Complaints can also be made to me by email. The sponsorship of a Member of the Legislative Assembly (MLA) is required when the complaint is against a government department or one of their agencies. If a complainant is unable for whatever reason, to put the complaint in writing, my staff will provide assistance either by telephone or by personal interview. I aim to be accessible to all.

My information leaflet is made widely available through the bodies within my jurisdiction, libraries, advice centres, etc. It is also available in large print and audio format. In addition, anyone requiring assistance with translation should contact my office.

You can contact my Office in any of the following ways.

By phone: 0800 34 34 24 (this is a freephone number) or 028 9023 3821

By fax: 028 9023 4912

By E-mail to: ombudsman@ni-ombudsman.org.uk

By writing to: The Ombudsman Freepost BEL 1478 Belfast BT1 6BR

By calling, between 9.30am and 4.00pm, at:

The Ombudsman's Office 33 Wellington Place Belfast BT1 6HN

Further information is also available on my Website:

www.ni-ombudsman.org.uk

The website gives a wide range of information including a list of the bodies within my jurisdiction, how to complain to me, how I deal with complaints and details of the information available from my office under our Publication Scheme.



Distributed by and available from:

Northern Ireland Ombudsman 33 Wellington Place Belfast BT1 6HN

Tel: 028 9023 3821 Fax: 028 9023 4912 Email: ombudsman@ni-ombudsman.org.uk

www.ni-ombudsman.org.uk