

Annual Report

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

2013~2014



Ombudsman Northern Ireland



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 (www.ni-ombudsman.org.uk) 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.

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ANNUAL REPORT

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

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



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Section One

The Year in Review





The Year in Review

I am pleased to lay my 14th Annual Report before the Northern Ireland Assembly, recording the work and performance of my office as Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints. This is the final year in which I will have the privilege to do so, and I am pleased to report that it has been a year of continuing improvement and progress.

The role of the Northern Ireland Ombudsman continues to be complex and wide ranging - investigating complaints of maladministration about Northern Ireland Departments, and their statutory agencies, as well as against a wide range of other bodies delivering public services including housing, local government, health trusts, general practitioners (GPs), and independent health service providers.

Whilst complaints usually only come to my office after the internal complaints process of the relevant body has been invoked and completed, it is clear to see how the ongoing pressures facing public administration in Northern Ireland are being evidenced in the significant increase in the numbers of complaints to my office. My staff have noted that not only is there an ever increasing volume of complaints to my office but they are also increasingly complex; this is particularly true of complaints relating to health and social care.

Emerging Trends 2013/2014

Overall complaints to my office have increased by 31% this year – which is a significant increase on the previous year. This surge was driven largely by a 46% increase in complaints relating to health and social care bodies – a trend which has been developing over recent years. As well as an increase in volume, it is also noteworthy that the gravity of these cases is increasingly profound. Many involve serious adverse clinical incidents or tragically the death of a loved one which understandably gives rise to deep anxiety and distress on the part of relatives. The health and social care sector is being increasingly challenged to demonstrate openness and transparency in the way it investigates complaints and thus maintain the trust and confidence of patients and their families. It is essential, therefore, that it meets the challenge of delivering rigorous and professional standards of complaint handling. Section 4 of this report deals with this area of complaints in more detail.

Health and social care is not the only sector recording increased numbers of complaints. There are also an increased number of complaints being submitted that relate to the DOE Planning and Local Government Group and DFP Land and Property Services.

Complaints Handling in the Public Sector

In 2009 I published a guide to Effective Complaints Handling which highlighted the need for common standards in complaints handling across the public sector in Northern Ireland. I am pleased to note the progress that has been made by the Departments' Permanent Secretaries Group (PSG) in establishing principles that

will underpin the standards that will inform complaints handling across Departments and their agencies in Northern Ireland. In December 2013 I gave evidence to the Parliamentary Administration Select Committee (PASC) at Westminster on the substantial programme of work being undertaken by the Interdepartmental Group on Complaints Handling whose primary objective is to ensure that lessons are learned from complaints and any identified changes implemented. Since then, further progress has been made by Departments, their agencies and arms length bodies in revising their existing procedures to align them with the agreed common principles and standards.

Importantly, information on complaints will now be included in all future Departmental Annual Reports. There is also now an explicit commitment across government in Northern Ireland to learn lessons from complaints and improve public services.

The principles of good complaints handling are that procedures be:

- Accessible and simple;
- Fair and impartial;
- Timely, effective and consistent;
- Accountable; and
- Able to deliver continuous improvement.

My staff are committed to embedding these principles in the work of this office and to supporting new bodies that come under my jurisdiction in the development of their complaints process.



ASSIST: Delivering a Better Public Service

In last year's Annual Report, I indicated that work had begun on a new 'front of office team' to provide early determination and resolution of complaints. I am pleased to report that in May 2013, the ASSIST or the 'Advice, Support, Service and Initial Screening Team' was launched. Against the context of increasing numbers of complaints this team is already helping citizens in achieving a speedier route to redress.

Comprising Investigating Officers and a dedicated Administrative Support team – ASSIST operates a 'triage' service for the office. Staff answer all written, telephone and in-person queries, expediting decisions on whether or not a complaint meets the legislative requirements under which the Office must operate. This new resource has already improved office output significantly and I am confident that service levels will continue to improve as the new system beds in.

Good Administrative Practice

In dealing with complaints made against public bodies it is important that I also should acknowledge those circumstances where a public body demonstrates pro-activity and proposed solutions to particular types of complaint. One such initiative is the Shortfall in Service

(SIS) guidelines followed by Land and Property Services (LPS). In following these guidelines LPS recognises that there are instances when the service provided fails to meet the required standard and this failure is defined as a Shortfall in Service. The guidelines make reference to the Parliamentary and Health Service Ombudsman's Principles of Good Administration (see Appendix A) and centre on the principle of "Putting things right". These procedures enable LPS to decide if, in their judgement, a shortfall in service has occurred. If so, it can be internally reviewed and an appropriate remedy arrived at for the ratepayer. I would commend this initiative by LPS and its staff who are 'putting things right' both in terms of its recognition of the Principles of Good Administration and the proactive approach demonstrated in attempting to achieve a resolution for the complainant.

Joint Working

A key element of my stakeholder engagement strategy has been to work with other oversight or regulatory bodies to achieve improvements in public administration. In 2007 the Parliamentary and Health Service Ombudsman introduced the Principles of Good Administration (Appendix A). From 2009 I have been using these Principles to inform my decisions as to whether maladministration has occurred and to set an objective benchmark against which I can measure the actions

of bodies in my jurisdiction. As a result of my liaison with the Public Record Office of Northern Ireland (PRONI) in relation to the good records management aspect of these Principles I have developed the Principles further. In conjunction with the Information Commissioners Office I intend to launch a Guide to Good Administration and Good Records Management in July 2014 and to develop workshops for practitioners in the Autumn of 2014.

As a result of a Service Level Agreement with the Northern Ireland Human Rights Commission (NIHRC) I have also been working on a human rights based approach to my investigations so as to ensure best practice and to test whether bodies meet the FREDA values of Fairness, Respect, Equality, Dignity and Autonomy in their interactions with the public. My staff have had extensive human rights training and with the NIHRC I intend to launch a joint working manual for investigation staff in September 2014.

Looking Forward

New Legislation

I am pleased to report that the past year brought significant progress on the legislation to modernise my Office by reforming the legislation under which my Office operates. This legislation was originally sponsored by the Assembly Committee for the Office of the First Minister and deputy First Minister in 2010. The legacy report of this 2007-11 Committee commended the project by report to the reconstituted Committee formed following the May 2011 Assembly election. The current Committee has now given detailed consideration to all consultation responses from a range of interested parties, taken further evidence, refined its policy proposals and completed a further more targeted consultation in 2012 with key stakeholders. The final policy proposals were agreed over a series of Committee meetings in 2013 and the proposals were debated and, I am pleased to record, approved by the Assembly on 16 September 2013.

A draft Bill is currently being prepared; the Bill will propose the establishment of an office of a Northern Ireland Public Services Ombudsman (NIPSO). Once the draft Bill has been agreed by the Committee it will be introduced into the Assembly in the Autumn of 2014 and it is hoped that the Bill will secure Royal Assent in early 2015.

This represents a significant milestone for the office of the Northern Ireland Ombudsman, signalling the culmination of a period of major reform and modernisation. Key developments included in the proposals are the establishment of a single Ombudsman's office and provision for an authority for 'own initiative' investigations. I look forward to working with the Committee and the staff of the Assembly Commission in ensuring that this important legislation is implemented successfully.

Local Government Standards

A further significant change for my office in 2014/15 will be the extension of my jurisdiction as Commissioner for Complaints as part of the Local Government Act. Under the new mandatory Code of Conduct for Councillors, my office will now be responsible for investigating complaints against Councillors. The challenge is to introduce a system that is effective but, crucially, also secures the confidence and trust of the public in respect of ethical standards in local government. Equally the process must be fair and proportionate and ensure natural justice for the individuals whose conduct is the subject of a complaint. As the office embarks on this new era in which councillors will have an increasingly important role, particularly in planning matters, I expect this new jurisdiction to be of significant interest and importance. This extension to jurisdiction will bring with it new challenges and demands for my Office, but my staff and I are firmly focused on delivering the same standard of service to this new area of jurisdiction as is currently being accorded to all other aspects of my current remit.

Statistical Overview 2013/14

Breakdown of Written Complaints to the Office 2013/14

Assembly Ombudsman	278
Commissioner for Complaints	237
Health and Social Care	370
Outside Jurisdiction	87

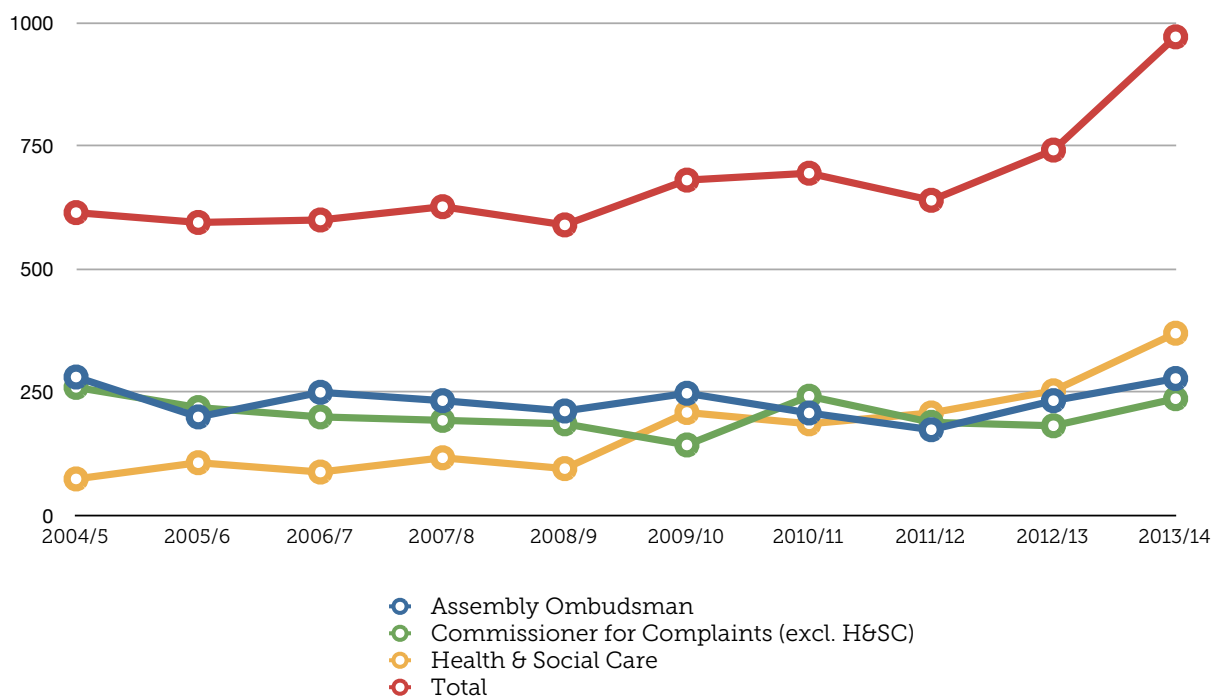
Number of Contacts 2013/14

Enquiries	1058
Written Complaints (Including Electronic Transmission)	972

Breakdown of Enquiries to the Office 2013/14

Assembly Ombudsman	67
Commissioner for Complaints	62
Health and Social Care	101
Outside Jurisdiction	828

Complaints Received 2002/03 - 2013/14



Section Two

Annual Report of the Assembly Ombudsman
for Northern Ireland



In my role as **Assembly Ombudsman** I investigate complaints of maladministration against government departments and their agencies which are referred to me by MLAs. I received a total of 278 complaints of maladministration during 2013/14, 19% more than in 2012/13. The Department which attracted most complaints was the Department of the Environment about which I received a total of 75 complaints. Of these complaints, the majority (91%) related to Planning matters. I received a total of 39 complaints about the Department of Finance and Personnel and of these the majority (92 %) related to Land and Property Services. In all, 72 of the 278 complaints I received in 2013/14 related to alleged maladministration by government agencies.

Poor Record Keeping

I continue to receive an increasing number of complaints about planning matters. This year the number received rose from 52 complaints in the previous year to 68. Complaints are mainly made by objectors and are about planning decisions and lack of enforcement. The most common area where I find maladministration relates to the adequacy of the record keeping which underpins the planning decision. These include the recording of the relevant planning considerations that were taken into account and the reasons why decisions have been reached. The failure to keep proper records hinders the ability of the planning authorities to evidence the openness and transparency of decision making and leads to a lack of confidence from complainants that their objections have been properly considered. In addition I continue to receive complaints about the failure of the Department of the Environment, Planning and Local Government Group (PLGG) to take effective or timely enforcement action; a theme which I have highlighted in previous annual reports.

Inaccurate Information in Property Certificates

During the year I reported on two linked cases which demonstrate how the failings of one government body can have a significant effect on the standard of service delivered by another body. In this case I received a complaint that the PLGG had provided the complainant with information that a road which runs past his property was adopted and therefore the responsibility for maintenance lay with the Roads

Service. It subsequently became clear that this information was inaccurate. The complainant stated that he relied on this information when he agreed to purchase the property and also that he would have to include the road on his insurance cover, the value of his property was diminished and he would have unknown costs for future road maintenance. It became clear during my investigation that the Roads Service had provided inaccurate information about the adoption of the road which was included in the property certificate provided by the PLGG. I therefore investigated the involvement of the Roads Service and made a finding of maladministration regarding its failure to provide accurate information to the PLGG. The Chief Executive (CE) of Roads Service agreed to my recommendation that he should apologise to the complainant and make a payment of £1,000. I welcome that the CE also offered to consider adopting into the public network the portion of the laneway which abuts the complainant's property. I found that the PLGG acts as a single point of contact with regard to property certificates and collates information from other sources in good faith. That body did not therefore generate the incorrect information. However I considered there should be a protocol in place whereby the body which provides inaccurate information should accept responsibility for its actions. I am pleased to note that the PLGG carried out a review of its internal processes and identified a number of changes which will lead to administrative improvements and clarity and accountability should a similar situation arise and accepted my recommendations.

Good Practice in Complaint Handling

I received an increased number of complaints about Land and Property Services (LPS) this year. Complaints are generally about the service received by members of the public in relation to the rating of their homes, delays in notification of liability for rates by LPS and accrual of rates arrears resulting from such delay. As stated in Section 1 of this report, I am pleased to record that LPS have introduced the Shortfall in Service (SIS) guidelines, which is an encouraging initiative to pro-actively effect settlement of complaints internally. While the number of complaints I received about LPS have risen, as a result of LPS's actions under the SIS process I have been able to determine 34 of 36 of the complaints received at an early stage as SIS intervention had effectively dealt with the matters complained of.

Rates Arrears

Further in this year I investigated a significant complaint against LPS. The complaint related to arrears of rates that had accrued, during the period 1 April 2004 to 12 September 2006, on entertainment premises and the actions taken by LPS to recoup those arrears. The core of the complaint was that maladministration by LPS, in the form of delays in its overall handling of this case, had caused an injustice to the company that had purchased the entertainment premises in September 2006 because warranties it obtained as part of the purchase became worthless as a result of those delays. I did not accept that this was the case. However, I identified a number of instances of maladministration characterised by delay, failure to take appropriate action, inactivity and wrong action. I considered that, as a consequence of an extended list of instances of maladministration, the complainant sustained injustice. I recommended that LPS should reinstate the decision reached at two stages of its Shortfall in Service process that 10% of the rates debt should be written-off. I also recommended that LPS should make a payment to the complainant in recognition of the injustice experienced.

I am pleased to record that the Chief Executive of LPS accepted my recommendations.

Complaints Statistics

A breakdown of the number and nature of complaints received under the Assembly Ombudsman jurisdiction is set out below. This includes a breakdown of the 'Complainant Association' of written complaints received during the year. This refers to the complainant's relationship to the service provided by the body that they are complaining about.

Statistical Information

Written Complaints Received in 2013/14

There was a total of **278** complaints received during 2013/14, 45 more than in 2012/13.

Caseload for 2013/14

Written Complaints Received	278
Number Determined at Complaint Validation Stage	241
Number Determined at Preliminary Investigation Stage	26
Number Determined at Detailed Investigation Stage	32
Number of Complaints/Investigations Ongoing at 31/03/14	43

Written Complaints Received in 2013/14 by Authority Type

Agencies of Government Departments	72
Government Departments	189
Other Bodies Within Jurisdiction	17

Written Complaints Received in 2013/14 by Complainant Association

Benefit Claimant	31
Complainant - general	101
Customer	42
Employee	23
Grant Applicant	5
Non Resident Parent	5
Parent With Care	9
Planning Applicant	11
Planning Objector	51

Recommendations in Reported and Settled Cases

Case No	Body	Subject of Complaint	Recommendation
13179	DOE Planning & Local Government Group	Complaints Handling	Apology; Payment of £400
13308	DOE Planning & Local Government Group	Policy and Procedures	Apology; Payment of £100
13309	Northern Ireland Environment Agency	Complaints Handling Delay	Apology; Payment of £500
13325	DOE Planning & Local Government Group	Policy and Procedures	Apology; Payment of £300
13326	DOE Planning & Local Government Group	Delay on Enforcement /Legal Action; Policy and Procedures	Apology; Payment of £750
13504	DOE Planning & Local Government Group	Policy and Procedures	Apology; Payment of £2,500
13524	Department of Education	Delay	Apology
13553	DOE Planning & Local Government Group	Policy and Procedures	Apology
13564	DOE Planning & Local Government Group	Complaints Handling; Policy and Procedures	Delay; Apology; Payment of £2,000
13581	Department of Finance & Personnel	Delay	Apology; Payment of £100
13730	Northern Ireland Courts & Tribunals Service	Complaints Handling; Enforcement/ Legal Action	Apology; Payment of £5,000
13791	DOE Planning & Local Government Group	Complaints Handling	Apology; Payment of £750
13810	Department of Justice	Complaints Handling	Apology; Payment of £250
13826	Department for Social Development Child Maintenance Service	Delay	Payment of £300
13903	DRD Roads Service	Complaints Handling	Apology; Payment of £1,000
13912	DOE Planning & Local Government Group	Policy and Procedures	Apology; Payment of £5,000
13942	Northern Ireland Authority for Utility Regulation	Policy and Procedures	Apology; Payment of £250
14152	Land & Property Services	Enforcement/ Legal Action	Payment of £500
14170	Land & Property Services	Policy and Procedures	Payment of £100
14221	Land & Property Services	Policy and Procedures	Action by body
14858	Northern Ireland Courts & Tribunals Service	Policy and Procedures	Action by body
201100537	DOE Planning & Local Government Group	Policy and Procedures	Apology; Payment of £450
201100918	Land & Property Services	Delay	Payment of £5,000
201101157	DOE Planning & Local Government Group	Complaints Handling; Policy and Procedures	Apology; Payment of £250
201101167	DOE Planning & Local Government Group	Complaints Handling; Policy and Procedures	Apology; Payment of £250

Detailed Statistics

Analysis of Written Complaints Received in 2013/14

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Government Departments	189	157	22	25	35
Agencies of Government Departments	72	71	3	5	3
Other Bodies Within Jurisdiction	17	13	1	2	5
Total	278	241	26	32	43

Analysis of Written Complaints against Government Departments

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
DARD	13	10	2	2	3
DCAL	6	5	1	0	1
DE	12	10	1	1	4
DEL	3	3	0	0	1
DETI	3	2	0	0	1
DFP	3	2	1	2	0
DFP (LPS)	36	27	7	2	5
DHSSPS	2	2	0	0	0
DOE	7	6	0	0	1
DOE (P&LGG)	68	57	6	17	17
DOJ	1	2	0	1	0
DRD	5	5	0	0	0
DSD	11	8	2	0	2
DSD (CMS)	17	16	2	0	0
OFMDFM	2	2	0	0	0
Total	189	157	22	25	35

Analysis of Written Complaints against Agencies of Government Departments

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Compensation Services	1	1	0	0	0
Driver & Vehicle Agency	11	10	2	0	0
General Register Office	1	1	0	0	0
Northern Ireland Environment Agency	8	7	0	1	1
Rivers Agency	2	1	0	2	1
Roads Service	16	17	1	2	0
Social Security Agency	33	34	0	0	1
Total	72	71	3	5	3

Analysis of Written Complaints Against Other Bodies Within Jurisdiction

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Northern Ireland Authority for Utility Regulation	0	0	0	1	0
Northern Ireland Courts & Tribunals Service	7	5	1	1	1
Northern Ireland Prison Service	8	6	0	0	4
Not Specified AO Body	1	1	0	0	0
Prisoner Ombudsman for Northern Ireland	1	1	0	0	0
Total	17	13	1	2	5

Cases Determined - Analysis of Issues of Complaint

	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Total
Complaints Handling	12	2	12	26
Delay	3	1	8	12
Enforcement/ Legal Action	13	2	5	20
Other	95	2	1	98
Out of Jurisdiction	3	0	0	3
Policy and Procedures	95	16	23	134
Staff Attitude and Behaviour	2	1	1	4
Total	223	24	50	297

Section Three

Annual Report of the Northern Ireland Commissioner
for Complaints (excluding complaints about Health
and Social Care)



My remit as **Commissioner of Complaints** extends to a wide range of public bodies in Northern Ireland. A significant number of complaints relate to health and social care matters. Details about these cases can be found in Section 4 of this report. Additionally, I receive complaints about local councils, the Housing Executive and registered housing associations, and the education and justice sectors.

Housing Related Complaints

Complaints about the social housing sector are wide ranging and include maintenance, arrears, housing allocation, housing benefit and antisocial behaviour. Maintenance and repairs and housing allocation are the most common areas of complaint. In my report last year I noted that complaints against Registered Housing Associations had increased by 45%, that trend has continued this year resulting in my Office receiving 57% more complaints about Housing Associations. This year the number of complaints against the Housing Executive has remained the same.

Local Government

There has been a rise this year in complaints against local councils which increased from 55 last year to 70 in the current year. As the reform of local government takes place, giving greater powers and responsibilities to Councils, this increase in dissatisfaction from citizens merits particular attention from those charged with delivering services at local level. I have also noted the increase in complaints against Craigavon Borough Council which rose from 5 last year to 13 this year. This increase is accounted for mainly by complaints from Council employees about their treatment by the Council. The increase in employment related cases is a matter which I will comment on further.

Information Issues

A recent case against Lisburn City Council highlighted the need for bodies to update information which is publicly available on websites on which members of the public rely. It also demonstrated the importance of acknowledging failings promptly and taking corrective action in a timely manner.

A dog owner complained about the handling of a dog worrying incident which resulted in his dog being put down by the Council. The dog owner complained that he was misled by the Dog Warden into thinking that he had no alternative but to sign his dog over to the Council on the day of the incident, which resulted in his dog being put down that day. He also complained about incorrect information about the relevant legislation on the Council's website which led him to believe that his dog could not be saved. Additionally he was dissatisfied about how the Council responded to his complaint on the matter. I found that the Council had failed to display the current legislation on its website. I also found that it failed to update the website promptly when it realised its error and failed to apologise to the complainant. I did not however find maladministration in how the Dog Warden handled the incident and did not uphold this element of the complaint. I recommended that the Chief Executive apologise to the complainant for the Council's failings and make a payment. I am pleased to record that the Council accepted my recommendations.

Failing to Follow Policy on Employment Related Cases

I continue to receive complaints about employment matters from staff across the public sector, complaints from employees rose from 35 last year to 49 in the current year. A recent complaint about the Business Services Organisation (BSO), an organisation established to provide support functions and specialist services to the health and social care sector, including recruitment and selection, highlighted the need for employers to establish clear policies which are communicated to staff and to act in accordance with those policies. The complaint involved a decision by the BSO not to continue with the successful employment

application of the complainant because she had previously accepted voluntary redundancy from a health and social care body under the Review of Public Administration. I found that BSO had failed to act in accordance with its policy and guidance by failing to ensure that the complainant had access to all of the relevant information to enable her to make an informed decision as to whether or not to accept voluntary redundancy including that she should have no expectation of re-employment/re-engagement within the BSO or the health and social care sector. I also found that the BSO failed to give due consideration to the full circumstances of this case before deciding that it was "unable to continue" with the complainant's employment application, also that it acted outwith the policy of the Department of Health, Social Services & Public Safety in making that decision and that it failed to keep appropriate records. I am pleased the Chief Executive accepted my recommendation that the BSO issue an apology and payment.

Complaints Statistics

The statistical information below reflects the number of complaints received in my Commissioner for Complaints role in 2013/14 and how they have been determined by my Office. As noted in Section 2, I have included a breakdown of the 'Complainant Association' of written complaints received during the year. This refers to the complainant's relationship to the service provided by the body that they are complaining about.

Statistical Information

Written Complaints Received in 2013/14

A total of **237** complaints were received during 2013/14, 55 more than in 2012/13.

Caseload for 2013/14

Written Complaints Received	237
Number Determined at Complaint Validation Stage	203
Number Determined at Preliminary Investigation Stage	19
Number Determined at Detailed Investigation Stage	10
Number of Complaints/Investigations Ongoing at 31/03/14	44

Written Complaints Received in 2013/14 by Authority Type

Education Authority	25
Health & Social Care Bodies	32
Housing Association	28
Housing Executive	59
Local Councils	70
Other Bodies Within Jurisdiction	23

Written Complaints Received in 2013/14 by Complainant Association

Benefit Claimant	4
Complainant - general	100
Employee	49
Grant Applicant	5
Job Applicant	14
Tenant	65

Recommendations in Reported and Settled Cases

Case No	Body	Subject of Complaint	Recommendation
13280	Lisburn City Council	Complaints Handling	Apology; Payment of £250
13337	Northern Ireland Social Care Council	Policy and Procedures	Apology
13435	Northern Ireland Housing Executive	Policy and Procedures	Apology
13522	Northern Ireland Housing Executive	Complaints Handling;	Apology; Payment of £300
13666	Northern Ireland Housing Executive	Policy and Procedures	Apology; Payment of £100
13752	Northern Ireland Housing Executive	Complaints Handling	Action by body
13760	Northern Ireland Police Fund	Complaints Handling	Apology; Payment of £500; Action by body
13807	Health & Social Care Business Services Organisation	Delay	Apology
13890	Northern Ireland Housing Executive	Policy and Procedures	Payment of £250
14025	Southern Education & Library Board	Policy and Procedures	Apology; Payment of £500
14048	Belfast Education & Library Board	Delay	Apology; Payment of £200
14085	Northern Ireland Housing Executive	Policy and Procedures	Payment of £250
201101019	Health & Social Care Business Services Organisation	Policy and Procedures	Apology; Payment of £6,000

Detailed Statistics

Analysis of Written Complaints Received in 2013/14

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Education Authorities	25	23	2	0	5
Health and Social Care Bodies	32	26	1	2	8
Housing Authorities	28	24	2	0	4
Housing Executive	59	54	8	4	3
Local Councils	70	58	3	1	17
Other Bodies Within Jurisdiction	23	18	3	3	7
Total	237	203	19	10	44

Analysis of Written Complaints about Education Authorities

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Belfast Education and Library Board	5	4	1	0	2
Council for Catholic Maintained Schools	1	1	0	0	0
North Eastern Education & Library Board	9	9	0	0	1
South Eastern Education & Library Board	6	6	0	0	0
Southern Education & Library Board	4	3	1	0	2
Western Education & Library Board	0	0	0	0	0
Total	25	23	2	0	5

Analysis of Written Complaints about Health and Social Care Bodies

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Belfast Health & Social Care Trust	8	6	0	0	3
Business Services Organisation	2	2	0	2	0
Northern Health & Social Care Trust	5	3	0	0	2
South Eastern Health & Social Care Trust	8	5	1	0	2
Southern Health & Social Care Trust	2	4	0	0	1
Western Health & Social Care Trust	7	6	0	0	0
Total	32	26	1	2	8

Analysis of Written Complaints about Housing Authorities

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Alpha Housing Association (NI) Ltd	0	0	0	0	0
Apex Housing	1	0	1	0	0
Clanmil Housing Association Ltd	3	4	0	0	0
Connswater Homes Ltd	2	1	0	0	1
Fold Housing Association	3	3	1	0	0
Habinteg Housing Association (Ulster) Ltd	0	0	0	0	0
Harmony Homes NI	1	1	0	0	0
HELM Housing	4	3	0	0	1

Northern Ireland Housing Executive	59	54	8	4	3
Oaklee Homes Group	8	7	0	0	1
Open Door Housing Association (NI) Ltd	0	0	0	0	0
South Ulster Housing Association Ltd	2	1	0	0	1
Trinity Housing	4	4	0	0	0
Total	87	78	10	4	7

Analysis of Written Complaints about Local Councils

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Antrim Borough Council	1	1	0	0	0
Ards Borough Council	2	1	0	0	1
Armagh City & District Council	2	2	0	0	0
Belfast City Council	3	2	0	0	1
Carrickfergus Borough Council	1	1	0	0	0
Castlereagh Borough Council	0	0	0	0	0
Coleraine Borough Council	6	4	0	0	2
Cookstown District Council	2	2	0	0	1
Craigavon Borough Council	13	12	0	0	2
Derry City Council	1	1	1	0	1
Down District Council	9	7	0	0	2

Dungannon & South Tyrone Borough Council	3	2	1	0	0
Fermanagh District Council	0	0	0	0	0
Larne Borough Council	2	1	0	0	3
Limavady Borough Council	7	5	1	0	1
Lisburn City Council	2	2	0	1	1
Magherafelt District Council	1	1	0	0	0
Moyle District Council	0	0	0	0	0
Newry & Mourne District Council	4	3	0	0	2
Newtownabbey Borough Council	9	9	0	0	0
Omagh District Council	2	2	0	0	0
Total	70	58	3	1	17

Analysis of Written Complaints about Other Bodies within Jurisdiction

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Arts Council NI	2	1	0	0	2
Equality Commission for Northern Ireland	1	1	0	1	1
Health & Safety Executive NI	1	1	1	0	0
Invest NI	0	0	0	0	0
Labour Relations Agency	2	1	0	0	1
National Museums Northern Ireland	0	0	0	0	0
Northern Ireland Commissioner for Children & Young People	0	0	0	0	0

Northern Ireland Fire and Rescue Service	8	6	0	0	2
Northern Ireland Legal Services Commission	4	3	2	0	1
Northern Ireland Medical & Dental Training Agency	1	1	0	0	0
Northern Ireland Police Fund	0	0	0	1	0
Northern Ireland Policing Board	1	1	0	0	0
Northern Ireland Social Care Council	0	0	0	1	0
Not Specified CC Body	1	1	0	0	0
Probation Board for Northern Ireland	2	2	0	0	0
Total	23	18	3	3	7

Cases Determined - Analysis of Issues of Complaint

	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Total
Complaints Handling	8	2	4	14
Delay	0	3	1	4
Enforcement/ Legal Action	6	0	0	6
Other	80	4	3	87
Out of Jurisdiction	4	2	0	6
Policy and Procedures	85	11	4	100
Total	183	22	12	217

Section Four

Annual Report for the Commissioner for Complaints
- Health and Social Care Complaints



Increase in Complaints to my Office

Health and Social Care complaints continue to increase year on year, with analysis of the complaints received this year showing a significant increase of 46% (117) compared to last year. This represents 38% of all complaints received by my Office during the period. Of the 370 health and social care cases received this year, 288 (78%) were closed at complaint validation stage, with only one of these having been determined as being outside of my jurisdiction. A large number of the complaints received, which relate to health and social care, continue to be received prematurely; that is, the complaint has not been put to the relevant health and social care body and/or fully considered by that body under the Health and Social Care (HSC) complaints procedure.

Statement of Complaint

Since the changes in the HSC complaints procedure removed the Independent Complaint Review element of the process in April 2009, complaints have doubled. Notably, in matters of health and social care, complainants often have difficulty due to vulnerability in expressing the exact issues they wish to complain of; not least on account of the complexity and sensitivity of the matters involved. It is therefore frequently necessary for contact to be made with a complainant to confirm the issues complained about and to agree a statement of complaint with them, before a decision can be made as to whether I can or should investigate further. This work, whilst necessary, can often be time consuming. Since May 2013 however, ASSIST staff have undertaken this role which has proven beneficial to the Office in enabling investigation officers to focus on those complaints already under investigation.

Clinical Care and Treatment

The overriding issue of complaint made to me in relation to health and social care during the year continues to be clinical care and treatment; which represented 50% of the overall health and social care issues determined by me throughout all stages of

the investigation process this year. I also have a jurisdiction in relation to social care and these issues accounted for 18% of the issues determined within my health and social care jurisdiction. This figure does not represent any increase in this sector from last year.

Complaints Handling

In previous reports I have taken the opportunity to highlight a number of common failures in complaints handling which I have identified in the course of my investigation of health and social care complaints. I have also reminded bodies of the need to consider a co-ordinated approach to dealing with complaints which involve more than one Trust or indeed for example a Trust and General Practice.

I would remind HSC bodies of the importance of providing complainants with specific responses which directly answer all of the issues raised within a complaint. I am concerned that, particularly in health and social care cases, complainants are being provided with inadequate and at times evasive responses by HSC bodies. These responses fail to address the specific matters the complainant has raised. Increasingly, the issues of complaint raised with me in relation to the provision of health and social care are ever more diverse and complex in nature, but in my experience complainants often simply want answers and a clear understanding of events, for instance the question often asked is, did something go wrong and if so, why? In providing an incomplete answer, I believe a body simply encourages suspicion on the part of the complainant that there is something to hide, resulting in mistrust and a breakdown in the relationship. I would urge HSC bodies to focus on providing complainants with full and complete responses, which are properly considered. The response should address all of the concerns raised, with all necessary reasons for decisions expressed in clear language so as to aid understanding. A 'complainant centred' approach will help to ensure that complainants get the answers they are seeking to all their issues of concern at source.

Poor Record Keeping

I would also like to take this opportunity to address the issue of record keeping. It has become increasingly evident to me in the course of my investigations that there is a growing culture of poor record keeping within the health and social care sector. I do appreciate the ever increasing demands being placed on healthcare professionals. However, it is essential that appropriate and accurate notes are made in relation to the care and treatment provided, medication prescribed and administered and communication which takes place with a patient and their family. Good record keeping is a requirement under both Nursing and Midwifery Council and General Medical Council guidance, and it is an essential factor in ensuring effective complaints handling should concerns arise. Accurate and contemporaneous record keeping allows for thorough independent assessment of the care provided and helps ensure transparency. Additionally it provides protection to clinicians and nursing staff involved in patient care by providing a clear picture of their actions and reasons for decisions. My investigation can be hampered by lack of records. Frequently I am unable to reach a determination or ascertain the quality of care provided due to a lack of recorded evidence. Such failure prevents the complainant from gaining the answer(s) they seek and leaves the body vulnerable to challenge. I would therefore urge all Trusts, general practitioners and independent healthcare providers to ensure that good record keeping is given prominence and invite those bodies to reinforce with all their staff the importance of clear, thorough and accessible records.

Complaints Statistics

The statistical information below reflects the number of health and social care complaints received in 2013/14 and how they have been determined by my Office. As noted in Section 2, I have included a breakdown of the 'Complainant Association' of written complaints received during the year. This refers to the complainant's relationship to the service provided by the body that they are complaining about.

Statistical Information

Caseload for 2013/14

Number of Written Complaints Received	370
Number Determined at Complaint Validation Stage	288
Number Determined at Preliminary Investigation Stage	31
Number Determined at Detailed Investigation Stage	21
Number of Complaints/Investigations Ongoing at 31/03/14	120

Written Complaints Received in 2013/14

A total of **370** complaints were received during 2013/14, 117 more than in 2012/13.

Written Complaints received in 2013/14 by Authority Type

Health & Social Care Board	4
Health & Social Care Trusts	302
Other Health & Social Care Bodies	64

Written Complaints Received in 2013/14 by Complainant Association

Complainant - general	180
Patient	149
Social Care Client	41

Recommendations in Reported and Settled Cases

Case No	Body	Subject of Complaint	Recommendation
13213	Belfast Health & Social Care Trust	Policy and Procedures	Apology
13272	South Eastern Health & Social Care Trust	Clinical Care and Treatment; Policy and Procedures	Apology
13506	Northern Health & Social Care Trust	Complaints Handling	Apology; Payment of £250
13570	Northern Health & Social Care Trust	Complaints Handling	Apology; Payment of £250
13688	Health Service Provider - GP	Complaints Handling	Apology
13719	South Eastern Health & Social Care Trust	Staff Attitude and Behaviour	Apology; Action by body
13833	Belfast Health & Social Care Trust	Complaints Handling	Apology; Payment of £250
200900682	Northern Health & Social Care Trust	Clinical Care and Treatment	Apology; Payment of £7,500; Action by body
200900716	Belfast Health & Social Care Trust	Clinical Care and Treatment	Apology; Payment of £17,500; Action by body
201000244	South Eastern Health & Social Care Trust	Clinical Care and Treatment	Apology
201001259	Belfast Health & Social Care Trust	Social Care and Treatment	Apology; Payment of £250
201100076	South Eastern Health & Social Care Trust	Clinical Care and Treatment; Complaints Handling	Apology; Payment of £2,000; Action by body
201100734	Belfast Health & Social Care Trust	Clinical Care and Treatment	Apology; Action by body
201101087	Northern Health & Social Care Trust	Clinical Care and Treatment; Complaints Handling	Apology; Payment of £500; Action by body

Detailed Statistics

Analysis of Written Complaints Received in 2013/14

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Health & Social Care Trusts	302	239	24	17	92
Health & Social Care Board	4	3	0	0	3
Other Health & Social Care Bodies	64	46	7	4	25
Total	370	288	31	21	120

Analysis of Written Complaints against Health & Social Care Board

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Health & Social Care Board	4	3	0	0	3
Total	4	3	0	0	3

Analysis of Written Complaints against Health & Social Care Trusts

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Belfast Health & Social Care Trust	80	60	6	8	29
Northern Health & Social Care Trust	52	46	6	3	11
Northern Ireland Ambulance Service Trust	7	5	1	1	2
South Eastern Health & Social Care Trust	43	31	5	5	15
South Eastern Health & Social Care Trust (Prison Healthcare)	26	25	0	0	1

Southern Health & Social Care Trust	43	29	2	0	19
Western Health & Social Care Trust	51	43	4	0	15
Total	302	239	24	17	92

Analysis of Written Complaints against Other Health and Social Care Bodies

	Number of Written Complaints Received	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Ongoing at 31/03/14
Business Services Organisation	3	3	0	0	1
Health Service Providers - GDP	7	4	1	0	3
Health Service Providers - GP	33	23	3	4	15
Health Service Providers - Optometrists	1	1	0	0	0
Health Service Providers - Pharmacists	2	1	1	0	0
Independent HSC Provider	2	2	0	0	2
Independent HSC Provider - Out of Hours GP Services	2	0	2	0	1
Independent HSC Provider - Private Nursing Home	5	4	0	0	2
Not Specified HC Body	6	5	0	0	1
Patient & Client Council	1	1	0	0	0
Regulation and Quality Improvement Authority	2	2	0	0	0
Total	64	46	7	4	25

Cases Determined - Analysis of Issues of Complaint

	Determined at Complaint Validation Stage	Determined at Preliminary Investigation Stage	Determined at Detailed Investigation Stage	Total
Clinical Care and Treatment	125	13	28	166
Complaints Handling	10	4	10	24
Delay	2	0	0	2
Other	37	4	0	41
Out of Jurisdiction	1	0	0	1
Policy and Procedures	21	4	2	27
Social Care and Treatment	51	5	4	60
Staff Attitude and Behaviour	9	2	2	13
Total	256	32	46	334

Appendix A

Principles of
Good Administration



Principles of Good Administration

[Source: Parliamentary and Health Service Ombudsman]

Good administration by public bodies means:

1. Getting it right

- Acting in accordance with the law and with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions

- Handling information properly and appropriately.
- Keeping proper and appropriate records
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

These Principles are not a checklist to be applied mechanically. Public bodies should use their judgment in applying the Principles to produce reasonable, fair and proportionate results in the circumstances. The Ombudsman will adopt a similar approach in deciding whether maladministration or service failure has occurred.

Appendix B

Selected Case Summaries

Assembly Ombudsman for Northern Ireland and
Northern Ireland Commissioner for Complaints
(including Health and Social Care Complaints)



Assembly Ombudsman for Northern Ireland – Selected Summaries of Investigations

Northern Ireland Courts & Tribunals Service – Enforcement of Judgements Office

Repossession of Property

In this case, the complainant expressed her dissatisfaction with the actions of the Enforcements of Judgements Office (EJO) in its handling of the repossession of her property. The complainant stated that EJO issued a misleading letter stating that she had until 18 November 2011 to vacate her property when the date for repossession was in fact set for 30 November 2011. She also complained that EJO took the keys to her property on 18 November 2011 when it had no authority to do so and that EJO failed to take adequate steps to notify her that the repossession had been cancelled and, therefore, return the keys of the property to her. The complainant was also unhappy with the response she received when she raised her complaint with EJO.

My investigation identified a number of issues of maladministration. In particular, EJO:

- issued a misleading letter to the complainant on 30 September 2011;
- accepted the keys to the complainant's property when it had no authority to do so;

- failed to take adequate steps to notify the complainant that the repossession of her property had been cancelled and, therefore, return the keys of the property to her; and
- failed to acknowledge its mistakes at the earliest opportunity when the complainant raised her complaint with EJO.

In terms of redress, I recommended that the Chief Executive of the Northern Ireland Courts and Tribunals Service should personally apologise to the complainant. I also recommended that a payment of £5,000 be issued to the complainant in recognition of the injustice she sustained in consequence of these failings. The injustice comprised loss of opportunity, anxiety and distress. I am pleased to record that the Chief Executive accepted all recommendations.

Department of Finance and Personnel (DFP)

Dignity at Work Grievance

This complaint related to the handling of a Dignity at Work grievance. The complainant believed he was bullied and victimised by his line management after he challenged an end of year assessment.

From the evidence available to me, I was satisfied that this complaint was processed in accordance with DFP's Dignity at Work policy. However, I considered the delay in bringing the complaint to a conclusion to have been unacceptable and represented maladministration. In terms of redress, I recommended that the Permanent Secretary should issue an apology to the complainant; together with a payment of £100 in recognition of the inconvenience he was caused. These recommendations were accepted.

Department of Finance and Personnel (DFP) – Land & Property Services

Rates arrears

This complaint related to arrears of rates that had accrued, during the period 1 April 2004 to 12 September 2006, on entertainment premises and the actions taken by LPS to recoup those arrears. The core of the complaint was that maladministration by LPS, in the form of delays in its overall handling of this case, had caused an injustice to the company that had purchased the entertainment premises in September 2006 because warranties it obtained as part of the purchase became worthless as a result of those delays.

Following the most careful consideration of this key aspect of this case, I did not accept that this was the case. In these circumstances, I concluded that the complainant had not sustained any injustice, as a consequence of maladministration by LPS, in relation to the enforcement of the terms of the Share Purchase Agreement or the associated warranties, indemnities and guarantees it obtained as part of its negotiation of the transaction.

However, as a result of my detailed investigation of this complaint, I identified a number of instances of maladministration by LPS, which was characterised by delay, failures, including failure to take appropriate action, inactivity and wrong action. I considered that, as a consequence of an extended list of instances of maladministration, the complainant sustained the injustice of frustration, disappointment, delay, annoyance and also a sense of dismay at the completely unsatisfactory administration reflected in the administrative performance of LPS in this case.

I recommended that LPS should reinstate the decision reached by panels, made up of members of its own staff, at two stages of its Shortfall in Service process that 10% of the rates debt owed by the complainant

in respect of the subject premises should be written-off. I calculated the amount to be written-off at £22,569. I also recommended that LPS should make a payment of £5,000 to the complainant in recognition of the injustice it experienced as a consequence of the maladministration in this case. I was pleased to record that the Chief Executive of LPS accepted my recommendations.

Department for Regional Development - Roads Service

Property Certificate

I received a complaint in which the complainant initially claimed to have sustained injustice as a consequence of maladministration by the Planning and Local Government Group (PLGG) of the Department of the Environment. As I result of my enquiries, I became aware of the role played by Roads Service (RS) in the circumstances which led to the complaint. Consequently, I investigated of the involvement of RS and completed a separate report on the involvement of PLGG (see next case summary).

In particular the complaint concerned the provision of information contained within a property certificate which was obtained prior to the purchase of the complainant's home, in 2006. The information when received indicated that the section of road which runs past the complainant's property was "adopted" i.e. its maintenance was the responsibility of RS. Subsequent events have shown that this information was not correct and that the road outside his home was not adopted. As a consequence the complainant stated that he now had to include the road on his insurance cover, the value of his property was diminished and he will have unknown costs in the future for road maintenance.

In my report I made a finding of maladministration in respect of a failure on the part of RS with regard to the information it provided to PLGG for inclusion in the Property Certificate in 2006. I considered this to constitute maladministration and I recommended

that the Chief Executive of RS provide the complainant with a letter of apology and a payment totalling £1,000. I also welcomed the RS offer to consider adopting into the public network the portion of the laneway which abuts the complainant's property.

Department of the Environment - Planning and Local Government Group

Property Certificate

The complainant in this case claimed to have sustained injustice as a consequence of maladministration by the Planning and Local Government Group (PLGG) within the Department of the Environment (the Department).

In particular the complainant stated that prior to the purchase of his current home in 2006; a property search was carried out by his solicitor. A fee was paid to PLGG and the information when received, in a property certificate, indicated that the section of road which runs past his property was "adopted" i.e. its maintenance was the responsibility of Roads Service. Subsequent events have shown that this information was not correct and that the road outside his home is not adopted. As a consequence the complainant stated that he now has to include the road on his insurance cover, the value of his property is diminished and he will have unknown costs in the future for road maintenance. He also claimed that if PLGG had provided accurate information at the time, i.e. that the portion of the road was not adopted, he would not have purchased the property. He considered that he has been doubly affected by the failure of PLGG in that the value of his property is diminished and that he has increased costs.

My report disclosed that the Department acts a single point of contact with regard to property certificates and that it collates information received, in good faith, from other Departments and Agencies from whom information is sought. While I acknowledged that the Department did not directly generate the erroneous

information contained within the property certificate, I considered that its failure to have a protocol in place whereby ownership of an error in the information provided in property certificates was accepted by the body which provided the information, to constitute maladministration. I considered that the Department, as the main point of contact for the public, ought not to have permitted the error to proceed unchecked.

I welcomed the Department's review of its internal processes and its recognition that the circumstances of this complaint had raised a number of questions as to its role in the production of property certificates. I believe that the review of its processes, involving, as it will, the changing of the wording on a property certificate and a specific requirement for all consultees to quality assure the information provided to the Department and for those organisations to take responsibility for the information provided, will lead to administrative improvements and some clarity and accountability should a similar situation arise in the future.

In recognition of the maladministration and injustice identified, I recommended that the Department issue a letter of apology to the complainant together with a payment of £400. I am pleased to report that the Department accepted my recommendation.

Planning Application for Detached Dwelling

This complaint was about the actions of the Planning and Local Government Group (PLGG) of the Department of the Environment (the Department) in relation to a planning application for the proposed construction of a detached dwelling on a site that was formerly the side garden of the property adjacent to the complainant's house. Planning permission for the proposed development had been granted in January 2012.

The complainant complained to me that the Department had failed to give proper consideration to the objections he raised in relation to the planning application. He was also aggrieved that the Department's

determination of the application appeared to have been informed by an inaccurate drawing and that another drawing did not accurately reflect the intended separation distance between his dwelling and the proposed development. In addition, he considered that the Department's position on the impact the proposed development would have on his dwelling had been contrary to the approach it had taken in relation to a previous planning application for the same site. The complainant further complained about the Department having provided him with inaccurate information regarding the proposal, and about its handling of the formal complaint he made to it in March 2012 about its actions.

My investigation found a number of instances of maladministration by the Department in its determination of the planning application and its subsequent handling of the related complaint the complainant had made to it subsequently. These concerned a lack of contemporaneous records to demonstrate that the Department had properly considered all the issues the complainant had raised when he had objected to the proposed development, including the issues he had highlighted regarding the submitted plans; the provision of misleading information to the complainant about the proposed development; a flawed determination concerning the impact of the proposed development on the complainant's house, relative to that of the previous proposal; an unacceptable delay in responding to the complainant's formal complaint; and unsatisfactory responses to several matters he had raised in that complaint.

I was satisfied that the Department's unacceptable record keeping meant that the complainant could not be reassured that his objections and representations had been fully considered prior to the planning application having been approved. In addition, I was satisfied the complainant had sustained the injustice of frustration, disappointment and a sense of outrage due to the unsatisfactory manner in which the Department had responded to the concerns he had raised subsequently. I recommended that, in order to remedy the injustice sustained by the complainant, the Department provide him with a written

apology and a payment of £2,000, which the Department accepted.

Handling of planning applications

This complaint concerned the actions of the Department of the Environment (the Department), Planning and Local Government Group with regard to the processing of two planning applications each seeking outline planning permission for a proposed dwelling and garage. Both applications were granted planning permission. The complainants believed that the decision to grant planning permission was based on the Area Planning Manager's (APM) direction as opposed to the collective decision of planning officers at an internal group meeting, which, they said, was the manner by which a decision should be taken.

My investigation revealed that there was a planning application submitted for the site adjacent to the complainants' property in November 2004 which was withdrawn in November 2005. A second application, for a two storey dwelling, was submitted in February 2006 and, following a number of recommendations for refusal, was approved in January 2008. Two further applications, which were the subject of the complaint, each seeking outline planning permission for a dwelling and a garage on adjacent sites, involved dividing the application site previously approved in January 2008 for a two storey dwelling to achieve two building plots. Both applications were granted planning permission.

My investigation revealed that there had been an original recommendation to refuse planning permission for both applications which was later overturned and planning permission granted. The evidence showed that the APM did neither direct nor have the final say as to whether or not the planning applications should be recommended for approval or refusal. I found that the original recommendation to refuse and the final recommendation to approve the applications were corporate decisions made by the Developmental Management Group which is in line with custom and practice. I found that the change in opinion from refusal to approval was due to a misinterpretation

and application of the relevant policy which, when highlighted by the APM, led to the reconsideration of the applications. I did, however, criticise the Department for inadequate record keeping which I found to constitute maladministration and recommended that the Acting Chief Planner issue a letter of apology to the complainants for any confusion this may have caused.

Overall, the information made available to me did not suggest any improper consideration on the part of the Department in its handling of the planning applications. In the circumstances I had no reason to challenge the final decision to grant approval for both applications.

Department of the Environment - Northern Ireland Environment Agency

Inadequate enforcement action.

In this case the complainant claimed that the Northern Ireland Environment Agency (NIEA) failed to take appropriate enforcement action against his neighbour following a pollution incident on the complainant's property. He informed me that he first brought the matter to the attention of Banbridge District Council (the Council) in May 2008. The Council reported the alleged pollution incident to NIEA in May 2008. Over a period of four years, the complainant made numerous written enquiries of NIEA regarding the action it was taking to address the problem. The complainant complained that NIEA failed to take appropriate enforcement action over this four year period. He also complained that he was given contradictory and false statements in relation to the revoking of his Discharge Consent. In addition the complainant complained that NIEA's complaints handling procedure was entirely ineffective and that NIEA failed to acknowledge and respond to various letters he had submitted in relation to the issues with the septic tank on his property.

Having investigated the complaint I found numerous instances of maladministration on the part of NIEA. These include that NIEA failed to take effective enforcement action over a period of four years as a consequence of inadequate knowledge of its own legislation and policy; that it failed to effectively document its consideration of decisions taken in relation to enforcement action over a period of four years; that it failed to use powers at its disposal to reduce the time taken to deal with the enforcement action taken; that it failed to acknowledge and respond to correspondence in accordance with its Customer Charter; and that it failed to handle the complaint in accordance with its Complaints Procedures. However, I found no evidence of maladministration in relation to the revoking of the complainant's Discharge Consent and I did not uphold this element of the complaint.

I recommended that the Chief Executive of NIEA provide a written apology and a payment of £500 as redress for the injustice caused directly to the complainant by the failures I have identified. The NIEA have accepted my findings and recommendations.

Department of Agriculture & Rural Development

Suction Dredge Fishery

In this case the complaint related to the actions of the Department of Agriculture and Rural Development (DARD) regarding a decision in 2009 to extend a Pilot Suction Dredge Fishery for Cockles scheme to additional fishermen. The complaint was also about the lack of monitoring of the scheme and subsequent decision by DARD not to renew the permits to continue with the cockle fishery in 2010. Furthermore, the complainant claimed that as a result of the actions of DARD, the opportunity for a properly managed, sustainable, job creating fishing business was lost.

In order to investigate this complaint, I considered and examined a large volume of evidence that was provided by the complainant, the DARD Agricultural &

Rural Development Committee and AFBI (Agri-Food and Bio Sciences Institute). I conducted a detailed analysis of the legislation that was applied to the pilot fishery, I scrutinised the scientific research and observations and I examined the monitoring procedures which DARD applied to the pilot project.

In the course of my investigation I did not identify any evidence of maladministration on the part of DARD and was therefore unable to uphold this complaint.

However, it was clear to me that both the Complainant and DARD were committed to the Fishing Industry and would want to see a thriving and manageable commercial cockle industry being delivered in the future.

Flooding - Rivers Agency

This case concerned the actions of DARD's Rivers Agency (the Agency) with regard to flooding of the complainant's land.

My investigation revealed that the Agency's statutory remit is confined to the protection of watercourses, both designated and undesignated, and to ensure that the efficiency of a watercourse is not impaired. In the absence of any evidence to suggest that the drainage function of a watercourse has been impaired, the Agency cannot intervene. The Agency therefore has no responsibility for private drainage or overland flow.

The complainant explained that the Agency had stated on a number of occasions that as a riparian landowner he had responsibility to maintain and ensure free flow through his property along the western boundary. He said that this was despite there never having been any flow into, through or out of that location and no such record existing on either the Agency's statutory maps or Land Registry records. My consideration of this element of the complaint focused on the process by which that decision was reached. I found that the Agency had consistently maintained that an undesignated watercourse existed along the western boundary between the complainant's property and his neighbour. Based on the evidence I had before me,

I found that the Agency had made an informed and reasonable decision. I could not say that the Agency had acted unreasonably nor had I identified evidence of maladministration in the taking of what is a discretionary decision. In the circumstances, I had no grounds to challenge the Agency's judgement on this occasion.

The complainant also alleged that the Agency had failed to request a Drainage Assessment. I learnt that Drainage Assessments form part of the planning process in considering proposals for future development. If consulted during the processing of a planning application, the Agency can recommend that a Drainage Assessment be completed by the applicant in order to aid consideration of the proposal. However, the Agency has no authority to request a Drainage Assessment from a landowner nor has it control of development of a site. In the circumstances, I did not uphold this element of the complaint.

The complainant asked why the Agency did not require his neighbour to apply for written consent for the discharge of additional flow into the watercourse. I found that it is only in a situation where a watercourse is rendered less effective for drainage purposes that the legislation would require action by the Agency such as requiring an application for consent to discharge to the watercourse. In this instance, no evidence had been found of any contravention of the legislation and, as such, there was no requirement for an application for consent to discharge.

I did not uphold further allegations that the Agency did not fulfil its statutory responsibilities nor that it had ignored its responsibility. I found no evidence to support a claim of bullying and intimidation by the Agency or that the Agency's approach had been unreasonable. Overall, I found no evidence of maladministration in any aspect of the complaint on the part of the Agency.

Department of Culture, Arts and Leisure

Conduct of Fisheries Protection Officers

In this case the complainant had invoked the complaints procedure of the Department of Culture, Arts and Leisure (DCAL) and remained dissatisfied with DCAL's handling of the complaint.

I found that DCAL's complaints procedure consisted of two stages. Under stage one, the complainant's solicitor submitted a formal complaint on his behalf which contained various allegations concerning what the complainant believed was inappropriate/unprofessional behaviour on the part of Fisheries Protection Officers which had resulted in criminal proceedings against the complainant. The complaint was passed to the appropriate business area for investigation. Following investigation, which included interviewing the officers who were the subject of the complaint and viewing CCTV footage supplied by the complainant, it was concluded that there was no evidence of inappropriate or unprofessional behaviour on the part of the three officers concerned and the complaint was not upheld.

The complainant's solicitor invoked the second stage of the complaints procedure which required a review of the complaint by the Permanent Secretary (PS) of DCAL. The evidence showed that the PS was provided with and reviewed all documentation in relation to the complaint, including the CCTV footage. The PS agreed with the original decision not to uphold the complaint.

Overall, I was satisfied that the complainant was taken seriously and his allegations fully explored. I concluded that DCAL had taken account of all relevant facts and had made a reasonable and informed decision. I found no evidence of maladministration with regard to DCAL's actions in response to the complaint.

Northern Ireland Commissioner for Complaints – Selected Summaries of Investigations

Health and Social Care - Business Services Organisation

Recruitment

The complainant in this case was dissatisfied that, although informed by the Business Services Organisation (BSO) on 7 March 2011 that, in response to an employment application, the complainant had been selected for appointment to a post within that organisation, the BSO subsequently decided that it was unable to continue with her application. This was because she had accepted voluntary redundancy, under the Review of Public Administration from a post she had earlier held and from which she had accepted voluntary redundancy. The complainant was shocked and distressed by this decision because she had not been given any indication before applying for and accepting voluntary redundancy that she would be prohibited from gaining further employment either within the BSO or elsewhere within the Health and Social Care (HSC) sector.

Having investigated this complaint, I found maladministration by the BSO in a number of respects, in particular the following:-

- It failed to act in accordance with its policy and guidance by failing (a) to ensure that the complainant had access to all of the relevant information to enable her to make an informed decision as to whether or not to accept voluntary redundancy from the BSO and (b) to inform the complainant, if considered appropriate, that, following

her voluntary redundancy, she should have no expectation of re-employment/re-engagement within the BSO or the HSC sector.

- It failed to give due consideration to the full circumstances of this case before deciding that it was “unable to continue” with the complainant’s employment application, also that it acted outwith the policy of the Department of Health, Social Services & Public Safety in making that decision.
- It failed in this case to be open and accountable by keeping proper and appropriate records of telephone conversations and discussions.

I had no doubt that as a result of maladministration by the BSO the complainant experienced the injustice of an inability to make a fully informed decision as to whether or not she should apply for and accept voluntary redundancy, shock and distress, anger, a deep sense of disappointment and a loss of opportunity at the decision by the BSO, in March 2011, not to continue with her employment application. In addition, I considered that the complainant had experienced the injustice of annoyance, inconvenience and frustration and a certain degree of confusion.

By way of appropriate redress for the identified injustice I recommended that the complainant should receive a written apology from the Chief Executive (CE) of the BSO, along with a payment of the sum of £6,000 from the BSO. I am pleased to record that the CE accepted my recommendations.

Lisburn City Council

Handling of a dog worrying incident.

The complainant in this case complained about the actions of Lisburn City Council (the Council) in relation to the manner in which it handled a dog worrying incident which resulted in his dog having to be put down. He complained that following the incident the Dog Warden led him to believe that he had no option other than to sign

his dog over as an “unwanted dog” which resulted in his dog being put down on the day of the incident. The complainant also complained that the Council had published incorrect and outdated legislation on its website which led him to believe that the courts were powerless to save a dog where livestock had been killed. He also complained that the Council’s response to his written complaints was inadequate and it also failed to update its website immediately in response to his complaint.

In the course of my investigation I found evidence of maladministration on the part of the Council. This included the Council’s failure to display on its website the current legislation, its failure to apologise to the complainant when it realised its error and its failure to act promptly to update the website with the current legislation. However, I found no evidence of maladministration by the Council in relation to how the Dog Warden handled the incident and I did not uphold this element of the complaint.

By way of redress for the frustration, annoyance and uncertainty experienced by the complainant as a result of the Council’s failings, I recommended that the Chief Executive of the Council should write a letter of apology to the complainant and make a payment of £250 to him for the injustice caused directly to him by the failings I identified. The Council accepted my findings and recommendations.

Northern Ireland Housing Executive

Handling of request for a temporary transfer

The complainant in this case was a tenant of the Northern Ireland Housing Executive (NIHE). The complaint concerned the handling of a request that the complainant had made to the NIHE for a temporary transfer out of his flat while some improvement works were being completed there. The complainant, who was a nightshift worker, had found the works to be noisy and disruptive, causing him to be unable to sleep in his home during the day.

The complainant complained to me about the NIHE’s decision not to grant his request for a temporary transfer and about the manner in which it later handled a complaint he made to it about that decision.

In relation to the first issue of complaint, my investigation examined the administrative process by which the NIHE had taken the discretionary decision not to transfer the complainant. I found that the NIHE had failed to keep proper records of its decision, including records to demonstrate that it had given full consideration to the complainant’s particular circumstances. My examination of the second issue of complaint found that the NIHE’s handling of the complaint had been unfair and inconsistent.

In order to remedy the injustice sustained by the complainant as a result of the failings I recommended that the NIHE provide him with a written apology and a payment of £300. I am pleased to record that the NIHE accepted my findings and recommendation.

Damage to home by bonfire on NIHE land

The complainant in this case was dissatisfied with the failure of the NIHE to attempt to stop, or have moved to a more suitable location, a bonfire which takes place on 11th July each year close to his home, on land that is owned by the NIHE. The complainant, an owner occupier, referred to a Public Liability claim he had submitted to the NIHE in respect of damage caused to his home in July 2011 by the heat from the bonfire, which had subsequently been rejected. The complainant said that a local Councillor, on his behalf, arranged a meeting with the NIHE, which took place in May 2012, and up until then the NIHE had taken no action to resolve the matter.

My investigation established that the NIHE adopts a neutral stance in relation to all cultural traditions and that it will work with the local community to provide solutions which are locally acceptable and therefore workable. My investigation further established that the NIHE’s policy

on managing bonfires located on land that it owns involves the removal of bonfire material if serious concern is raised by residents, elected representatives and the PSNI. In such circumstances, the Executive will try to act only in those cases in which it has the full agreement of the elected representatives, the local community, the local Council and the PSNI. The PSNI will also offer advice on the implications of the removal of bonfire material and the safety of the NIHE's staff and its contractors, and they are required to be present in the course of any attempted removal of bonfire material.

My investigation further established that the NIHE was unaware, prior to May 2012, of the complainant's difficulties with the bonfire concerned. My investigation ascertained that responsibility for bonfire management, under the Good Relations Strategy, rests with the Good Relations Officers in each local Council who have a duty to examine bonfire issues. My investigation also ascertained that the NIHE, as an organisation, is working beyond its remit in facilitating bonfire forums, however, when bonfires are on land which it owns the NIHE is willing to facilitate multi-agency discussions. The NIHE informed me of its proposal that discussion about the bonfire concerned should be introduced to the multi-agency Bonfire Forum at the earliest possible date.

The legislation that governs my role does not authorise or require me to question the merits of a discretionary decision which a body is empowered to make unless there is evidence of maladministration in reaching the decision or I consider the decision to be so unreasonable that no reasonable person would make it. The NIHE's decision that it is unable to prevent or stop a bonfire is an example of a discretionary decision.

In the course of this investigation, it emerged that the NIHE had failed to inform the complainant of his right to have its decision concerning the Public Liability Claim he submitted reviewed. I asked the Chief Executive (CE) of the NIHE to arrange for such a review to be undertaken and to inform the complainant of the outcome as quickly as possible. Also, I asked the CE, who had acknowledged this omission and who had offered his apology, to issue a written apology to the complainant for the NIHE's failure to provide all of the information it should have in order to enable the complainant to make a fully informed decision on how he wished to proceed in relation to his Public Liability claim. I was pleased to record that the CE agreed to my requests.

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

Belfast Health and Social Care Trust

Clinical care in relation to knee injury

This case concerned the actions of the Belfast Health and Social Care Trust (the Trust) in relation to the care and treatment it had provided to the complainant. The complainant had been referred to the Trust for an orthopaedic outpatient assessment following a knee injury he had sustained. The outcome of the assessment was the complainant's name was put on the waiting list for routine knee replacement surgery. He was informed that he would have to wait approximately six months for his operation. Feeling unable to wait this length of time, the complainant opted to have the surgery undertaken privately.

The complainant complained to me about the standard of his outpatient assessment. He was of the view that the severity of his condition had not been properly assessed and that this had resulted in him being listed for routine, rather than urgent surgery. He was also aggrieved about how the Trust had dealt with the complaint he later made to it about its actions.

My investigation, which had regard to clinical advice I obtained from my independent professional advisor found no evidence of maladministration by the Trust in relation to the complainant's outpatient assessment, or the related decision that he

should have routine, rather than urgent, surgery. Consequently, I did not uphold this aspect of the complaint.

However, I concluded that some aspects of the Trust's handling of his complaint were unsatisfactory. These were that it had delayed unreasonably in providing a substantive response to all the issues the complainant had raised. I considered this constituted maladministration, which caused the complainant to sustain an injustice. By way of remedy for this injustice, I recommended that the Trust provide a written apology and a payment of £250 to the complainant. I am pleased to record that the Trust accepted my findings and recommendations.

Actions of Social Services in response to child protection concerns

The complainant in this case considered that the Belfast Health and Social Care Trust (the Trust) had failed to respond appropriately to concerns he had reported to it that his two youngest children were being emotionally abused by other members of the family. He also considered that the Trust had failed to take appropriate action when it had become aware of a physical altercation that had taken place in the family home between one of the younger children and an older sibling.

I upheld the complaint, having concluded that there had been numerous instances of maladministration by the Trust in how it had responded to the concerns the complainant had reported to it and the subsequent incident that had taken place. These failings included that the Trust had not adhered to child protection standards and procedures; it had not met specific undertakings given to the children; and it had not provided adequate support to the family. I also concluded that the Trust's record keeping, in relation to its discussions, assessments and decisions concerning the family, was inadequate.

By way of redress for the injustice sustained by the complainant as a consequence of this maladministration, I recommended that the Trust provide him with a written apology and a payment of £250. I also

recommended that the Trust give careful consideration to the detailed advice my Independent Social Work Advisor had provided to me during the course of my investigation. That advice addressed further poor practice by the Trust during a period outside the remit of my investigation but I considered it essential that the Trust also learned lessons from those failings and that it took appropriate action to ensure they were addressed.

I am pleased to say that the Trust accepted my findings and recommendations.

Care and Treatment – Royal Victoria Hospital

The complainant in this case submitted his complaint to me in October 2011. He asked me to investigate a complaint about the actions of the Belfast Health and Social Care Trust (the Trust). The complaint related to the care and treatment provided to his late son in the Royal Victoria Hospital (RVH) prior to his death on 26 March 2010.

Details of the complaint were sent to the Chief Executive (CE) of the Trust. I requested and reviewed all of the documentation relating to the Trust's handling of the complaint and the complainant's son's hospital medical records in relation to the care and treatment provided to him in the RVH in February and March 2010. My Director of Investigations and Investigating Officer also interviewed eight members of the Trust's clinical staff who were involved in the complainant's son's care on 25 and 26 March 2010. In addition, to assist in my consideration of this case, I had the benefit of detailed advice from three Independent Professional Advisors (IPAs).

I carefully examined the evidence including the advice received from my IPAs. I identified 7 key issues; 5 of which I upheld and 2 of which I did not uphold.

I recommended that the Trust provide the complainant with a full written apology for the failings in care and treatment and in record keeping I identified and adopt a number of procedural changes. In addition I asked the Trust to provide me with a number of policies, which it subsequently did.

Care and Treatment – Belfast City Hospital

This complaint related to the care and treatment provided to the complainant's late mother, by staff at Belfast City Hospital, during an admission from April 2011 to December 2011.

Additionally the complainant claimed that: her late mother was inappropriately discharged to a nursing home on 8 December 2011; communication by staff with herself and her siblings about her mother's treatment was poor; and the Trust failed to properly deal with or fully respond to her complaint.

In conducting this investigation I considered the medical records and complaints documentation made available to me by the Trust and received advice from 2 of my Independent Professional Advisors (IPAs): a Consultant Nephrologist (Kidney Specialist) & General Physician with 26 years experience, including Emergency General medicine and Acute medicine; and a Consultant General Surgeon with many years experience in the management of diverticular disease with abscess formation and the care of elderly surgical patients.

I did not uphold the complaint. As a result of my consideration of the complaint, I concluded that the patient was in fact appropriately cared for by staff at BCH, throughout her admission, and that she was suitably discharged to a Nursing Home, which was best placed to provide the necessary care for her ongoing needs. Furthermore, I determined that staff, and in particular the Lead Physician, ensured that the complainant and her siblings were kept updated on all aspects of their mother's care throughout her in-patient stay and that the Complaints Department was hampered in its attempts to provide the complainant with thorough and appropriate responses, due to the overwhelming volume of correspondence she had submitted to it.

Health Service Provider – GP

Care and Treatment

The concerns raised with me by the complainant related to the care and treatment that was provided to his late son by his general practitioner.

He complained to me his son had attended the medical practice (the Practice) in relation to a lump he had developed on his lower back/right hip. Specifically the complainant was aggrieved that the Practice failed to arrange for blood tests to be undertaken, which my complainant considers may have resulted in an earlier diagnosis of his son's condition. Furthermore he claimed that the Practice ignored the increasing size of the lump, which in his view delayed the diagnosis. The complainant further complained to me about the Practice's response to the complaint he made (under the Health and Social Care (HSC) Complaints Procedure, 2009) about its actions. He considers that the Practice's written response to his complaint did not provide a full account of all the consultations his son had regarding the lump on his back.

My investigation took account of clinical advice I obtained from my Independent Professional Adviser (IPA), a General Practitioner with more than twenty years experience, who found no evidence of maladministration by the Practice in relation to the clinical care and treatment it had provided to the complainant's son. The clinical advice I obtained evidenced that although the Practice's diagnosis of his son's condition proved ultimately to be inaccurate, the diagnosis it made was a reasonable one in the circumstances that existed at the time, and the related care and treatment that the Practice provided to him was appropriate. Furthermore, my investigation found no evidence to substantiate my complainant's contention that his son attended more consultations at the Practice than were recorded in the Practice's written response to his complaint about its actions. Consequently, I did not uphold either element of the complaint made to me.

Appendix C

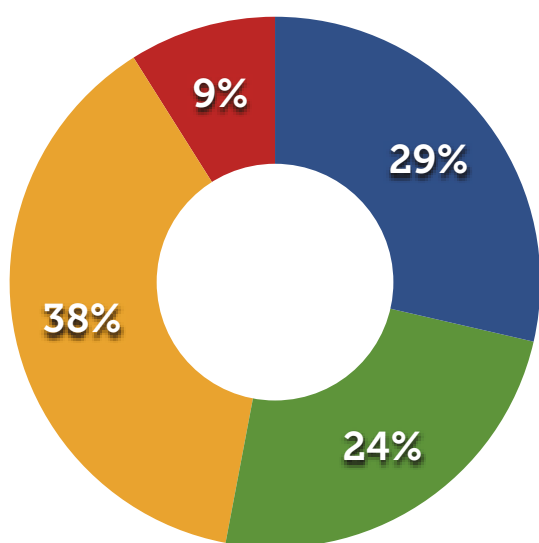
Key Operational
Performance Indicators



Key Operational Performance Indicators

During 2013/14, of the 972 (742, 2012-13) written complaints received, 278 were against bodies within the Ombudsman's jurisdiction as Assembly Ombudsman and 607 were against bodies within the Ombudsman's jurisdiction as Commissioner for Complaints. In addition there were 87 written complaints which were outside the Ombudsman's jurisdiction. Of the 607 Commissioner for Complaints' cases, 370 were against Health and Social Care (HSC) bodies and 237 were against other Public Bodies.

Breakdown of written Complaints to the Office 2013-14



- Assembly Ombudsman
- Commissioner for Complaints
- Health & Social Care
- Outside Jurisdiction

During the year the Assembly Ombudsman reported on 169 issues of complaint. In 79 (47%) of these issues the complaint was upheld. In 90 (53%) of the issues no maladministration was found, however, in 10 of these cases the Ombudsman was critical of the body complained of.

Agreed settlements between the complainant and the body complained of were achieved in 14 cases.

Accountability for our performance against the plans and targets that we set is a fundamental principle of the Office. These performance targets focus on the time taken to complete our investigations. Qualitative assessments are completed through established internal procedures. The Office's performance against these targets is detailed below.

- **Key Performance indicator (KPI) 1:**
Measures how quickly we establish whether the complaint meets the legislative requirements. We aim to inform the complainant within two weeks or less of that decision. The target is 90%;

KPI 1 was met in 80% of cases. Average number of days taken was 10.

- **KPI2:**
Measures how quickly we establish whether the complaint should be accepted for investigation by this office. We aim to inform complainants of this decision within six weeks or less. The target is 90%;

KPI 2 was met in 72% of cases. Average number of days taken was 39.

- **KPI 3:**
Measures the time taken to complete our initial investigation of a complaint and identify if a determination can be made. We aim to inform complainants of this decision within 20 weeks or less. The target is 85%;

KPI 3 was met in 57% of cases. Average number of days taken was 162.

- **KPI 4:**
Measures the time taken to complete a detailed investigation and production of a draft report in cases which we accept for investigation. We aim to complete 80% of cases within 52 weeks or less.

KPI 4 was met in 62.5% of cases. Average number of days taken was 368.

During 2013/14 I decided to create a separate category of investigations for complex cases. These are mainly, but not exclusively, health cases that are identified by Directors as meeting agreed criteria of complexity and systemic impact. The decision to classify an investigation as a 'complex case' is a matter for me to decide. In the reporting year ten investigations were reclassified to the category of 'complex case'. These cases are removed from KPI 4 as a result of their reclassification.

As already indicated, 2013-14 has proven to be a very challenging year for my Office in terms of delivering our core business of investigating complaints. In May 2013 we significantly changed the way in which we process our complaints with the introduction of the front of office or ASSIST team. From that date all new complaints received were screened to ascertain if they met the legislative requirements for acceptance by AOCC and then an initial assessment carried out to determine if the complaint warranted investigation. This was also a period of high staff turnover during which 50% of our Investigating Officers returned to their employing authorities and two competitive trawls were conducted to recruit replacement staff. ASSIST and the Investigation Teams were therefore under-resourced for most of the year and there is a lead in time before new staff are productive. Although the percentage target times were not achieved in relation to the KPIs the average time taken to process KPI 1 and KPI 2 was within the time limit set while KPI 3 and KPI 4 were marginally outside the time limits. Following a recent internal audit report a review of KPIs has now been completed with new targets agreed for 2014-15.

Appendix D

Financial
Summary



Financial Summary 2013/14

The Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints (AOCC) full Resource Accounts 2013-14 will be laid before the Northern Ireland Assembly in July 2014 and will be available on our website at www.ni-ombudsman.org.uk.

Summary Financial Statements for the year ended 31 March 2014

The following Financial Statements are a summary of the information extracted from the AOCC's full annual Resource Accounts for 2013-14. The full annual Resource Accounts and auditors report should be consulted for further information.

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

Financial Review

The Office set four financial management targets. The performance against each was as follows:

- **KPI 5:**
We will not exceed the total Net Total Resource expenditure for the year authorised by the Northern Ireland Assembly as detailed in the 2013-14 Spring Supplementary Estimate, limiting any underspend to less than 2%;

The Net Total Resource allocated to the Office for 2013-14 was £1.991 million. The actual net resource outturn equalled £1.919 million. Therefore, the actual amount of resource required was £72k less than the Estimate. This represented an underspend of 3.6% (3.8% in 2012-13)

- **KPI 6:**
We will not exceed the capital expenditure for the year authorised by the Northern Ireland Assembly as

detailed in the 2013-14 Spring Supplementary Estimate, limiting any underspend to less than 2%;

Actual capital expenditure amounted to £10k, which was equal to the estimated figure.

- **KPI 7:**
In supporting the work of the Office, the total of cash utilised within the year will not exceed the Net Cash Requirement limit authorised by the Northern Ireland Assembly as detailed in the 2013-14 Spring Supplementary Estimate;

The Net Cash allocation for the Office for 2013-14 was £1.949 million. The actual Net Cash requirement was £1.903 million, an underspend of £46k (2.4%) (3.9% in 2012-13).

- **KPI 8:**
We will pay 99% of correctly presented supplier invoices within 10 days of receipt.

Payment was made within 10 days of receipt of a correctly presented supplier invoice in 98% of payments (99% in 2012-13).

The result against KPI 5 and KPI 7 has been directly affected by:

- The successful defence of one legal challenge, which resulted in a reduction against legal expenditure forecast. This reduction equalled £15k, 21% of the total underspend.
- There was a reduction in expenditure against that forecast for the establishment of the local government ethical standards function due to delays in the process and formulation of the primary legislation, matters outside the control of the AOCC. These delays resulted in an underspend against that forecast of £28k, 39% of the total underspend.

Summary of Resource Outturn 2013-14

	2013-14 £000			Outturn				2012-13 £000
	Estimate							Outturn
Request for Resources	Gross Expenditure	AR	Net Total	Gross Expenditure	AR	Net Total	Net Total outturn compared with Estimate: savings/(excess)	Net Total
A	1,991	-	1,991	1,919	-	1,919	72	1,510
Total resources	1,991	-	1,991	1,919	-	1,919	72	1,510
Non-operating cost AR	-	-	-	-	-	-	-	-

Net cash requirements 2013-14

	2013-14 £000		2012-13 £000
	Estimate	Outturn	Net Total outturn compared with Estimate: savings/(excess)
Net Cash Requirement	1,949	1,903	46
			1,456

Statement of Comprehensive Net Expenditure for the year ended 31 March 2014

	2013-14 £000				Restated 2012-13 £000
	Staff Costs	Other Costs	Income	Total	
Administration Costs (Request for resources A)					
Staff Costs	1,193	-	-	1,193	1,046
Other administration costs	-	886	-	886	640
Operating income	-	-	(1)	(1)	(1)
Totals	1,193	886	(1)	2,078	1,685
Net Operating Costs				2,078	1,685

Statement of Financial Position as at 31 March 2014

	2014 £000	2013 £000
Non-current assets		
Property, plant and equipment	22	23
Intangible assets	47	76
Total non-current assets	69	99
Current assets		
Inventories	-	-
Trade and other receivables	109	60
Cash and cash equivalents	18	27
Total current assets	127	87
Total assets	196	186
Current liabilities		
Trade and other payables	(74)	(59)
Total current liabilities	(74)	(59)
Non-current assets plus/less net current assets/liabilities	122	127
Non-current liabilities		
Provisions	-	-
Total non-current liabilities	-	-
Assets less liabilities	122	127
Taxpayers' equity:		
General fund	109	117
Revaluation reserve	13	10
Total taxpayers' equity	122	127

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 his 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 available: in large print form; and as an audio cassette. 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.



Ombudsman Northern Ireland

Northern Ireland Ombudsman

Distributed by and available from:

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