



International Ombudsman Institute
Institut Internacional de l'Ombudsman
Instituto Internacional del Ombudsman

OWN INITIATIVE INVESTIGATIONS

Introduction

Ombudsman investigations are usually commenced as a result of a complaint alleging maladministration which has or may have adversely affected a person. “Own initiative” investigations enable an Ombudsman to commence an investigation without having received a specific complaint¹. Many Ombudsman offices also conduct systemic investigations, which look at the root causes that give rise to a significant number of individual complaints. Most, though not all, “own initiative” investigations also have a systemic component. Likewise, some systemic investigations are not conducted on behalf of a specific (or individual) complainant but rather look at the issues that the complaint raises.

The power to conduct an “own initiative” investigation is now a characteristic of the majority of Ombudsman schemes. However, the use of this power varies considerably between Ombudsman schemes. Within some jurisdictions it is used quite frequently, while in others, and perhaps depending on the structure of the institution and resources, it is used far less often and considered a power required only for “special” situations.

For the purposes of this paper we are using the term “own initiative” **to describe any fairly large scale Ombudsman investigation**, particularly an investigation that has a systemic component. This is regardless as to whether the investigation was triggered based on the presence or absence of an existing complaint or complaints. The approaches and methodologies we discuss below are applicable in both cases. In addition, while this paper does not consider smaller scale “own initiative” investigations such as the extension of the scope of an investigation of a specific complaint or the investigation of an isolated anonymous complaint, many of the principles discussed in this paper would also be applicable to these type of investigations.

¹ There are other terms used across the globe to describe this type of investigation – for example, own motion investigations, suo moto (or sui moto), direct investigation, national inquiry. For the purposes of this paper, the term “investigation” is used to refer to all.

The value (and challenges) of an “own initiative” investigation

While the power to undertake “own initiative” investigations may be used sparingly in some jurisdictions, it can nevertheless be indispensable. For example, it can allow for an early response to issues of concern (and before they escalate) while also enabling problematic issues across a particular sector to be addressed in a single investigation. In other words, rather than just having a solely reactive role in investigating individual complaints, it can enable the Ombudsman to be more proactive in remedying underlying faults and preventing possible future complaints.

“Own initiative” investigations can also allow the Ombudsman to bring attention to significant matters of public interest. They can demonstrate that an Ombudsman’s Office has real value and show that the work it does leads to tangible improvements to people’s lives. They can also be a useful tool to generate discussion on policy and legislative issues. For example, in Hong Kong, an Ombudsman investigation into the access to information regime and public records management generated much public discussion on the need for a freedom of information law.

Perhaps most importantly, as the power to commence an “own initiative” investigation does not rely on getting specific complaints on an issue, this can enable the Ombudsman to shine some light on issues affecting those less likely to complain, unable to complain or those from “seldom heard” groups.

There are numerous examples from across the IOI where “own initiative” investigations have achieved all of these goals. We have referred to just some of them in this paper.

While the value of undertaking an “own initiative” investigation is clear, such investigations are nevertheless not without some challenges. As an “own initiative” investigation is usually very resource- intensive, it is important at the outset to consider how to balance this work with the other work of the Office and, in particular, the examination of individual complaints. An “own initiative” investigation should never serve to detract from the Ombudsman’s role in remedying individual complaints.

How to choose a topic

The most common source when deciding on a topic for an “own initiative” investigation is information contained in the media. Another popular source is if the topic is in the public interest (for example, if the Ombudsman has received a number of similar complaints in the past or reports from NGOs). Some Offices may also receive information from other bodies with knowledge of the sector or look to their own staff to suggest topics – for example, if there is a common theme running through a number of complaints. On occasion, a single complaint or incident may indicate a systemic issue and trigger an investigation.

These investigations can be very resource and time intensive. According to a survey conducted by the IOI in 2014, the length of time, on average, it takes to complete an “own initiative” investigation varies considerably between institutions. However, in the majority of cases, it takes, on average, six months to complete an investigation. How long the investigation takes generally depends on two factors - the breadth of the issue(s) being investigated and the resources applied to the investigation. It is therefore important to choose a topic with some care.

One possible way of doing this (and in order to decide whether a topic is suitable for an “own initiative” investigation) is to use a decision framework outlining the rationale and evidential basis for an investigation. Issues to be considered and addressed as part of this framework could include the following:

- 1) Is the Ombudsman’s jurisdiction to investigate clear? Are there jurisdictional limitations which may affect an investigation?
- 2) Is there potential to reach a resolution without the need for an investigation?
- 3) Is the issue to be investigated such that an investigation could result in significant recommendations for change?
- 4) How many complaints has the Ombudsman received about a given issue and do they reveal a pattern or trend?
- 5) Are there any apparent systemic implications?
- 6) Is more than one agency involved?
- 7) Has the issue been or is it likely to be investigated by another body? If yes, is it likely that the Ombudsman can contribute any further or add strategic value?
- 8) Are a large number of individuals potentially affected?
- 9) Is the issue a matter of significant public concern? For example, has it been debated in the legislature, attracted media attention or been the subject of public discussion?

10) Does the issue raise human rights considerations?

11) Are there any compelling circumstances? For example, is the issue so egregious that an investigation is necessary, or that it would be unconscionable to wait for any existing resolution mechanisms to run their course?

It may be useful to publish the decision framework on the Office's website along with a statement outlining the Ombudsman approach to these investigations. For example, the Ombudsman for Western Australia has published such a statement on his website under the heading "Undertaking own motion investigations".

It is also important to consider whether the investigation would be a proportionate and efficient use of resources. Factors to consider here may include the complexity of the issues, how protracted any fact-gathering process might be, whether there is a need for independent advice or expertise, other work currently being undertaken by the Ombudsman and whether there will be a need for a follow-up review by the Ombudsman or another body to ensure compliance with any recommendations.

There is also a practical aspect to the decision making process. In other words, be realistic. While an Ombudsman may want to tackle very broad issues, that may not always be possible. This is particularly true if there are any limitations in resources. 'Big enough to matter, small enough to win' – is a criterion that is usually worth factoring into the mix, as decisions are made as to what – and what not – is going to be investigated. Keeping the issue relatively narrow usually makes it easier and quicker to investigate. There may be times, however, where it is necessary to deal with larger, broader issues.

However, regardless of how the topic is chosen and whether a decision framework is used or not, it is important to make a decision on whether to investigate as quickly as possible. Issues of concern are unlikely to disappear but instead tend to get worse over time, often causing more distress to more people.

Announcing the investigation

Some important points to consider here include the following:

- **Notification of the investigation to the organisation concerned.** For many Ombudsman Offices there may be a statutory requirement for a written notification to issue. Notifications are usually addressed to the head of the organisation / Chief Executive Officer. The notification should include the legal basis and reason for the investigation as well as the scope (and/or Terms of Reference) of the investigation.
- **Whether further information is required from the organisation at this point.** For example, and if appropriate, it may be useful to ask for a briefing from the organisation so as to better understand the organisation and how it is structured. That information can, in turn, be useful in explaining the Ombudsman's investigative process and how the two organisations can work together without compromising the integrity of the investigation.
- **Whether it is necessary to ask the organisation to appoint a liaison officer for the purposes of the investigation, and, in particular, as a point of contact.** If so, the person nominated should be familiar with the issues arising and should have the authority to speak on behalf of the organisation. However, a degree of caution should be exercised here so that a point of contact does not become a gatekeeper and controller of information. In any event, the Ombudsman should reserve the right to contact whomever he or she wants during the course of the investigation.
- **Whether it is appropriate or beneficial to announce publicly that you are launching an investigation.** One possible benefit of this is that it could prompt anyone who may have information about the subject matter of the investigation to come forward. For example, the investigation conducted by the Irish Ombudsman into how public hospitals handle complaints (*Learning to Get Better*) invited submissions from members of the public (and not just complainants to the Office) by way of a specific form placed on the website. The Office subsequently held focus groups to discuss some of the issues in greater detail. It can also be a good opportunity to explain what your office does to the public. While there is little that can be said at that point about anything that may hint at a conclusion, you can nevertheless speak about why you are investigating and your investigative process. If circumstances warrant, you can also use this opportunity to explain what protections you

can - and just as importantly can't - offer in terms of confidentiality. This is of particular importance if you anticipate whistle-blowers from within the organisation under investigation coming forward. In any public announcement, it is important to manage expectations and be careful when talking about self-imposed timelines.

- **Whether the announcement of an investigation will trigger a large volume of additional complaints on the issue.** The management of these additional complaints will need to be appropriately resourced.

How to conduct the investigation

There are some fundamental investigative principles that apply, to at least some extent, to any investigation - and to "own initiative"/systemic investigations in particular. They are:

- 1) The investigators must be as independent as possible.
- 2) The investigators must be trained and experienced.
- 3) All potentially relevant issues must be identified and, where appropriate, pursued.
- 4) The investigation must be sufficiently resourced.
- 5) All relevant digital and physical evidence should be identified and, if necessary, preserved, collected and examined.
- 6) All relevant documentation should be identified, secured and reviewed
- 7) All persons who may potentially have information relevant to the issue(s) being investigated should be identified. The investigator then has to decide if he or she has to speak to them and, if a decision is made to conduct an interview, ensure that the interview is thorough and fair. Offices which have traditionally undertaken paper-based investigations only may need to provide staff with training on how to conduct interviews effectively and under sometimes challenging conditions.
- 8) The analysis of all the material gathered in the investigation must be objective and based solely on the facts.
- 9) Timelines and deadlines should be agreed as much as possible with milestones to map out progress. Plans and objectives should be revisited as the investigation progresses.
- 10) The security of the evidence, and, in particular, where it is stored may also need to be considered.

Not all of these principles apply in equal measure in every investigation. Most Ombudsman Offices don't handle physical evidence very often, for example. However, all of these principles should nevertheless be considered as the investigation is planned and executed. It is also important to remember in this context that the safety and security of the investigators should remain a paramount consideration throughout the course of the investigation. This is especially important if site visits or meetings out of the office are required.

These principles can also be used as a tool to assess the quality of investigations done by others. This can be particularly useful in situations where an Ombudsman, usually an office of last resort, has to determine the fairness of any investigative or review process that has already been done by the organisation itself or another agency.

Who conducts the investigation?

A key difference between an "own initiative" investigation and a more conventional investigation is the ability of the Ombudsman to conduct the investigation in a more targeted and proactive manner separate from any individual complaints. To facilitate this, a small number of Ombudsman Offices have established dedicated investigative teams to focus on these "own initiative" investigations. For example, the Ombudsman of Ontario has established a Special Ombudsman Response Team (SORT) to conduct "own initiative / systemic" investigations. SORT investigators work closely with investigators from the general investigations section, who are responsible for investigating and resolving individual complaints. Other Offices also have dedicated teams to conduct investigations – for example, the Ombudsman of Hong Kong has two such teams.

However, in the majority of Ombudsman Offices, the investigations are still conducted by investigators / caseworkers in addition to their other work. Both approaches have their advantages and disadvantages. For example, one advantage of having a dedicated team for investigations is that the Ombudsman can have a clearer idea of the resources involved and how many of these investigations he or she can conduct in a year.

Regardless of which approach is chosen, it is important that enough resources are provided to conduct the investigation – from planning through evidence-gathering to report writing - to ensure that it is completed within a reasonable time. An under-resourced investigation can be counter-productive, both by failing to remedy whatever the issue under investigation is in a timely fashion

and also by tarnishing the reputation of the Office conducting it. Under-resourced investigations tend to be glacially paced ones – and that generally doesn't do anyone any good.

Planning the investigation

Having good project governance ensures that the investigation aligns with the Ombudsman's objectives, clear terms of reference are developed to manage the scope of the investigation, the role and responsibilities of those conducting the investigation are defined and understood and there is clear accountability for the success or failure of the investigation. In other words it is important to avoid (in the words of the Senegal Ombudsman) "systemic investigations being implemented but not systemically". Good project governance also ensures that appropriate structures and processes are in place for:

1. providing direction and guidance
2. monitoring progress and decision-making
3. reporting and securing approval at key stages
4. escalating issues and mitigating any risks
5. communicating with stakeholders; and
6. providing assurance

An integral part of managing an "own initiative" investigation is having a good investigation plan. A good investigation plan has numerous advantages. It ensures that the principles mentioned above are incorporated into the investigation itself. It also provides a roadmap for conducting the investigation. In particular, it will help the investigator(s) stay focused on the issue or issues being investigated, identify all reasonably viable investigative avenues, pinpoint sources of evidence and use resources effectively. It will also help anticipate any potential problems that may arise during the course of the investigation – and come up with solutions to avoid or overcome them.

Most importantly, planning will help you tailor the scope of the investigation to the resources you have available. Once you have those factors right, you can then come up with a realistic completion date for the investigation. It is important that a reasonable timeline is agreed at an early stage so as to manage expectations both within and outside the Office.

The following are some issues which you may want to consider and incorporate into your plan, though not all of them will be relevant in every investigation².

1. What is being investigated?

This is key. **Decide exactly what you are investigating.** As mentioned above, it is usually wise to keep the issue(s) as narrow and focused as possible to minimise scope creep (which is discussed below). It may be useful to give the investigation a title at this stage which can be reviewed and revised as the investigation progresses. This may help the investigation stay focused.

2. What is the overall approach to gathering the evidence?

Briefly outline your overall approach to conducting the investigation. In other words, what investigative steps will be taken, and in what order?

Decide, for example, if witness interviews should wait until documents have been collected and reviewed or when, if at all, should investigators go to any location that relates to the investigation or consult with focus groups/stakeholders?

3. What and where is the evidence?

Identify who should be spoken to and what documentary, physical and digital evidence has to be gathered. The following categories may be helpful as you go through that process -

- **Laws and standards**

Investigators need to know the legal, regulatory and ethical standards that apply to whatever issue is under scrutiny. This knowledge gives both context and a baseline for the investigation.

² The template below is adapted from Undertaking Effective Investigations: A Guide for National Human Rights Institutions (Asia Pacific Forum 2013). The guide was written by one of the authors of this paper.

- **Witnesses**

The term “witness” is used very broadly here. It means anyone (or any group) that **may** have information that may be relevant to your investigation. Once you have determined who they are, you then have to decide whether or not you have to speak to them. While in an ideal world you may want to speak to everybody you have identified, sometimes that is not possible due to lack of resources or time. Generally, prioritise those who are most proximate to the issue and/or are likely to shed the most light on it, such as policy and decision makers, special interest groups or directly impacted individuals.

List the people who you will likely want to speak to during the investigation. The following may need to be addressed: Do you want to interview witnesses in any particular order? Will interviews be in person or by phone? Will you likely be using expert evidence? If so, from whom?

Where the subject of the investigation involves expert knowledge, it may be useful to obtain expert opinions to ensure that the findings and recommendations are correct.

- **Documents**

It may be necessary to consider the following - What documents exist that may be relevant to the investigation? Who has them? Where are they? How many documents are there likely to be? How can they be obtained as quickly as possible? What will have to be done to make sure they are thoroughly reviewed, once they have been obtained? Are you going to be conducting random audits, and if so how do you go about it?

- **Digital and physical evidence**

Increasingly, Ombudsman Offices are dealing with evidence that is stored digitally – documents, photographs and/or video for example. Virtually everyone and every organisation leaves some kind of a digital footprint, including on social media. Some of that footprint may constitute evidence that is relevant to whatever you are investigating. How you intend to collect, preserve and examine it should be incorporated into your investigation plan. It may be a gargantuan task. For example, a recent investigation by the British

Colombia Ombudspersons Office collected and reviewed 4.7 million files, amounting to 6.4 Terabytes of data.³

Obtaining physical evidence – something that is tangible, such as a mobile phone that may contain evidence stored digitally - is very much a rarity in an Ombudsman investigation. But it is always nevertheless a possibility. As part of the planning process, identify if any such evidence exists or might exist, as well as where it is, how it is going to be secured, whether a chain of custody needs to be established, and whether expert assistance will be needed to secure, preserve and examine it.

4. What problems might arise during the investigation?

Investigators should attempt to identify roadblocks or potential problems that, based on knowledge of the case or past experience, may arise during the investigation. Consider possible solutions for tackling them – or getting around them - should they emerge.

Typical challenges or issues that might arise include:

- Lack of cooperation
- Fear of reprisal
- Confidentiality and data protection issues
- Collusion between witnesses
- Cultural / language / capacity issues
- Availability of witnesses
- Potential destruction of or tampering with evidence
- Possible need to use any investigative powers at your disposal, such as a power of entry or a power to subpoena

Many of these challenges are of course interconnected.

³ *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters* at <https://bcombudsperson.ca/sites/default/files/OmbudsReport%202017%20533-web-sm.pdf> (accessed September 8 2017) The BC Ombudsperson was directed to conduct the investigation by the Legislature, which was the first time this provision of the Ombudsperson's Act had been used. So although it was not technically an 'own initiative' investigation, it is an excellent example of the challenges of, and solutions to, large scale administrative fairness investigations.

5. What resources will be needed?

In terms of resources, it is important to consider how many people will be needed to conduct the investigation within a reasonable time and also whether any technical, administrative or other support will be necessary? Consider also, if relevant:

- The number of people required to conduct the fact-finding aspect of the investigation, and whether they will still be responsible for their existing workloads;
- Research / support staff;
- Need for external expert assistance;
- Internal / external legal advice;
- Travel and related costs;
- Translation;
- Transcribing interviews, if necessary.

6. How are internal and external communications going to be managed?

If relevant, plan how to:

- Announce an investigation;
- Manage any information that comes in, including any potential upsurge in the number of complaints after an announcement is made;
- Consider whether joint launch with the organisation under investigation would be appropriate (on occasion it may be so if they have agreed already to accept and implement the recommendations);

Keep parties with a legitimate interest in the investigation updated on progress, without adversely impacting the integrity of the investigation itself;

7. What are the milestones and timelines?

As you develop the plan, set out **realistic** targets and goals for completing various stages of the investigation. Factor in how much actual control you will realistically have over the pace of the investigation.

For example, you should estimate when you will likely receive documents, how long it will take to review them, at what point witnesses will have been located and interviewed, and how best to allow the organisation concerned to consider the draft report.

8. When will the investigation be completed?

Come up with a rough estimate of when the investigation will be completed. Factor in:

- The complexity of the issue(s);
- How much background research has to be done;
- How much evidence is there to be collected, including number of potential witnesses and amount of documentation, physical and digital evidence;
- How any impediments identified in section 4 of the template will factor into the equation;
- How long it will take to analyse all the evidence and write a report

Give yourself ample latitude– challenges and/or additional avenues of investigation that you have not anticipated will almost always emerge as the investigation progresses, however meticulously you have planned. But once you have factored in extra time, it is important to stick to the completion date.

None of the above is written in stone. As already mentioned, not every single area in the template may be relevant to all investigations. It is not intended to be too prescriptive but is instead designed to be helpful to the investigators on the front-line doing the work. No two “own initiative” investigations are the same – each requires a bespoke approach. However, the more you can plan, the more likely the investigation will cover all the bases and get completed within a reasonable time.

Issue / scope creep

Issue/scope creep happens when the subject matter of the investigation is not clearly defined at the outset or new issues emerge as the investigation unfolds. The Ombudsman then has to decide whether or not to expand the investigation to pursue those new issues. There can be arguments for and against this. For example, it may be relatively easy to incorporate new issues into an existing plan, it is after all always important to have some level of flexibility in any plan. On the other hand, however, expanding the scope of an investigation will require more resources, if the original completion date is to be met. Those resources may not always be available and may lead to a delay. Delay is generally not helpful in an Ombudsman investigation for the reasons mentioned elsewhere in this paper.

In these circumstances, it may be better to leave new issues to one side until the original investigation is completed - unless there are compelling reasons not to. This should be decided on a case by case basis.

Smaller offices conducting major investigations

It is possible for smaller offices to conduct major investigations, provided the issue is reasonably manageable and the office does not bite off more than it can chew. For example, the Ombudsman for Bermuda, the City of Toronto Ombudsman, the Ombudsman of Iowa and the Ombudsman for Children in Ireland have all done major investigations that have had a very considerable impact. These investigations may have involved a considerable amount of work upfront but ultimately demonstrated the value of an Ombudsman's office to a very broad audience.

Producing the report

At the outset, a draft structure or outline should be prepared. In terms of drafting the report itself, it is important to have one principal writer for a consistent tone. However, there should also be a process for review and editing – the so-called “fresh pair of eyes”. It is important to focus on making the report accessible to as broad an audience as possible, including vulnerable populations and to make it easy to follow and to read. Latin and unnecessarily long words should be avoided. The best writing tends to be the simplest.

The report review process is also an opportunity to fact-check. If there is a doubt about a given piece of information, it is important to confirm that it is 100% accurate or else it should be removed and any findings/recommendations should be adjusted accordingly. Where relevant, include maps, diagrams and photographs and consider the inclusion of embedded video and links in electronic versions of the report. A good title that speaks to the core issue(s) and an attractive cover is also important.

Crafting recommendations

The IOI has recently published a best practice paper on crafting practical, reasonable, effective and evidence-based recommendations entitled *Securing Effective Change*. This paper can be accessed at on the [IOI WEBSITE](#).

Launching the report

If the matter is one of significant public concern it is likely that the final report will be available in both print and on the Ombudsman website. Consideration should also be given to how the report should be launched. While press releases would be standard, it is possible to consider launching the report at a specially convened press conference or seminar involving stakeholders, sectoral experts and, if appropriate, the persons impacted by the investigation.

While most Offices publish all of their investigation reports, the decision to have a press conference/ high profile launch of any investigation report may be taken on a case by case basis. Some of the factors to be considered here could include the subject matter of the investigation (and in particular, whether it is likely to attract media and wider attention) and whether the service provider has accepted the recommendations in the report (if not, the publicity may be a useful influence).

Depending on the subject matter of the investigation, it may also be beneficial to hold a press conference and wider (stakeholder) launch separately but on the same day. The reason for this is that the needs of the two audiences are different. While the media may have a general interest, they may have little technical knowledge of the subject matter of the report and less time available to attend a launch. Conversely the stakeholder audience usually has some expert knowledge, wants

more detailed information on the practical application of the recommendations in the report and can invest a longer time attending the launch.

Regardless of the approach, it is important to be well-prepared before any launch and to think carefully about the "overall message". A media-friendly executive summary is a vital element in this. This document does not have to be long (in fact often the shorter the better) but must highlight the key messages, facts and recommendations. It may be worth considering innovative ideas in order to get your message across – for example, asking some of the complainant to tell their stories through short films or in person. (For example, the launch of *Learning to Get Better* was accompanied by a 7 minute film involving a number of complainants telling of their experiences). However, it is important to be mindful that personal stories don't become a distraction to the overall message. The venue for the report launch can also be inventive - for example, the Ombudsman for the Netherlands launched a report on accommodation provision for members of the Roma community in a Roma accommodation centre.

If you are having a press conference, anticipate what questions might be asked – especially difficult or contentious ones – and consider possible responses. Many Ombudsman Offices emphasise the impact that any maladministration has had on ordinary citizens in their reports, in part to make their findings and recommendations resonate with as broad an audience as possible. To that end, consider introducing stakeholders, including those adversely impacted, to media when the report is launched and, if they wish to do so, allow them to tell their stories – and in our experience a lot of them want to do so.

Handling individual complaints and enquiries

An important point to consider is what happens to individual complaints which are related to the topic of the "own initiative" investigation - they may even have informed the decision to commence an investigation in the first place. In particular, it is important to consider whether they should still be responded to on an individual basis.

Offices should also be prepared to anticipate an increase in enquiries and complaints on the same issue once an investigation is commenced (and particularly if there is a public announcement of the investigation). It is important to decide in advance who should handle any such enquiries – for example, whether it should be a member of the investigation team or a member of the communications team. It is also important to consider whether announcing your investigation may

trigger a flood of calls and, if so, ensure you have the resources in place to deal with them. An investigation into an issue that impacts a lot of people will likely lead to new complaints — as was the case when an Ombudsman’s Office announced an investigation into property taxes and received 3500 new complaints within 4 weeks.

Finally, it is important to consider how any further complaints should be dealt with. All staff should be informed of the likelihood of an increase in complaints on the same issue and the agreed approach to adopt in respect of these complaints. In this regard, it may be useful to draft a briefing note for your enquiries (first response / front line) unit. This note should set out what is being investigated (and perhaps just as importantly what is not being investigated) so if enquiries and/or further complaints are received, then they have some information to hand in order to deal the enquiry and/or log the complaint, as well as make referrals where appropriate. There should also be a process for identifying compelling cases that may then be showcased in the “own initiative” investigation.

Offices should also consider how any future complaints should be dealt with once the investigation is completed, particularly if significant recommendations for change have been made by the Ombudsman and accepted by the organisation concerned. Staff should be advised on how to deal with any influx of new complaints that may be received, not only during but also following the investigation, including how complainants may be able to access any remedies. The procedure for accessing any remedies should usually be agreed with the organisation.

Conclusion

The power to conduct an “own initiative” investigation is a very important feature of many Ombudsman Offices. There are multiple potential benefits when an Ombudsman’s Office decides to conduct major investigations – resolving systemic injustices, improved public policy and governance and making the public and other stakeholders aware of what an Ombudsman actually does are just a few of these. In choosing an issue that is manageable with the resources you have at your disposal, planning and conducting the investigation effectively and finally launching the report for maximum impact lies the key to conducting a successful and, more importantly, impactful investigation.