



‘Humanising Bureaucracy’

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Humanising Bureaucracy

Human Rights are based on universal moral principles. Humanising bureaucracy and improving public service lie at the heart of an Ombudsman's work Implicitly or explicitly every Ombudsman seeks to ensure that human rights are protected.'

Emily O Reilly, European Ombudsman(Foreword to Human Rights Manual)

NI Ombudsman Mandate

- Northern Ireland Public Services Ombudsman (NIPSO)
- Northern Ireland Judicial Appointments Ombudsman (NIJAO)
- Northern Ireland Local Government Commissioner for Standards (NILGCS)

Northern Ireland Context

- Ombudsman created to deal with complaints of religious and political discrimination (1969)
- Constitutional Settlement – The Good Friday Agreement – Northern Ireland Act 1998
- Section 24 All public bodies have a duty to act lawfully and comply with the ECHR
- Section 78 Ombudsman investigates complaints of discrimination on grounds of religious or political belief

Why a Human Rights Based Approach?

- Ensure NIPSO's compliance with Human Rights;
- Increased complexity of complaints;
- New ethical standards jurisdiction;
- Complainants bringing human rights based complaints;
- Bodies using human rights to explain their action/inaction;
- Extended mandate under Public Services Ombudsman Act (NI) 2016- own initiative powers

Good Administration

‘All public bodies must comply with the law and have regard for the rights of those concerned. They should act according to their statutory powers and duties and any other rules governing the service they provide.’

Ombudsman's Human Rights Position Statement

The Ombudsman will:

- Comply with our human rights obligations; promote and protect human rights in carrying out our functions;
- Assess the actions of a public body in delivering public services to ensure they are acting lawfully, having regard to the individual's human rights and using human rights values and principles;
- Use the tests of **F**airness, **R**espect, **E**quality, **D**ignity and **A**utonomy (FREDA) as a framework to decide if there has been maladministration; and
- We will use not only the ECHR but other International treaties and jurisprudence to assist in our assessment and investigation of complaints.

The Ombudsman will not:

- Declare illegality or that there has been a breach of human rights obligations
- Compel compliance with human rights law

The Human Rights Manual

- A bespoke document for NI Ombudsman staff in assessing/investigating complaints of maladministration and breaches of Ethical Standards
- The manual is a living document
- Supported by training and advice from NI Human Rights Commission
- Casework based approach to training.

Has it made a difference?

- Staff using manual as a reference tool
- Human Rights Assessment tool
- Testing processes for participation, equality issues' accountability and human rights considerations
- Language of Reports has changed
- Remedies (Human Rights outcome)

Training is Key!

Prisoner's mental health

Investigation on prison health issues- Right to Health and Discrimination.

- Prisoner mental health issues:
 - Delay in providing specialist care;
 - Use of manual as a reference tool;
 - Manual does refer to prison health;
 - Use of manual for relevant cases.

Freedom Of Expression

Investigation of Councillors actions-

Freedom of Expression and Political Opinion

Heesom case – Welsh Ombudsman

Adjudication Hearing pending

Councillor fails to recognise Commissioner's jurisdiction

Anonymity of the Complainant

Complainant sought guarantees of anonymity in bringing complaint

Attendance of Councillor at high profile paramilitary funeral

Article 2 right to life issues around protecting the complainant

Article 6 issues of right to fair and public hearing for Councillor who is accused of breach of Code of Conduct

A Dignified Death

Complaint of care and treatment of late mother.

- Patient admitted to hospital with chest/kidney infection and suffered multiple infections;
- Decision to discontinue treatment and withdraw all medication and food;
- Patient dies and complaint is the last 3 weeks of mother's life 'were spent in pain, discomfort and were at times **degrading**' and the patient could have 'had more time and **dignity** in death'.

Discrimination -No Interpreter Services

- Patient hearing impaired
- Only communicated via sign language
- Require interpreter services but staff unaware
- Finding of maladministration
- Consideration of section 75 of Northern Ireland Act 1998 (equality duties).

The Journey Continues

Case studies from NI conference launched

Develop Application for International use

Develop interactive joint platform with NIHRC

AND

Public Service Providers now adopting a Human Rights Based approach (Health and Social care Trusts, Police Service and Education nad Training Inspectorate)