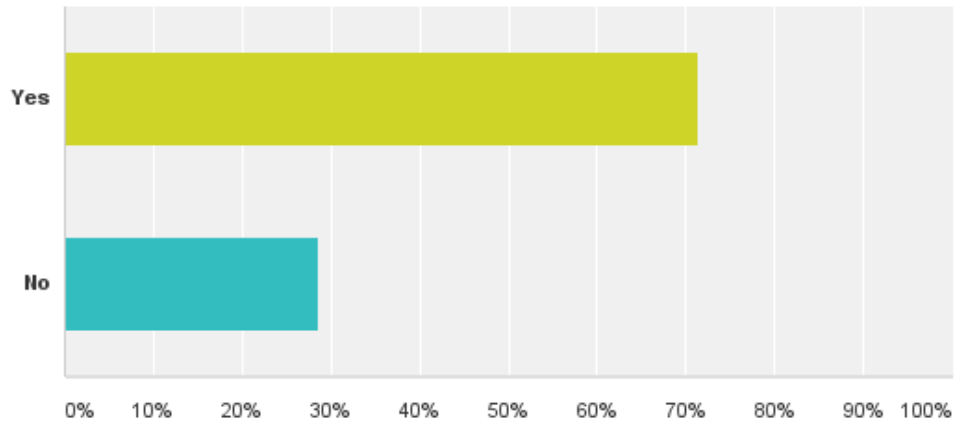


Survey of IOI members re: “own initiative” investigations

Does your Office have the power to undertake “own initiative” investigations?



Twenty eight institutions responded to this survey. Of those who responded, 20 institutions have the power to undertake “own initiative” investigations and 8 do not.

How does your Office decide on the topic for an “own initiative” investigation?

The most common source when deciding on a topic for an “own initiative” investigation was press releases / information contained in the media (7 responses). The next popular source / reason for beginning an investigation was if the topic was in the public interest (5 responses). Other sources include information from the public and NGOs, information collected during inspections, information from parliamentary committees, anonymous complaints and, in one case, referral from the Prime Minister.

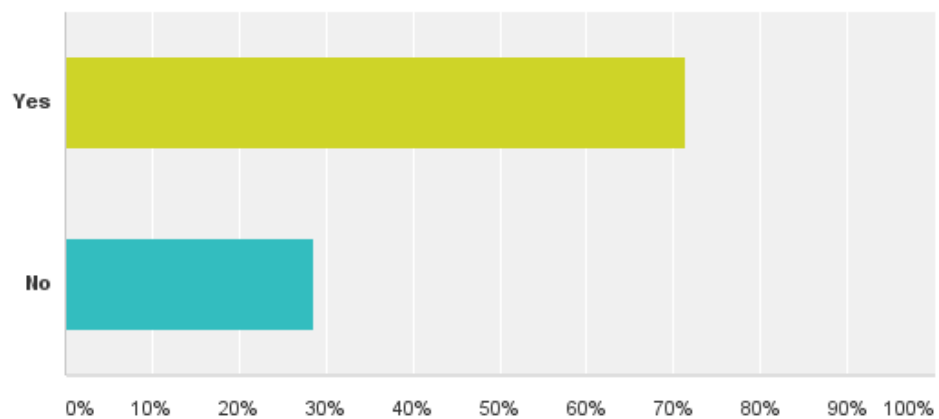
How many “own initiative” investigations has your Office undertaken in each of the last 3 years?

Not all institutions keep separate statistics in relation to “own initiative” investigations. However, from those that did, the numbers varied significantly from 0 to 551 in one year. Most of the institutions who responded to this question conducted between 20 and 40 “own initiative” investigations each year. One institution estimated that “own initiative” investigations comprises at least 10% of its annual work.

An example of an “own initiative” investigation undertaken by your Office in the last 3 years

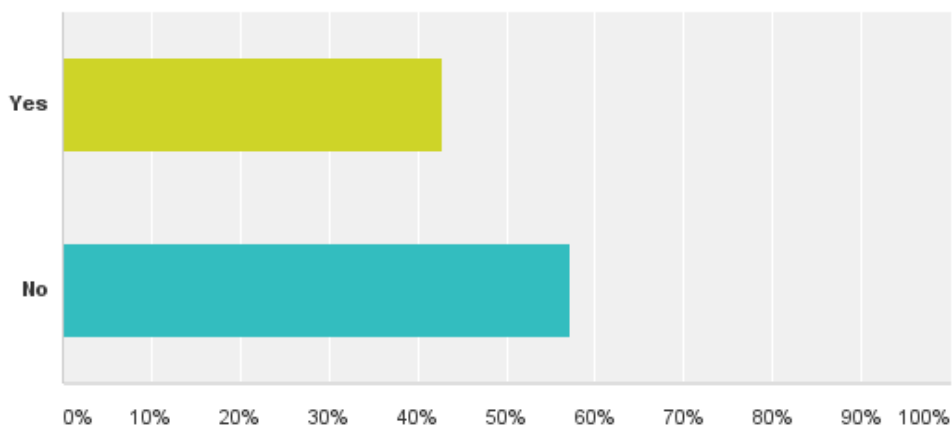
Immigrant rights was the most common example given of an “own initiative” investigation undertaken the last three years (for example, two institutions had undertaken investigations into conditions at immigrant detention centres). Other examples include possible complicity in rendition flights, excessive police force, status of homeless persons, disability rights, language rights, contamination of agricultural land and how the health services examines and learns from complaints.

Does your Office have the same procedures for conducting an “own initiative” investigation as any other investigation?



The majority of institutions have the same procedures for conducting an “own initiative” investigation. However, one institution advised that in the case of “own initiative” investigations, the Ombudsman issues a decision which is published in at least one daily newspaper. The decision may also include a timetable for the investigation.

Does your Office have protocols for accessing third party information during the course of an “own initiative” investigation?

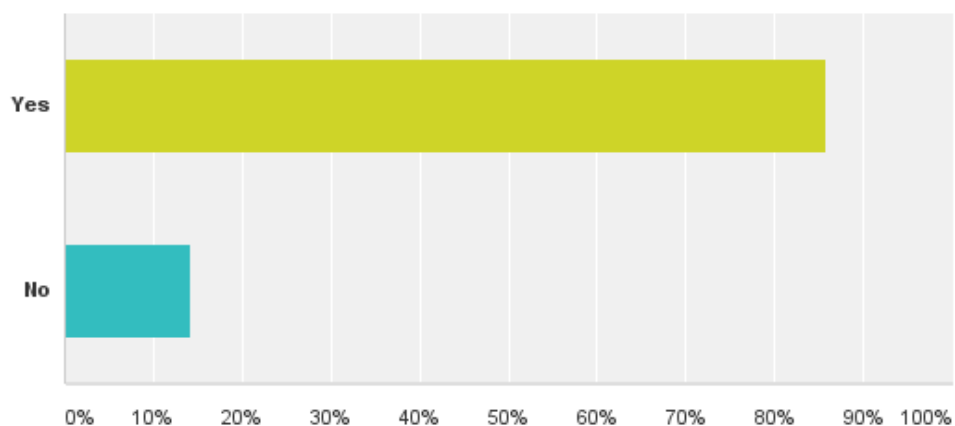


One institution advised that it is necessary to obtain the third parties consent unless it involves children’s welfare, if the Ombudsman learned of the case through the media or the matter is urgent. Other institutions do not have any protocols for accessing third party information but rely on their mandates to request information from bodies within remit. One institution’s legislation allows access to any information relevant to its work, regardless of whether the body is within remit or not.

How long on average does it take to complete an “own initiative” investigation?

The length of average it takes to complete an “own initiative” investigation varied considerably between institutions. However, in the majority of cases it takes an average six months to complete an “own initiative” investigation which appears to be longer than other investigations. One institution advised that “own initiative” investigations are prioritised ahead of other investigations, however, another institution advised that “own initiative” investigations have lower priority than other complaints. One institution also advised that the Ombudsman tries to complete “own initiative” investigation within a timescale that keeps the topic relevant – for example, one recent investigation was completed within three weeks.

Does your Office publish the results of an “own initiative” investigation?

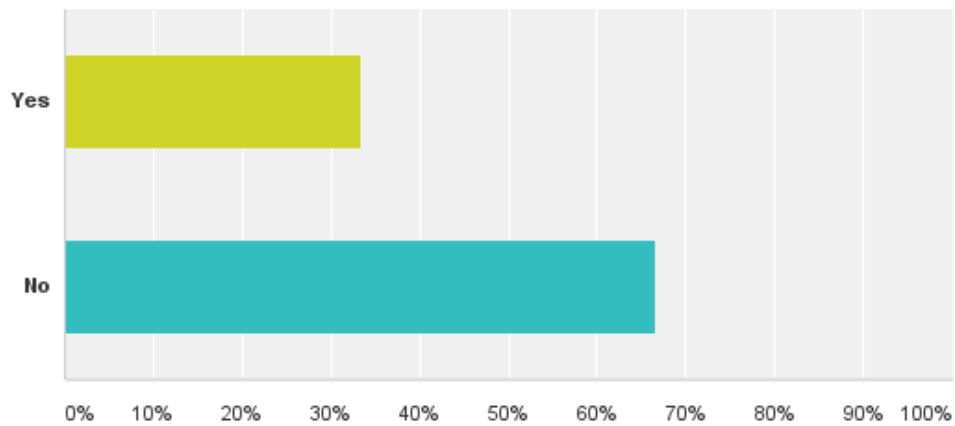


A significant majority of institutions who answered this question publish the results of an “own initiative” investigation. The most popular method of publication was on the institutions’ websites (9 responses). The results of an “own initiative” investigation are also published in the Annual Report (4 responses). One institution also publishes a separate report while another publishes the result in a legal database. Two institutions advised that it will depend on the case and the result the Ombudsman is seeking as to whether the results are published or not.

How does your Office ensure that recommendations resulting an “own initiative” investigation are accepted and implemented?

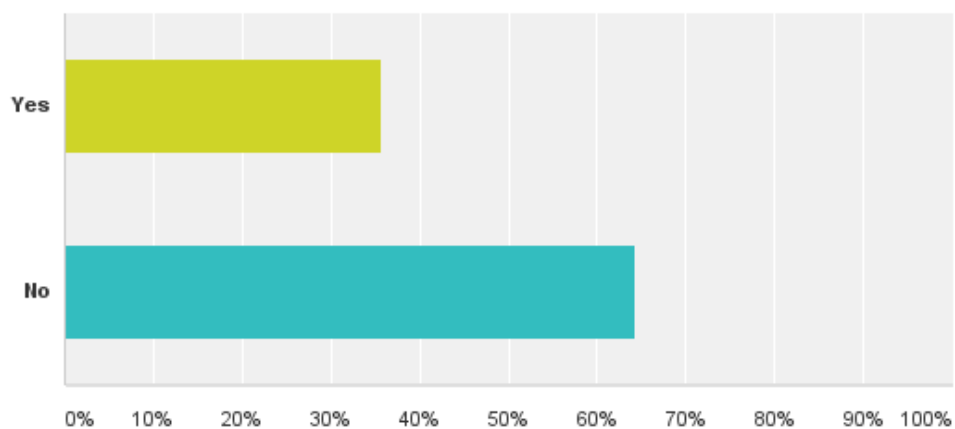
In the majority of cases, the institution asks for information from the body concerned as to whether the recommendations have been implemented. In one case, recommendations following an investigation usually contain a deadline for replying to the Ombudsman about possible outcomes / changes as a result of the investigation. In another instance, the national human rights body is obliged to track changes implemented as a result of Ombudsman recommendations and to report to Parliament.

Has your Office undertaken an “own initiative” investigation in collaboration with any other oversight or regulatory body?



Few institutions have undertaken an “own initiative” investigation in collaboration with any other oversight or regulatory body. However, those that did include collaborations with the respective Offices of the Commissioner for Children, Commissioner for Refugee, and Commission for Persons with Disabilities and the national Rescue Board. One institution undertook one “own initiative” investigation with another body but it did not lead to a shared report. In that case, each institution wrote produced its own investigation report.

Does your Office have any protocols or memoranda of understanding with other bodies to allow for collaboration on an “own initiative” investigation?



Five institutions have protocols or memoranda of understanding. One institution has a memorandum of understanding with the Ombudsman for Children. Another institution has a memorandum of understanding with the national Rescue Board. One institution stated that police, prisons and your detention centres are obliged to provide information on emergency cases to the Office.

January 2016