



Northern Ireland
Assembly

Audit Committee

OFFICIAL REPORT (Hansard)

Draft Budget 2022-25:
Northern Ireland Public
Services Ombudsman

3 November 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Daniel McCrossan (Chairperson)

Mr Jim Allister

Mr Alan Chambers

Witnesses:

Ms Margaret Kelly

Northern Ireland Public Services Ombudsman

Mr Sean Martin

Office of the Northern Ireland Public Services Ombudsman

Mr John McGinnity

Office of the Northern Ireland Public Services Ombudsman

The Chairperson (Mr McCrossan): You are most welcome, Ms Kelly. Also with us are Sean Martin, the acting deputy ombudsman for the Northern Ireland Public Services Ombudsman (NIPSO), and Mr John McGinnity, director of finance and corporate services for NIPSO. The session is being recorded by Hansard, and the transcript will be published on the Committee's web page. The witnesses are most welcome. I ask them to make their opening remarks and, given some time pressures, to keep those as brief as is humanly possible. Thank you. I will leave it to you, Ms Kelly.

Ms Margaret Kelly (Northern Ireland Public Services Ombudsman): Thank you. Good afternoon, and thanks to the Committee for giving me a few minutes to provide an overview of the budget. As you can see from the paper that we submitted, we are working on a new strategy. Our broad strategic vision is:

"NIPSO makes a positive difference to people and public services in NI by independently investigating complaints, upholding standards and ensuring learning and accountability."

I have provided an overview of the five strategic themes in the paper. We intend the new strategy to be shared by the end of this calendar year. It broadly reflects much of the discussion that I have had with the Committee regarding the need to have an accessible, engaged and responsive Northern Ireland Public Services Ombudsman with an emphasis on learning from complaints to improve public services.

We seek an increase to our overall budget of just over £300,000 — £307,000, to be precise — and that is made up of a number of key elements. Almost one third of that — approximately £100,000 — is made up of what we consider to be inescapable additional costs: staff incremental increases; the 1.25% National Insurance rise; a built-in 1% pay rise, with the acknowledgement that it will possibly be more; and 1% that we surrendered from our baseline last year, having been advised that there would be no pay increase but then having to respond to one.

We request the Committee's support for a number of new posts. I will quickly take you through our rationale for those posts. Obviously, the main activity of NIPSO is the assessment and investigation of complaints. Despite a slight reduction in our complaint figures last year as a result of the pandemic, the overall trend since NIPSO's creation has been upwards. In the current year, we are experiencing an unprecedented rise in complaints. We have extrapolated on the basis of current figures to the end of the year, and we anticipate over 1,100 complaints this year, which would represent a 23% increase on the previous year. While, to date, we have managed the continuing increase in complaints with efficiencies, we are clear that we need to increase the staffing of our core investigation team to continue to manage that. We look to the Committee to support us in increasing that team by two additional investigating officers. We almost met our KPI 3 last year; we came in at 68%. Extrapolating, we hope to meet that this year, but, going forward, we know that we can no longer continue to meet that unless we put in the resources.

During the last year and as we have moved forward, we have focused on communication and public engagement. It is vital to our role and effectiveness that citizens are aware of our work and have an understanding of when they can come to the ombudsman and the kind of outcomes that we can deliver. The last year has seen a considerable increase in our profile and our communications workload through the publication of our personal independence payment (PIP) ombudsman's investigation (OI) report, our complaints standards work and the publication of our investigation reports and our overview and thematic reports. We have also had a focus on our website and social media, with a significant increase in traffic to both of those. We want to continue to do that, as that public profile is one of the key mechanisms for increasing the knowledge and understanding of our work. We therefore ask the Committee to endorse the appointment of one extra communications assistant to support the communications officer whom we currently have in post.

In 2021, NIPSO modernised its complaint handling system. We moved to a new system of recording our complaints. We did that to support our ongoing work on engagement, improvement and impact. The new system represents a significant step forward in our ability to capture and analyse information across all our systems. In order to utilise the system to its maximum effect, we need an additional role with a bespoke set of skills to ensure that we can extract the information that we need in the format required. We also want to use the enhanced reporting ability to support both OI and complaints standards. Again, we ask for the Committee's support for that additional role.

We ask the Committee to look at the budget we have presented on those roles and the rationale we have given. We are, of course, happy to answer additional questions.

The Chairperson (Mr McCrossan): Thank you very much. I will be brief, and I will ask members to be brief with their questions. You will be back with us on 24 November, when we can have a more detailed discussion about some of those matters.

I have often raised questions about whether you have sufficient resources to deal with the level of complaints that you receive. Obviously, you have clearly outlined that you do not have sufficient resources and there is a requirement for extra staffing. I certainly welcome your openness and honesty about that. Also, I see that quite a number of people are availing themselves of the service that is there. That said, you budgeted for the additional two full-time investigating officers, and you touched on that in your opening remarks. Will the focus remain on early resolution to bring about a remedy as a way to manage the increase in complaints?

Ms Kelly: We have a real focus on early resolution in the office, and that will continue to be the case. With the increase in complaints, we see that they come through at every stage. We are getting more initial complaints that flow through to the first stage, and we have upped our number of early resolutions and settlements. However, they also flow through to that bigger stage or final stage of investigation, which requires a more complex investigation. We are not just seeing an increase in our initial enquiries; they are coming right through.

The Chairperson (Mr McCrossan): Thank you. Mr Chambers, do you have any questions?

Mr Chambers: No questions, Chair. Thank you.

Mr Allister: I have a couple of questions. Is the cost of the Complaints Standards Authority (CSA) exclusively reflected in the budget line for the staff costs for the authority?

Ms Kelly: I will ask John to come in and follow up on that.

Mr John McGinnity (Office of the Northern Ireland Public Services Ombudsman): I am happy to come in on that, Margaret.

Mr Allister, there is some element of the line described as "General Admin Expend" that also supports the Complaint Standards Authority functions. The vast bulk of our estimated Complaint Standards Authority costs are staff-related, but there is a small apportioned element of the non-staff expenditure in the general admin expenditure line that is also attributable to that function.

Mr Allister: In the tables, you give the staff costs for maladministration, own-initiative and the Complaint Standards Authority. Are the costs really divided like that, or is there cross-reference between those staff? Presumably, own-initiative staff can also do maladministration cases.

Mr Sean Martin (Office of the Northern Ireland Public Services Ombudsman): In terms of how we are structured and operate, they sit as a team that has a focus on own-initiative. Have they the same skills? Could they cross over both ways? If we launched a large own-initiative case, could we look to take some staff from the maladministration team, because own-initiative is maladministration, to support that and vice versa? Yes, we could. We have included the information in the table in that way to give the Committee a sense of where our resources —.

Mr Allister: The proportions.

Mr Martin: Yes.

Mr Allister: The flat line on the local government figures of £541,000 in the table is subject to the note of the possible drawdown of the £244,000 referenced at paragraph 7.4. Has that drawdown been happening?

Ms Kelly: Again, I look to John for detail, but that drawdown has not happened.

Mr McGinnity: So far, for a variety of reasons, including the impact of COVID-19 and, prior to that, a year in which the prior ombudsman position was vacant, we have not had any occasion to call on any of that additional provision in any year. We are in constant liaison with officials in the Department for Communities about the ongoing need for that provision, and there is an acceptance from the Department that, if current trends are borne out, there will inevitably come a time when we will need to draw on some of that additional resource.

Mr Martin: One of the things that we want to focus on is more engagement on the code and promoting understanding of it to reduce our cost in the longer term on the investigation and adjudication side and rebalance that. We hope that, once we are able to do that, we should be able to live within that. We are getting close to that budget and may need to draw it down until we get to the point where we have the balance on how we perform the function right.

Mr Allister: I cannot resist asking the question that I asked last year: have you lost any cases against councillors yet, considering you are the investigator and the judge?

Mr Martin: There were no adjudications last year because of COVID. Three cases have been dealt with this year or are being dealt with at the minute. I am mindful of the barriers around the separation protocol. Margaret, you would be better answering that than me.

Ms Kelly: What do you mean by "lost"? Are you talking about cases that have gone through to adjudication?

Mr Allister: Yes. The arrangements are that your organisation provides the investigator and that, when you proceed against a councillor, you take them in front of yourselves, so you are both investigator and decision-maker. You told me last year that, unsurprisingly, you had not lost any cases, in the sense that none of your investigations that recommended proceeding against councillors had been found to not be made out.

Ms Kelly: We have taken three adjudications this year, and there are three ongoing. I will report on that separately. However, I know that this has come up on a number of occasions and that the

Committee is looking at the split between investigation and adjudication, and I look forward to seeing what it comes up with on that.

The Chairperson (Mr McCrossan): Thank you, Mr Allister. We need to move on.

Thank you both for being with us and taking questions. We will be able to return to this topic on 24 November for a much more detailed conversation. Thank you both for being with us.

Ms Kelly: Thank you.

The Chairperson (Mr McCrossan): Apologies, John, I forgot about you there. I thank John as well.