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Public Services Ombudsman Act (Northern Ireland) 2016

CHAPTER 4

PUBLIC SERVICES OMBUDSMAN ACT (NORTHERN IRELAND) 2016

PART 1

THE NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN

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3. Appointment
4. Abolition of existing offices

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5. Power to investigate complaints made by a person aggrieved
6. Power to investigate complaints referred by a listed authority
7. Acting on behalf of a person aggrieved
8. Power to investigate on own initiative
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- 12. Listed authorities
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- 20. Exclusion: public sector employment
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Procedure for making complaint to the Ombudsman

- 24. Complaints handling procedure to be invoked and exhausted
- 25. Duty to inform person aggrieved about the Ombudsman
- 26. Form and time limit for making complaint
- 27. Meaning of exhausting the complaints handling procedure

Procedure for complaint referred to the Ombudsman

- 28. Procedure for complaint referred to the Ombudsman

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- 30. Investigation procedure
- 31. Information, documents, evidence and facilities
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51. Consultation and co-operation with other ombudsmen

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55. Relief granted by High Court
56. Court proceedings and privileged information

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PART 5

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- 59. Interpretation
- 60. Power to make further provision
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- 64. Commencement
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- 66. Short title

SCHEDULES

SCHEDULE 1 — THE NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN

Status

- 1. (1) The person for the time being holding the office...

Eligibility

- 2. (1) A person is disqualified from being appointed as the...
- 3. (1) A person is disqualified from being appointed as the...
- 4. (1) A person is disqualified from being appointed as the...
- 5. (1) A person is disqualified from being appointed as the...

Salary

- 6. (1) The Assembly Commission must by order determine the salary...

Pension

- 7. (1) The Assembly Commission must make arrangements for the provision...

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Other terms and conditions of appointment

8. The Assembly Commission may determine the other terms and conditions...

Removal from office

9. (1) Her Majesty may, on the passing of a resolution...

Resignation

10. Her Majesty may remove the Ombudsman from office upon request...

Restrictions on subsequent employment

11. (1) When a person ceases to be the Ombudsman, that...

Acting Ombudsman

12. (1) This paragraph applies where the office of the Ombudsman...

General powers

13. The Ombudsman may do anything (including acquire or dispose of...

Delegation of functions

14. (1) Any function of the Ombudsman may be performed by...

Staff

15. (1) The Ombudsman may— (a) appoint staff,

Advisers

16. (1) The Ombudsman may obtain advice from any person who...

Expenses

17. The expenses of the office of the Ombudsman must be...

Budget estimates

18. (1) The Ombudsman must, for each financial year other than...

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Accounts and audit

19. (1) The Ombudsman must publish— (a) the certified accounts of...

Meaning of 'financial year'

20. For the purposes of this Schedule— (a) a financial year...

SCHEDULE 2 — TRANSFER OF ASSETS, LIABILITIES, STAFF, AND OTHER TRANSITIONAL AND SAVINGS ARRANGEMENTS

Transfer of assets and liabilities

1. (1) All property, rights and liabilities to which each existing...
2. Anything (including legal proceedings) which is in the process of...
3. Anything done by an existing office for the purpose of,...
4. On and after the transfer day, the Ombudsman is to...

Transfer of staff

5. (1) This paragraph applies to persons who immediately before the...

Transfer of seconded staff

6. Any person seconded to an existing office under an arrangement...

Accounts and reports: transitional arrangements

7. (1) The Ombudsman must make arrangements for statement of accounts...

Pension of holders of existing offices

8. (1) The repeal by this Act of the Commissioner for...

Complaints made to an existing office before the transfer day

9. (1) Sub-paragraph (2) applies where a complaint—

Action taken but complaint not made to existing office before the transfer day

10. (1) Sub-paragraph (2) applies if— (a) action was taken by...

Eligibility of holders of existing offices to be appointed as Ombudsman

11. A person who has been appointed to any existing office...

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Commissioner for Public Appointments

12. (1) The repeal by this Act of the Commissioner for...

Interpretation

13. In this Schedule— “the transfer day” means 1 April 2016,...

SCHEDULE 3 — LISTED AUTHORITIES

Northern Ireland Assembly

Assembly Commission The Independent Financial Review Panel

Northern Ireland Departments

A Northern Ireland department

Local Government

A district council The Local Government Staff Commission for Northern...

Education and Training

The board of governors of a grant-aided school An industrial...

Policing, Criminal Justice and Law

A policing and community safety partnership or a district policing...

Arts and Leisure

The Arts Council of Northern Ireland The Board of Trustees...

Health and Social Care

A health and social care trust A special health and...

Investment and Economic Development

Invest Northern Ireland The company for the time being designated...

Industrial Relations

Office of the Certification Officer for Northern Ireland The Labour...

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Harbours

The Northern Ireland Fishery Harbour Authority A harbour authority within...

Housing

A registered housing association within the meaning of Article 3...

Children and Young People

The Safeguarding Board for Northern Ireland The Office of the...

Charity and Voluntary Sector

Regulator of Community Interest Companies Appeal Officer for Community Interest...

Miscellaneous

The Agri-Food and Biosciences Institute Civil Service Commissioners for Northern...

Notes: (1) An implementation body is a listed authority only...

SCHEDULE 4 — TRIBUNALS REFERRED TO IN SECTION 19

The Lands Tribunal for Northern Ireland established under section 1...

SCHEDULE 5 — OTHER EXCLUDED MATTERS

1. Action which has been or is the subject of—
2. Action taken by the Regional Health and Social Care Board...
3. The commencement or conduct of any civil or criminal proceedings...
4. (1) Action which is or may be investigated by the...
5. Action taken in matters certified by the First Minister and...
6. Action taken by a member of the administrative staff of...
7. Action taken by any member of the administrative staff of...

SCHEDULE 6 — AMENDMENTS CONSEQUENT UPON OMBUDSMAN BEING NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

1. The Justice (Northern Ireland) Act 2002 is amended as follows....
2. In section 88 (interpretation) insert at the appropriate place in...
3. Schedule 3A (The Northern Ireland Judicial Appointments Ombudsman) is amended...

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4. For paragraph 1 substitute— Circumstances where Ombudsman ineligible to exercise...
5. Omit the following— (a) paragraphs 3, 4 and 5 (term...
6. For paragraph 10(3) (approval of arrangements for assistance) substitute—
7. Omit paragraph 11 (arrangements by the Department of Justice).
8. In paragraph 12(1)(a) (delegation of functions) omit “or 11”.
9. Omit paragraph 13 (financial provisions and directions).
10. Omit paragraph 14 (code of conduct).
11. In paragraph 15 (reports)— (a) in sub-paragraph (1) for “provide...

SCHEDULE 7 — AMENDMENTS TO PART 9 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 2014

1. Part 9 of the Local Government Act (Northern Ireland) 2014...
2. After section 56 insert— Adjudication hearings Adjudication hearings (1) Where the Commissioner proposes to make an adjudication under section...
3. In section 59 (decision following report) after subsection (7) insert—...
4. In section 59(10)— (a) in subsection (a) omit “and”,
5. For section 63 (extension of 1996 Order) substitute— Extension of...
6. In section 65(1)— (a) for the entry relating to the...

SCHEDULE 8 — OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

1. In Schedule 1, Part 3, insert in the appropriate place...

Mental Health (Northern Ireland) Order 1986 (NI 4)

2. In Article 16(3)(g) for “, the Northern Ireland Parliamentary Commissioner...

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

3. In section 117(8)— (a) for paragraphs (b) and (c) substitute —...

Juries (Northern Ireland) Order 1996 (NI 6)

4. In Schedule 3, for the entry relating to the Assembly...

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Northern Ireland Act 1998 (c. 47)

5. In section 75(3) for paragraphs (b) and (c) substitute—
6. In section 76(7) for paragraphs (c) and (d) substitute—
7. In section 77(4) for paragraphs (b), (c), (d) and (e)...
8. In section 78(2) for paragraphs (b) and (c) substitute—

*Commissioner for Children and Young People
(Northern Ireland) Order 2003 (NI 11)*

9. In Article 4(1) for sub-paragraphs (a) and (b) substitute—
10. In Schedule 1, for paragraphs 8 and 9 substitute— The Northern Ireland Public Services Ombudsman. .

Commissioner for Older People Act (Northern Ireland) 2011 (c. 1)

11. In section 7(6), for “the Northern Ireland Commissioner for Complaints,...
12. In section 26(1) for paragraph (a) and (b) substitute—

SCHEDULE 9 — REPEALS

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