

Ms Claire McCanny
Senior Assistant Assembly Clerk
NIPSO Ad Hoc Committee
Parliament Buildings
Ballymiscaw, Stormont
Belfast BT4 3XX

22nd May 2015

Re: Northern Ireland Public Services Ombudsperson (NIPSO) Bill

Dear Claire

We note that the Ad Hoc Committee is now seeking views on the NI Public Services Ombudsperson Bill.

We have consulted with representatives across the six regional FE Colleges and have received some comments.

I have outlined overleaf the main comments on specific clauses within the Draft Bill.

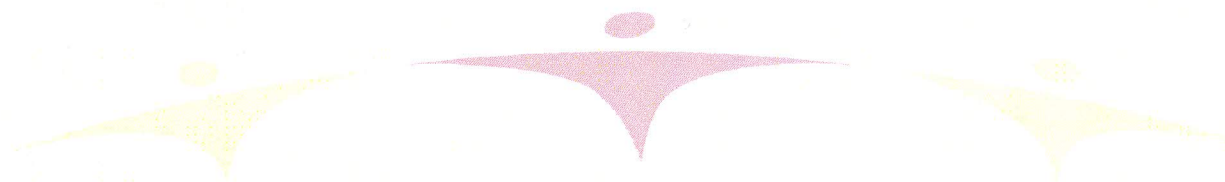
If you need any further information please do not hesitate to contact me.

Yours sincerely,



Gerard Campbell

CEO, Colleges Northern Ireland



Appendix: Comments on specific clauses from the Further Education Sector

The comments from the FE sector are listed below in chronological order as they appear in the draft Bill. They are all in relation to Part 2 of the Bill.

Part 2 – Investigations

Power of Investigations

9. Criteria for own initiative investigations

FE Comment - The Bill states under sub clause 9 (2) that the 'Ombudsperson must publish these criteria'. Will the Ombudsperson be required to consult on the criteria prior to publishing?

Matters which may be investigated

18. Matters which may be investigated: universities

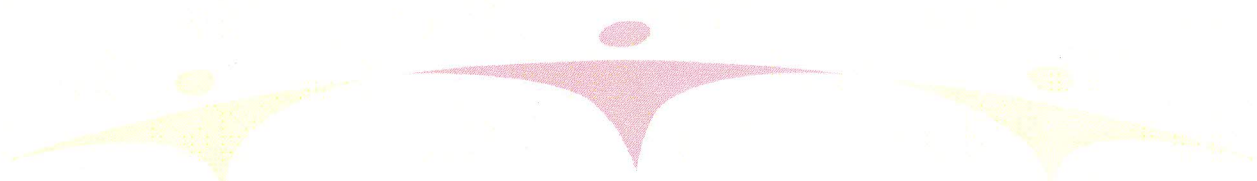
FE Comment – The Bill refers to the role of universities under sub clause 18 (1). What is the role of the six regional FE Colleges in respect of Clause 18?

20. Exclusion: public sector employment

FE Comment – We welcome the exclusion in respect of what cannot be investigated under sub clause 20. We would like to amend the text, however, to add 'grievances arising from their employment' (rather than just personal matters) or alternatively define 'personal matters'.

21. Exclusion: other remedies available

FE Comments – In terms of what the Ombudsperson may investigate under sub clause 21 (3). This appears to be a very wide discretion with no real boundaries. Is it not the case that any decision to investigate where the internal procedure has not been exhausted should only be in very exceptional and clearly defined circumstances?



Procedure for making complaint to the Ombudsperson

24. Complaint procedure to be invoked and exhausted

FE Comments – In terms of what the Ombudsperson may investigate under sub clause 24 (2). This appears to be a very wide discretion with no real boundaries. Is it not the case that any decision to investigate where the internal procedure has not been exhausted should only be in very exceptional and clearly defined circumstances?

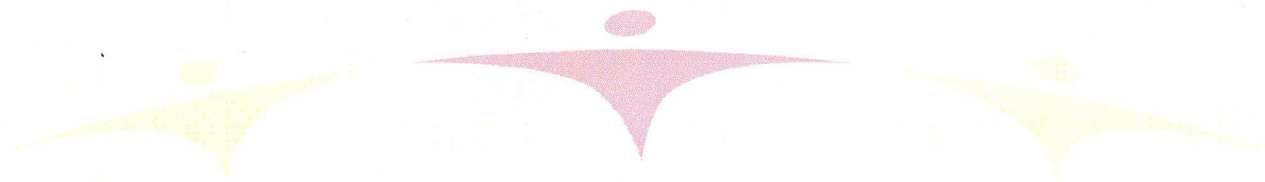
25. Duty to inform person aggrieved about the Ombudsperson

FE Comments – In respect of sub clause 25 (2) (b) does this place the authority in the position of determining if the complaint falls within the jurisdiction of the Ombudsperson? Furthermore, referring back to Sub Clause 21 (1) and (3) – there appears to be confusing information in respect of timescales.

26. Form and time limit for making complaint

FE Comments – In respect of sub clause 26 (2) which states that the *'where the complaints procedure has been exhausted, the complaint must be made to the Ombudsperson within 6 months of the day that the notice under section 25 is sent'* – is six months is a significant period of time? We would suggest this should be aligned with industrial tribunal timeframes of three months.

Furthermore, in respect of sub clause 26 (4) which states that *'the Ombudsperson may investigate a complaint, despite the requirements of subsections (1) to (3) not being met, if there are special circumstances which make it proper to do so'* - this appears to be a very wide discretion with no real boundaries. Should it not be that any decision to investigate outside the stipulated timeframe should only be in very exceptional and clearly defined circumstances?



Procedure for own initiative investigations

29. Procedure for own initiative investigations

FE Comments - In respect of sub clause 29 (2) which states that 'the investigation proposal must set out (a) the reasons for the proposed investigation, and (b) how the criteria referred to in section 9 have been met - Would it be useful for the authority to be given an opportunity to comment on 2a and b before the investigation commences?

Conduct of investigations

30. Investigation procedure

FE Comments - In respect of sub clause 30 (2) which states that the 'Ombudsperson may begin or continue an investigation into a complaint even if the complaint has been withdrawn'. Is it not the case that if a complaint is withdrawn that should end the investigation process?

Furthermore, In respect of sub clause 30 (7) (b) – we would suggest there should be a consistent approach to the issue of representation in the investigation for all parties.

