



Review of the governance and accountability arrangements for the Northern Ireland Audit Office and the Northern Ireland Public Services Ombudsman

**Expert evidence provided by Mr Peter Tyndall
President of the International Ombudsman Institute**

Thank you for this invitation to provide evidence on the Review of the governance and accountability arrangements for the Northern Ireland Public Services Ombudsman, in my capacity as President of the International Ombudsman Institute (IOI). The IOI is the only global organisation for Ombudsman offices and has more than 200 members in more than 100 countries worldwide.

I was privileged to have the opportunity to provide evidence to the Assembly Committee when the current legislation was being considered. The legislation drew on the development of Ombudsman legislation in the devolved countries of the United Kingdom. It built on the initial development in Scotland and the subsequent evolution in Wales, which created the Public Services Ombudsman for Wales. It had the benefit of being truly modern legislation with developments to meet local requirements and to enhance what had been introduced elsewhere, based on the experience of the previously created offices.

Since the creation of the Northern Ireland Public Services Ombudsman, a new international standard for Ombudsman offices has been adopted. The Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles)¹ were adopted by the Venice Commission in 2019. They were subsequently adopted by the Council of Europe, and more significantly, by the United Nations General Assembly² through a motion co-sponsored by the United Kingdom and the Republic of Ireland. These now constitute the first recognised global standard against which Ombudsman legislation can be measured. The Venice Commission, incidentally, offers advice to member countries of the Council of Europe, including the United Kingdom, on the compliance of Ombudsman legislation with the Principles.

The NIPSO legislation complies in almost every respect with the Venice Principles. The initiation of the legislation by the Parliamentary body, the Northern Ireland Assembly is an ideal foundation stone. It secures independence from bodies in jurisdiction from the outset.

The open, transparent and merit-based appointment process for the Ombudsman is in line with the very best international practice. The jurisdiction of the Ombudsman over public services is broad, with perhaps some exceptions in respect of services which have been privatised.

Principle 14 states “The Ombudsman shall not be given nor follow instructions from any authorities.” The current arrangements are fully consistent with this.

¹ [Link to Principles](#)

² [Link to UN Resolution](#)



In addition to the relationship with the Parliamentary body in respect of legislation and appointment, the Principles address the issue of reporting. Principal 20 says, “The Ombudsman shall report to Parliament on the activities of the Institution at least once a year. In this report, the Ombudsman may inform Parliament on lack of compliance by the public administration. The Ombudsman shall also report on specific issues, as the Ombudsman sees appropriate. The Ombudsman’s reports shall be made public. They shall be duly taken into account by the authorities.” This provision is designed to cement the Ombudsman’s position as an officer of the Parliament. The Ombudsman’s reports assist the Assembly in the task of holding the administration to account. The Assembly also has a crucial role in ensuring that the recommendations of the Ombudsman are implemented.

Principal 21 addresses financial issues. It includes reference to audit as follows “The independent financial audit of the Ombudsman’s budget shall take into account only the legality of financial proceedings and not the choice of priorities in the execution of the mandate.”

The current NIPSO legislation is exemplary. It is often cited as a model to follow elsewhere. It provides a sound basis for the work of the Ombudsman and the relationship with the Assembly. In particular, it fully secures the independence of the Office which is a cornerstone of any Ombudsman institution.

The Ombudsman operates in a quasi-judicial role in respect of complaints about public service. The Ombudsman is the final arbiter in the public services complaints system. It is essential that this process has finality, and the Ombudsman provides that. In keeping with the quasi-judicial nature of the post, the only mechanism to challenge her decisions is properly by judicial review, and then on a point of law to the Court of Appeal in Northern Ireland.

The Ombudsman also holds the separate offices of Northern Ireland Judicial Appointments Ombudsman and Northern Ireland Local Government Standards Commissioner (NILGSC). In respect of the latter function, her role is to investigate and adjudicate on complaints about local government representatives. This is a judicial role and there are limited grounds for an appeal from her decision to the High Court.

The NIPSO’s governance arrangements are entirely consistent with best international practice. I am unaware of any of the IOI’s members having a board³. Such an arrangement is contrary to the need to respect the independence and judgment of the Ombudsman. It would not be consistent with the Venice Principles and would bring the Office out of step with a model which has worked effectively across the globe for more than 200 years.

³ Some public services Ombudsman offices have more than one Ombudsman and these can sit as a Board, usually under the leadership of a Chief Ombudsman. These arrangements are not analogous to the model being considered by the Committee, and are generally historical.