

**NIPSO submission to the Northern Ireland Assembly
Audit Committee for consideration as part of its
Review of the Governance and Accountability for the
NIAO and NIPSO**

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1.0 Ombudsman's Introduction.

- 1.1** Thank you for the opportunity to contribute to this very timely debate around the accountability and governance arrangements for my Office. Naturally, as a newly appointed Ombudsman, my mind had already turned to these issues and I have begun to put in train a number of initiatives which aim to bring about enhanced accountability and further transparency in my office's decision making and performance. I hope my outlook as someone not previously involved in oversight but rather as an advocate and service provider for some of the most vulnerable members of our society has in the last few months provided and will continue to provide a valuable and fresh perspective on how we make our decisions and how we make people feel when making those decisions.
- 1.2** I will set out later in this paper the various legislative provisions and corporate governance structures currently in place. Underpinning all of those structures and processes is the need to safeguard and protect the Independence of the Ombudsman Office which has now been in operation for 50 years. That is not to suggest complacency on my part, I am fully aware of the need for the office to become more outward facing, more transparent and closer to those citizens we serve but this must happen, in my view, without compromising on our independence. It is essential to continue to hold to the principle that the NIPSO is independent and any reforms should not diminish the independence or perceived independence of the office and office holder in reaching decisions on complaints.
- 1.3** The challenge, therefore, as I see it is to build public confidence in the governance applying to an Office of last resort such as mine against whose decisions there are very limited grounds of appeal, so as to build trust and enhance the role and perception of the NIPSO.
- 1.4** Whilst I understand the desire of the Assembly to establish consistency in how Officers of the Assembly are managed, I have relied heavily on the Venice Principles as a means of differentiating and explaining the unique constitutional position of the Ombudsman; a 200 year old international institution.
- 1.5** I believe the key accountability relationship is for the Ombudsman as an Officer of the Assembly and this is fully reflected in the Venice Principles. The establishment of a statutory board to which the Ombudsman would be accountable would not be consistent with the Venice Principles and would potentially insert a Board between the Ombudsman, as an Officer of the Assembly, and the NI Assembly Audit Committee. I would like to see my Office's relationship with the Assembly strengthened so that the work of my Office can be put to best effect in holding the public administration to account.

1.6 Having had the issues of transparency, engagement and accountability under consideration since taking up post and in response to the Northern Ireland Assembly Audit Committee (NIAAC) Review of Governance and Accountability I would suggest the following to further improve the governance and accountability arrangements for my Office:

- Review of the MOU between the NIAAC and NIPSO to strengthen the accountability relationship
- Develop with the NIAAC an appropriate mechanism for the wider dissemination of reports of investigations undertaken by NIPSO.
- Explore with the Ombudsman Association how we could participate in a peer review exercise and update the NI Assembly Audit Committee on the outcome.
- Undertake a review of the recruitment, operation, membership and skills of the current NIPSO ARC to identify if there are areas for improvement which would enhance governance.
- Publish on the NIPSO website summaries of all NIPSO audit reports
- Undertake a review of our current Service Standards process and benchmark against other jurisdictions including consideration of an external reviewer.
- Undertake a customer satisfaction survey and public awareness survey, every three years beginning in 2021.

2.0 Current Governance and Accountability Arrangements

2.1 The Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act) made provision for the creation of a new office, the Northern Ireland Public Services Ombudsman office (NIPSO). The 2016 Act brought Ombudsman legislation for Northern Ireland up to date with current best practice and has acted as a bench mark for other jurisdictions across the UK and Ireland in terms of powers and accountability.

2.2 The papers/evidence already available to the Committee have provided considerable detail in relation to the arrangements in place in other Ombudsman Institutions across the UK. This paper is therefore focused on the governance and accountability arrangements in place for NIPSO.

2.3 In considering the current arrangements regard has been given to the Principles on the Protection and Promotion of the Ombudsman Institution often referred to as the “Venice Principles”. The Venice Principles were adopted by the Venice Commission in March 2019 and provide an international benchmark. The Venice Principles are attached at **Annex 1**

2.4 While the review by the Committee is focused on the governance and accountability arrangements in place in respect of NIPSO (and the NIAO) it is important to recognise that the Ombudsman operates within

the broader accountability framework in place for many public authorities concerning the manner in which they deliver services to citizens. NIPSO plays an important role, through the powers provided by the Assembly, to ensure that public authorities can be held to account for practices that amount to maladministration. In this regard it is extremely important that NIPSO's ability to determine its priorities is not diminished by any proposed changes.

3.0 Independence.

3.1 The 2016 Act clearly defines the independence of the Ombudsman setting out that the Ombudsman is not subject to the direction or control of— a Minister, the Secretary of State, the Assembly, or Northern Ireland department, the Assembly Commission (except for those issues listed in the 2016 Act relating to the Ombudsman's salary, terms and conditions, removal from office and form of accounts). Schedule 1 (1) of the 2016 Act sets out that the NIPSO is a corporation sole with power vested in the NIPSO as a single office holder personifying the organisation. (this concept is explained at **Annex 2**) . The Ombudsman is also the Accounting Officer for NIPSO and fulfils these responsibilities in accordance with "*Managing Public Money Northern Ireland*", published by the Department of Finance

3.2 The independence of the NIPSO is underpinned by appropriate statutory arrangements for the appointment, removal, tenure and remuneration of the NIPSO which is in keeping with Articles 3, 10, 11 &14 of the Venice Principles.

3.3 The Ombudsman is required to prepare an estimate of the use of resources within the meaning of the Government Resources and Accounts Act (Northern Ireland) 2001 and the estimate must be submitted to "*a Committee established under section 66 of the Northern Ireland Act 1998*"¹. Such examinations are not about the individual complaints determined by the NIPSO. This arrangement ensures that the process for approval of the estimate by the NIAAC ensures the financial independence of the Ombudsman from bodies within jurisdiction

4.0 Corporate Governance

4.1 The following governance mechanisms are in place to provide assurance that NIPSO is directed and controlled in an efficient and effective manner. These are further expanded and detailed in the following sections.

- Accountability, under a Memorandum of Understanding, to the NIAAC

¹ Para 18 (2) of Schedule 1 to the Public Services Ombudsman Act (Northern Ireland) 2016

- An independent Audit and Risk Committee (ARC) to which NIPSO provides regular and comprehensive information regarding the effective discharge of our functions;
- An externally appointed Internal Audit Service, which examines and reports on a rolling programme of operational and administrative areas of NIPSO's business and which presents an annual Assurance Report;
- External Audit, undertaken by the Northern Ireland Audit Office, including an assurance that the expenditure and income in the annual financial statements have been applied for the purposes intended by the Assembly;
- A Senior Management Team comprising multi-disciplinary directors who support the Ombudsman in the development and delivery of the Office's strategic and business plans;
- Quarterly Senior Management Team minutes are published on the NIPSO website;
- The maintenance and regular review of a Corporate Risk Register in respect of each of NIPSO's strategic objectives;
- The operation of a regular Quality Assurance audit framework with a view to ensuring that those coming into contact with the office receive the best quality service possible and that all opportunities for internal organisational learning are identified;
- Adherence to the Ombudsman Association Service Standards Framework – a document that sets out what the Association considers best practice and which the Association's members (including NIPSO and all other Ombudsmen in the UK and Ireland) are required to adopt;
- A Review procedure for delegated decisions on complaints;
- A procedure for complaints from the public about our service;
- Active participation and contribution to the sharing of best practice between other ombudsman services within the UK, Ireland and internationally;
- NIPSO regularly participates as a member in a range of specialist Ombudsman Association working groups to develop and learn from current Ombudsman best practice;

4.2 Northern Ireland Assembly Audit Committee.

4.2.1 In addition to the requirement to submit an estimate of the annual budgetary resources required NIPSO has an ongoing engagement with the NIAAC. The relationship with the NIAAC is governed by a memorandum of understanding. NIPSO provide detailed submissions to the committee on the ongoing operation of the office, including operational performance against key targets, financial performance and key issues facing the office. While the Ombudsman is required to appear before the Committee as part of the budget process and to present annual reports and accounts this represents the minimum level of engagement. Since the Ombudsman took up post in August 2020 she has appeared before Committee on five occasions. The

Ombudsman welcomes this increased level of engagement with the Committee.

Proposal: Review of the MOU between the Assembly Audit Committee and NIPSO to strengthen the accountability relationship.

4.3 Audit and Risk Committee (ARC).

4.3.1 NIPSO has appointed three non-executive members to an Audit and Risk Committee. One of the non-executive members is the chair of the ARC. Appointments to the ARC are carried out through a publicly advertised recruitment exercise and the recruitment panel includes the current Chair of ARC, the Ombudsman and an additional external independent member. ARC meetings are also attended by the Head of Internal Audit and the Audit Manager of the NIAO. The Head of Internal Audit and the Audit Manager of NIAO have access to the chair of the ARC to raise any issues or concerns. The Ombudsman, Deputy Ombudsman/Deputy Commissioner for Standards and Director of Finance and Corporate Services also attend this committee on behalf of NIPSO.

4.3.2 ARC meets a minimum of 4 times per year. The chair of the ARC produces an annual report on the activities of the Committee. Details of the membership of the Audit and Risk Committee, its role and contact details as well as the minutes of each meeting are published on the NIPSO website.

4.3.3 NIPSO has not created a remuneration committee because as indicated previously the salary and terms and conditions of appointment of the Ombudsman are determined by the Assembly Commission and NIPSO staff currently are recruited to posts on NICS salary scales and pay awards are in line with those agreed by NICS.

Proposal: Undertake a review of the recruitment, operation, membership and skills of the current NIPSO ARC to identify if there are areas for improvement which would enhance governance.

4.4 Audit.

4.4.1 NIPSO prepare an Annual Report and Accounts and are subject to an annual audit conducted by the NIAO against the relevant accounting standards for public bodies. The annual report and accounts are considered and approved by the NIPSO ARC before being laid before the Assembly and discussed with the NIAAC as a key part of the Ombudsman's accountability to the Assembly.

4.5 Internal Audit.

4.5.1 NIPSO conduct an external recruitment on a three year cycle for an internal audit provider. The programme of internal audit is submitted to and agreed by the ARC. The reports of all internal audit work are provided to the ARC who are also updated on progress against the recommendations made. In the last twelve months the following audits have been undertaken:

Subject Area	Date of Report
Review of the Role, Functions and Terms of Reference of the NIPSO Senior Management Team	July 2020
Review of Covid-19 response	Jan 2021
Review of Own Initiative Investigations Process	Pending
Review of Budgetary Management	Pending

Proposal: NIPSO are proposing as part of the response to the NIAAC Review to publish all internal audit reports.

4.6 Senior Management Team (SMT).

4.6.1 NIPSO has a senior management team who meet monthly to assist the Ombudsman with discharging her responsibilities. In addition to monthly SMT meetings special SMT meetings are arranged to deal with particular issues as they arise. The SMT consists of the Ombudsman, Deputy Ombudsman/Deputy Commissioner for Standards, three Directors and the Head of Communications.

4.6.2 SMT meetings have a formal agenda and papers which are circulated in advance. Quarterly SMT meetings have standing agenda items which include a review of progress against the business plan actions and a review of the NIPSO risk register as well as monitoring and tracking performance.

4.6.3 SMT conducts a biennial assessment to ensure that it is operating effectively to support and challenge the Ombudsman in the discharge of her functions. All minutes of the quarterly NIPSO SMT are publicly available and are published on the NIPSO website.

4.6.4 A review of the operation of the SMT was conducted as part of the internal audit programme in 2020 and provided a satisfactory level of assurance.

4.7 Review and Quality Assurance.

4.7.1 To ensure the highest degree of confidence in the decisions taken by NIPSO a number of checks and balances have been put in place. Given the large volume of decisions taken at the initial stages of the NIPSO case handling process and the fact that many of these decisions are taken under delegated authority, NIPSO has review processes in place. When a citizen asks for a review of a decision taken undertaken under delegated authority this will be considered by a senior officer not involved in the original decision. In relation to decisions taken at the further investigation stage NIPSO provides a draft decision to both the complainant and the public body for comment in the majority of cases prior to a final decision being taken. This approach provides assurance regarding the decisions taken by NIPSO.

4.7.2 In addition to the review process outlined above NIPSO also has in place a quality assurance process where a percentage (dependent on the stage of the process) of decisions taken in the previous quarter are reviewed by a quality improvement panel and a report is prepared for consideration by the Ombudsman and SMT. This process has also been developed to allow NIPSO to conduct focused quality assurance audits on particular aspects of our service where issues are raised or where the general quality assurance audit identifies a concern.

Proposal: Undertake a review of our current Service Standards process and benchmark against other jurisdictions including consideration of an external reviewer.

Proposal: Undertake a customer satisfaction survey and public awareness survey, every three years beginning 2021

4.8 Reporting.

4.8.1 A number of reporting obligations are set out in the 2016 Act. These include the requirement to publish the certified accounts for the office and the report of the Comptroller and Auditor General on these accounts. The Ombudsman is also required to lay before the Assembly annually a general report on the exercise of her functions. The reports that NIPSO publish annually, together with their respective legislative mandates, are set out in **Annex 3**

4.8.2 In addition to these general reporting requirements, in order to aid transparency in the way that NIPSO makes its decisions, the Ombudsman publishes the majority of reports which are completed by the Investigations Team.

4.8.3 The Ombudsman is also required to lay before the Assembly the report of all own initiative investigations undertaken.

Proposal: Develop with the NIAAC an appropriate mechanism for the wider dissemination of reports of investigations undertaken by NIPSO.

4.9 Service Standards.

4.9.1 NIPSO has in place a service standards complaints process to enable citizens who are unhappy with the standard of service provided to have this considered. Where service standards issues are raised these are considered independent of any ongoing complaint investigation being conducted by NIPSO. If issues are identified through this process NIPSO take steps to put things right for the person raising concerns. Information on the numbers of service standards complaints are reported to SMT monthly along with any issues identified to ensure the learning is implemented and shared across the organisation.

4.9.2 The service standards process cannot be used to challenge a decision on a case. As outlined previously citizens have a number of opportunities throughout the NIPSO case handling process to have any concerns they have considered. However ultimately if these do not resolve the citizen's concerns a decision taken by NIPSO can be challenged by way of judicial review.

Proposal: Undertake a review of our current Service Standards process and benchmark against other jurisdictions including consideration of an external reviewer.

4.10 Engagement with Other Ombudsmen.

4.10.1 NIPSO ensure that they are aware of best Ombudsman practice by being connected to a number of Ombudsman Organisations and Networks. In 2020 NIPSO were reaccredited to the Ombudsman Association (OA). The OA is a membership body for ombudsman schemes and other complaint handling bodies. The criteria and standards set by the OA are recognised as industry best practice.

4.10.2 The OA was established in 1993 and includes as members all public and private sector Ombudsman schemes and major complaint handling bodies in the United Kingdom, Ireland, the British Crown Dependencies, and the British Overseas Territories. The OA have established a number of networks to promote and share best practice and have been working on developing a peer review process. NIPSO actively participate in these networks to ensure our practice is in line with ombudsman sector best practice.

4.10.3 The Ombudsman is also a member of the UK and Ireland Public Services Ombudsman Group.

Proposal: Explore with the Ombudsman Association how we could participate in a peer review exercise and update the NI Assembly Audit Committee on the outcome.

5.0 Consideration of Governance and Accountability for NIPSO

- 5.1** The Ombudsman considers it important that appropriate accountability mechanisms are in place for NIPSO which ensure that there is public confidence in the manner NIPSO delivers its functions. The Ombudsman believes that the governance and accountability arrangements set out in section 4 of this report provide a proportionate approach to ensuring appropriate accountability for NIPSO while maintaining the operational independence of the office.
- 5.2** These arrangements, alongside other improvements being considered by NIPSO provide sufficient robust assurance on the governance and accountability of NIPSO. The 2016 Act already makes provision for the Ombudsman to be appointed for a single term of seven years which is in accordance with current best practice and complies with the Venice Principles. The salary, terms of appointment and pension arrangements for the Ombudsman are determined by the Assembly Commission, negating the need for any form of remuneration Committee.
- 5.3** The previous section sets out clearly the central role that the Assembly has in relation to appointment, removal, estimate approval and scrutiny of NIPSO's performance. The Ombudsman understands that the MOU between NIPSO and the Assembly Audit Committee is to be subject to review in the near future with a view to ensuring that it remains effective.
- 5.4** The Ombudsman welcomes this review and considers that it would be beneficial to develop stronger relationships between NIPSO and other Assembly Committees. Such an approach would ensure maximum benefit from the work undertaken by NIPSO in ensuring the accountability of public bodies and in identifying areas for improvement in the delivery of public services while also providing an opportunity for proportionate scrutiny and accountability of the Ombudsman. The Ombudsman would welcome engagement with the NIAAC on how this could be best achieved.
- 5.5** The Ombudsman is not aware of any Public Services Ombudsman in the UK or Ireland that has a statutory board. While acknowledging that it is matter for the NIAAC the Ombudsman does not consider that a statutory board is necessary or proportionate for NIPSO given the arrangements already in place and the opportunity to strengthen these further.

- 5.6** It is accepted that it would be possible to separate the Ombudsman as a Corporation Sole from NIPSO and to legally incorporate NIPSO. Such an approach would enable NIPSO to have a statutory board and to develop a protocol for the relationship between the Ombudsman and the board of NIPSO. NIPSO considers the establishment of a statutory Board to which the Ombudsman would be accountable would not be consistent with the Venice Principles and could potentially interfere with an enhanced accountability arrangement between the Ombudsman as an Officer of the Assembly and the NIAAC.
- 5.7** Given the need to maintain the independence of the Ombudsman and the existing role of the Assembly in relation to the Ombudsman, the role of any NIPSO board would be limited. As outlined above the Ombudsman considers that the best approach would be to strengthen the existing relationship with the Assembly rather than creating new structures which would add cost and create complexity.
- 6.0 Conclusion**
- 6.1** The Ombudsman welcomes the discussion of accountability, transparency and governance with the NIAAC and considers these issues of the utmost importance in undertaking the functions of her Office.
- 6.2** The Ombudsman considers the arrangements that are in place with the NIAAC to be proportionate and welcomes the opportunity to discuss the suggested amendments for further strengthening and enhancing that role with the Committee.
- 6.3** The Ombudsman remains of the view that the establishment of a statutory Board would be disproportionate given the size of the Office and the existing arrangements that are in place. It could further interfere with the key relationship between NIPSO and the NIAAC and would not be consistent with Venice Principles.
- 6.4** The Ombudsman looks forward to the opportunity to discuss the suggested proposals for further enhancing accountability, transparency and governance with the Committee and hope that they will enable her office to become more outward facing, transparent and closer to the citizens we serve.

Margaret Kelly
Northern Ireland Public Services Ombudsman

The Venice Principles.

These comprise 25 principles based on existing Ombudsman models and cover all the conditions that need to be met in order to ensure properly functioning, independent mediation institutions

The principles, together with further contextual narrative, are accessible at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)005-e).

The principles are as follows:

1. Ombudsman Institutions have an important role to play in strengthening democracy, the rule of law, good administration and the protection and promotion of human rights and fundamental freedoms. While there is no standardised model across Council of Europe Member States, the State shall support and protect the Ombudsman Institution and refrain from any action undermining its independence.
2. The Ombudsman Institution, including its mandate, shall be based on a firm legal foundation, preferably at constitutional level, while its characteristics and functions may be further elaborated at the statutory level.
3. The Ombudsman Institution shall be given an appropriately high rank, also reflected in the remuneration of the Ombudsman and in the retirement compensation.
4. The choice of a single or plural Ombudsman model depends on the State organisation, its particularities and needs. The Ombudsman Institution may be organised at different levels and with different competences.
5. States shall adopt models that fully comply with these Principles, strengthen the institution and enhance the level of protection and promotion of human rights and fundamental freedoms in the country.
6. The Ombudsman shall be elected or appointed according to procedures strengthening to the highest possible extent the authority, impartiality, independence and legitimacy of the Institution. The Ombudsman shall preferably be elected by Parliament by an appropriate qualified majority.
7. The procedure for selection of candidates shall include a public call and be public, transparent, merit based, objective, and provided for by the law.
8. The criteria for being appointed Ombudsman shall be sufficiently broad as to encourage a wide range of suitable candidates. The essential criteria are high moral character, integrity and appropriate professional expertise and experience, including in the field of human rights and fundamental freedoms.
9. The Ombudsman shall not, during his or her term of office, engage in political, administrative or professional activities incompatible with his or her independence or impartiality. The Ombudsman and his or her staff shall be bound by self-regulatory codes of ethics.
10. The term of office of the Ombudsman shall be longer than the mandate of the appointing body. The term of office shall preferably be limited to a single term, with

no option for re-election; at any rate, the Ombudsman's mandate shall be renewable only once. The single term shall preferably not be stipulated below seven years.

11. The Ombudsman shall be removed from office only according to an exhaustive list of clear and reasonable conditions established by law. These shall relate solely to the essential criteria of "incapacity" or "inability to perform the functions of office", "misbehaviour" or "misconduct", which shall be narrowly interpreted. The parliamentary majority required for removal – by Parliament itself or by a court on request of Parliament- shall be equal to, and preferably higher than, the one required for election. The procedure for removal shall be public, transparent and provided for by law.

12. The mandate of the Ombudsman shall cover prevention and correction of maladministration, and the protection and promotion of human rights and fundamental freedoms.

13. The institutional competence of the Ombudsman shall cover public administration at all levels. The mandate of the Ombudsman shall cover all general interest and public services provided to the public, whether delivered by the State, by the municipalities, by State bodies or by private entities. The competence of the Ombudsman relating to the judiciary shall be confined to ensuring procedural efficiency and administrative functioning of that system.

14. The Ombudsman shall not be given nor follow any instruction from any authorities.

15. Any individual or legal person, including NGOs, shall have the right to free, unhindered and free of charge access to the Ombudsman, and to file a complaint.

16. The Ombudsman shall have discretionary power, on his or her own initiative or as a result of a complaint, to investigate cases with due regard to available administrative remedies. The Ombudsman shall be entitled to request the co-operation of any individuals or organisations who may be able to assist in his or her investigations. The Ombudsman shall have a legally enforceable right to unrestricted access to all relevant documents, databases and materials, including those which might otherwise be legally privileged or confidential. This includes the right to unhindered access to buildings, institutions and persons, including those deprived of their liberty. The Ombudsman shall have the power to interview or demand written explanations of officials and authorities and shall, furthermore, give particular attention and protection to whistle-blowers within the public sector.

17. The Ombudsman shall have the power to address individual recommendations to any bodies or institutions within the competence of the Institution. The Ombudsman shall have the legally enforceable right to demand that officials and authorities respond within a reasonable time set by the Ombudsman.

18. In the framework of the monitoring of the implementation at the national level of ratified international instruments relating to human rights and fundamental freedoms and of the harmonization of national legislation with these instruments, the Ombudsman shall have the power to present, in public, recommendations to Parliament or the Executive, including to amend legislation or to adopt new legislation.

19. Following an investigation, the Ombudsman shall preferably have the power to challenge the constitutionality of laws and regulations or general administrative acts.

The Ombudsman shall preferably be entitled to intervene before relevant adjudicatory bodies and courts. The official filing of a request to the Ombudsman may have suspensive effect on time-limits to apply to the court, according to the law.

20. 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 applies also to reports to be given by the Ombudsman appointed by the Executive.

21. Sufficient and independent budgetary resources shall be secured to the Ombudsman institution. The law shall provide that the budgetary allocation of funds to the Ombudsman institution must be adequate to the need to ensure full, independent and effective discharge of its responsibilities and functions. The Ombudsman shall be consulted and shall be asked to present a draft budget for the coming financial year. The adopted budget for the institution shall not be reduced during the financial year, unless the reduction generally applies to other State institutions. 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.

22. The Ombudsman Institution shall have sufficient staff and appropriate structural flexibility. The Institution may include one or more deputies, appointed by the Ombudsman. The Ombudsman shall be able to recruit his or her staff.

23. The Ombudsman, the deputies and the decision-making staff shall be immune from legal process in respect of activities and words, spoken or written, carried out in their official capacity for the Institution (functional immunity). Such functional immunity shall apply also after the Ombudsman, the deputies or the decision-making staff-member leave the Institution.

24. States shall refrain from taking any action aiming at or resulting in the suppression of the Ombudsman Institution or in any hurdles to its effective functioning, and shall effectively protect it from any such threats.

25. These principles shall be read, interpreted and used in order to consolidate and strengthen the Institution of the Ombudsman. Taking into consideration the various types, systems and legal status of Ombudsman Institutions and their staff members, states are encouraged to undertake all necessary actions including constitutional and legislative adjustments so as to provide proper conditions that strengthen and develop the Ombudsman Institutions and their capacity, independence and impartiality in the spirit and in line with the Venice Principles and thus ensure their proper, timely and effective implementation.

Corporation Sole

The Ombudsman holds the statutory position of a Corporation Sole. This is defined as an individual person who represents an official position which has a single, separate legal entity, an entity that can only be created by statute, enabling legal continuity with succeeding Office holders having the same powers as their predecessors. A corporation sole has also been described as a legal entity consisting of a single ("sole") incorporated office, occupied by a single ("sole") natural person.

As a Corporation Sole, the Ombudsman has a personal jurisdiction in respect of the functions of her Office and is solely responsible for the performance of those functions. The 2016 Act requires the Office-holder to lay annually a general report on the exercise of NIPSO's functions before the Northern Ireland Assembly.

More generally, such a position may be established where the role of the postholder must be, and must be seen to be, independent and unfettered.

A pure corporation sole does not have a board; instead an individual fulfils the role of the board, supported by a senior management team, which facilitates the key decision-making within the organisation. The individual is also usually (though not necessarily) the Accounting Officer of the organisation for which they are responsible.

Examples within Northern Ireland include:

- The NI Public Services Ombudsman
- The Comptroller and Auditor General;
- The Police Ombudsman for NI;
- The Commissioner for Victims and Survivors (NI); and
- The Commissioner for Children and Young People (NI).

Summary of the statutory reports produced and published annually by NIPSO

Report Name	Legislative basis for Report	Comments
1. Annual Report and Accounts (ARA)	Required to be produced by NIPSO, audited by NIAO and laid before the NI Assembly under s10(4) of the Government Resources and Accounts Act (Northern Ireland) 2001	The format and content of the ARA is determined and circulated annually each year by DOF under an “Accounts Direction”. As the format is heavily prescribed there is limited discretion for the Ombudsman to tailor the content to the specific circumstances and/or context of NIPSO. Under the November 2016 MOU between NIPSO and the Assembly Audit Committee (para 5.3. extract): <i>5.3 In overseeing the Ombudsman’s Office the Assembly Audit Committee will:</i> <ul style="list-style-type: none"> • <i>examine the Ombudsman’s annual report and accounts and consider the NIAO’s Report to those Charged with Governance</i>
2. Ombudsman’s Report	Presented annually to the Assembly pursuant to s 46(1) of the Public Services Ombudsman Act (Northern Ireland) 2016.	Provision in the 2016 Act is as follows: Reports to the Assembly 46.—(1) The Ombudsman must lay before the Assembly annually a general report on the exercise of the Ombudsman’s functions. This report affords the Ombudsman considerable discretion to focus each year on particular issues and highlights whilst adhering fully to the above legislative requirement.
3. Annual Report of the Northern Ireland Local Government Commissioner for Standards	Schedule 7 para 5 of the Public Services Ombudsman Act (Northern Ireland) 2016 which extends the reporting requirement in 2. above to include also reporting annually on the functions of the Commissioner.	This report affords the Commissioner the opportunity to report each year on particular issues and highlights regarding the distinct functions of the Local Government Commissioner for Standards.
4. Annual Report of the Northern Ireland Judicial Appointments Ombudsman	Required to be laid before the Northern Ireland Assembly under Schedule 3A (15) (1) of the Justice (Northern Ireland) Act 2002.	This reports annually on the third of the Ombudsman’s three statutory functions - that of Northern Ireland Judicial Appointments Ombudsman.

