

To: All Pharmaceutical Contractors

Tel : 02895 363375
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Web Site :
www.hscboard.hscni.net

20th June 2016

Dear Colleague

PUBLIC SERVICES OMBUDSMAN ACT (NORTHERN IRELAND) 2016

On the 1 April 2016, as you may be aware, Marie Anderson took up post as the Northern Ireland Public Services Ombudsman (NIPSO). This was part of the updating and modernisation of the role of the public services Ombudsman in Northern Ireland. This modernisation brought about some changes to the legislation and additional information on the jurisdiction and powers under the Public Services Ombudsman Act (NI) 2016 can be found at <http://www.legislation.gov.uk/nia/2016/4/enacted>

A summary of the changes is provided in the appendix to this letter.

While family practitioner services should be aware of this change, it does not alter the HSC Complaints Procedure¹ or, your obligations under the General Pharmaceutical Services Regulations (Northern Ireland) 1997² in respect of complaints. Patients will still have recourse to the Ombudsman once local resolution has been exhausted, and pharmacy contractors should ensure that patients are aware of this within two weeks of the day on which the internal complaints procedure is exhausted.

I would be grateful if you could ensure that your pharmacy complies with this requirement. If you have any queries about this, please contact Michael Cruikshanks, HSCB Deputy Complaints Manager on 02895 363266.

¹ <http://www.hscboard.hscni.net/download/PUBLICATIONS/COMPLAINTS/Policy-for-HSCB-Staff-on-the-management-of-complaints.pdf>

² <http://www.hscbusiness.hscni.net/services/2539.htm>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joe Brogan', with a stylized flourish at the end.

Joe Brogan
Assistant Director Integrated Care
Head of Pharmacy and Medicines Management

ANNEX

THE NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN

KEY MESSAGES

The offices of Assembly Ombudsman for Northern Ireland (AO) and Northern Ireland Commissioner for Complaints (CC) will cease to exist from 1 April 2016 and will be replaced, from that date, by the Northern Ireland Public Services Ombudsman (NIPSO).

Mrs Marie Anderson has been appointed as the NIPSO and the Northern Ireland Local Government Commissioner for Standards. The functions of the Northern Ireland Judicial Appointments Ombudsman will transfer to NIPSO on 1 April 2016.

Extension of the NIPSO's jurisdiction/powers

The NIPSO's jurisdiction will include the powers:

- to investigate complaints about social work decisions;
- to investigate complaints of maladministration about the Northern Ireland Audit Office (NIAO) and the Assembly Commission;
- to investigate complaints of maladministration about commercial and contractual matters;
- to investigate complaints of maladministration about colleges of Further and Higher Education, the Queen's University of Belfast, the Ulster University, their affiliated colleges (with effect from 1 October 2016);
- to investigate complaints about publicly funded schools (with effect from 1 April 2017);
- to investigate a matter on her own initiative without first having received a complaint (with effect from 1 April 2018);
- to publish a range of reports to recommend a range of remedies for injustice caused by maladministration; and
- to have a complaints standard authority role whereby the NIPSO will work with each sector to develop standard complaints handling procedures.

Other changes:

- Complainants must bring their complaint to the NIPSO within **six months** of completion of the body's internal complaints process; however the NIPSO may investigate a complaint outside the time limit if there are special circumstances that would make it proper to do so;
- There will no longer be a requirement for complainants to obtain MLA sponsorship for complaints about government departments. An MLA, and other specified persons, may act on behalf of a complainant;
- The NIPSO will no longer be able to investigate complaints about employment matters; and
- A complainant may seek damages in the County Court where the NIPSO finds injustice caused by maladministration of any body in jurisdiction.

The full text of the Public Services Ombudsman Act (Northern Ireland) 2016 can be accessed at www.legislation.gov.uk/niu/2016/4/enacted

Actions to Note:

From **1 April 2016** all bodies in NIPSO jurisdiction will be required to provide to a complainant with a **written notice**. The notice must state:

- their internal complaints process has been exhausted;
- that the complainant may refer the matter to the NIPSO if he/she remains dissatisfied with the body's response;
- the time limit for making such a referral; and
- how to contact the NIPSO.

The body **must** do this within **two weeks** of the day on which the internal complaints process is exhausted.

Contact Details:

Northern Ireland Public Services Ombudsman
Progressive House
33 Wellington Place
BELFAST
BT1 6HN

Freepost: Freepost NIPSO

Telephone: **028 9023 3821** or Freephone: **0800 34 34 24**

Text Phone: **028 9089 7789**

Email: nipso@nipso.org.uk

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