

Annex A: Risk categories, examples and mitigating actions

The table below identifies the risk categories that are available to choose from in Visualfiles. In all circumstances, mitigating action would include notifying immediate line management and addressing the following points:

- What is the specific nature of the risk in the case?
- What action are we taking to mitigate the risk (provide an up to date mitigation plan)?
- An update on any key issues in the case which may impact upon or change the nature or level of the risk presented?
- Whether the mitigation action fully mitigates the risk or does an unmitigated risk remain (and, if so, should we accept it)?

	Risk	Examples/explanation	Other considerations
1	Risk to the safety of our staff	Direct or indirect threats, intimidating correspondence/telephone calls.	Consider use of unreasonable behaviour policy and any other appropriate policies; notify the Security Officer & IT Security Officer
2	Impact on the staff of the body complained about	Safety of staff or damage to an individual's reputation.	Alert body complained about at the earliest appropriate opportunity - but first take advice (from Legal Team or FOI/DPA Team) on whether and how to do this (risk from breach of confidentiality/data protection).
3	Risk to the health and safety of the complainant or others	Sickness, mental health issues, poverty/hardship, wrong medicines. Direct threats, intimidating correspondence/telephone calls. Compliance not being achieved (for example, failure to implement a systemic remedy may be putting patients at risk).	Consider whether release of information to another party is appropriate in order to manage the risk (please refer to guidance on 'Releasing information about risk to a complaint or others' [link]) Notify the Security Officer & IT Security Officer Seek advice from Outcomes Officer or Compliance Officer in relation to compliance issues.

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	Risk	Examples/explanation	Other considerations
4	Risk of litigation	Credible threats of judicial review or other legal challenges.	Notify Legal team.
5	Risk to our reputation	Adverse publicity, media interest.	Notify Communications Team and Ombudsman's Casework Manager so that they are aware of potential external interest in the case. (Such a notification does not mitigate the risk and other specific mitigation actions should be agreed.)
6	Our approach and/or findings disputed by the body complained about	If the body disputes our findings; or an individual may dispute our findings if we criticise them (for example, an individual clinician or government officer).	Reports should be signed off in line with PHSO Delegation Scheme [link]. Please note that reports into high risk investigations must be signed off at least at Operations Director level.
7	Previous poor relationship or unaccepted recommendations by the body complained about	If a body has failed to co-operate with previous enquiries or investigations or has refused to accept or to implement recommendations.	<p>Monitor case closely to see if there is likely to be a repeat of earlier dispute.</p> <p>Ensure that information from earlier relevant cases is highlighted and taken into account when formulating draft decision and recommendations.</p> <p>Consider recommending case for referral to the Recommendations and Outcomes Panel [link].</p> <p>Seek advice from Outcomes Officer or Compliance Officer in relation to compliance issues.</p>
8	Risk to our reputation because MP dissatisfied with service/decision	Not just an MP having an interest in the case but only if the MP has or is likely to express dissatisfaction. Not intended for case where we disagree with an MP's presumption of	Notify Communications Team and Ombudsman's Casework Manager so that they are aware of potential external interest in the case. (Such a notification

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	Risk	Examples/explanation	Other considerations
		maladministration when referring the complaint to us.	does not mitigate the risk and other specific mitigation actions should be agreed.).
9	Unreasonable behaviour by the complainant	<p>Complainant displays abusive, threatening or offensive behaviour.</p> <p>Complainant makes frequent, disruptive contact which hinders consideration of their and other complaints.</p>	<p>Refer to unreasonable behaviour policy [link] and enact via line management.</p> <p>Notify the Security Officer & IT Security Officer</p>
10	Sensitive case content	<p>An investigation that featured the Finsbury Park Mosque. Although the complaint was of no particular risk, the Mosque had been at the centre of recent news coverage.</p> <p>A health case where the President of a Royal College was being investigated.</p>	This will depend of course on the nature of the cases but you should seek advice as appropriate from, for example, Communications Team, Ombudsman's Casework Manager, Legal Team, FOI/DPA Team, clinical advisers.
11	Potential conflict of interest	<p>Membership of certain groups, political activities, acceptance of hospitality/gifts; or relationships at work.</p> <p>A conflict of interest may arise from an employee's own interests or activities or from that of a member of their family or an individual with whom they have a close personal relationship.</p> <p>Applies to any member of the Office including the Ombudsman, Advisory Board Members, those on casual contracts, fixed term appointments, Associate Investigators and External Reviewers.</p>	<p>Refer to the conflict of interest policy for advice [link].</p> <p>Ring-fence conflicted member of staff at early stage.</p>
12	Other	Uncovering possible fraud.	Refer to fraud policy for advice [link].

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Summary of the number of cases rated as low, medium or high risk in 2012, 2013, 2014 and 2015.

	2012	2013	2014	2015	Total
Low	936	588	1303	2307	5134
Medium	51	33	56	69	209
High	3	3	11	93	110
Total	990	624	1370	2469	5453