

POLICY

Complaints and approaches

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Responsible officer	Assistant Ombudsman, Executive Office

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POLICY STATEMENT

The Ombudsman provides a free, independent and impartial service for taking complaints about actions taken in or by an authority, which includes Victorian state government departments, administrative offices, Court Services Victoria, public organisations (and those performing a function on behalf of these bodies) and public interest disclosure entities. A complaint may result in the Ombudsman attempting to resolve the complaint, conducting enquiries or an investigation, or referring the complaint to another more appropriate person or body.

We undertake a range of quality assurance activities to ensure that our service is consistent with our statutory obligations and service delivery standards.

Where appropriate, VO follows the Australian Complaint Handling Standard (10002:2022).

APPROACHES

1. A request for action by VO is called an 'approach'. Not all approaches are a complaint (see the section below for the meaning of 'complaint').
2. An approach can be made by telephone, in writing (by letter or electronically) or in person, and can be about any issue including matters outside VO's jurisdiction.
3. Approaches are registered in our case management system and assigned a reference number. Information recorded against a case may include:
 - contact details of the person making the approach (an approach can be made anonymously, however this can limit our ability to deal with the matter)
 - records of correspondence to, and from, VO relating to the approach
 - information, material or documents received by VO that are relevant to the case.
4. We respond to all approaches (if correct and sufficient contact details have been given), subject to any contact management strategy (see our 'Dealing with Complex Behaviours from Members of the Public' policy). We may not respond to copied correspondence.
5. Information provided by VO in response to an approach is not legal advice.

COMPLAINTS

6. To be considered a complaint, the approach must be (*Ombudsman Act 1973* (Vic), section 14):
 - about an administrative action taken in, or by, an authority and
 - made by a person affected by the administrative action or a suitable representative.
7. We may require a complainant to submit their complaint to us in writing, including a statement confirming that they want VO to consider the complaint and details of the complaint (*Ombudsman Act*, s 14(2)). If a complainant does not comply with such a request, we may refuse to deal with the complaint (*Ombudsman Act*, section 15A(3)).
8. Before requiring a complaint be made in writing or refusing to deal with a complaint, we consider the circumstances impacting a complainant's ability to make a written statement and make any relevant reasonable adjustments necessary.

DISCLOSURES

9. A 'disclosure' is an approach about improper conduct or detrimental action involving a public body or a public officer (*Public Interest Disclosures Act 2012* (Vic), section 9). A disclosure can be made verbally or in writing (*Public Interest Disclosures Act*, section 12(3)).
10. VO must notify the Independent Broad-based Anti-corruption Commission (IBAC), or in limited circumstances the Victorian Inspectorate or the Integrity and Oversight Committee, of a disclosure that meets the statutory requirements in the *Public Interest Disclosures Act*. Notifications must be made within 28 days of receiving the disclosure (*Public Interest Disclosures Act*, section 21(2)). Once notified to IBAC, VO ceases to deal with the matter unless, or until, it is referred back from IBAC to VO.

CONTACTING VO

11. VO operates a general enquiries telephone number during standard business hours.
12. VO can also be contacted in writing by letter, email, fax, via the online complaint form or via webchat on the Victorian Ombudsman website (www.ombudsman.vic.gov.au).

13. An approach to VO can be made in person by:

- visiting our reception when open
- attending a community event where VO officers are available to take approaches
- making an appointment to speak with an officer.

14. The VO promotes inclusiveness, fairness and equality when communicating with the public. When approached, the VO will ask what communication methods work best for a complainant and it will make reasonable adjustments to support effective communication.

15. In response to an approach a VO officer may give advice about:

- the Ombudsman's role and responsibilities, including whether VO has the power to deal with the subject of the approach
- how to complain to VO
- where we do have the power to deal with the matters concerned, what action (if any) we may take
- other options that may be available to resolve the complaint, including contact details of other complaint handling bodies.

ASSESSING COMPLAINTS

16. After a complaint is registered, it is assigned to a case officer to assess whether any action should be taken.

17. When assessing a case, the case officer considers whether:

- VO has the power to deal with the complaint
- the complainant has taken their complaint to the authority first, and given the authority a reasonable opportunity to respond to and resolve the complaint. VO generally will not act on a matter if the complainant has not tried to resolve the matter with the authority first
- we should refuse to deal with the complaint under the Ombudsman Act, which may take into consideration whether it is in the public interest for VO to deal with the complaint
- the complaint is suitable for alternative dispute resolution (see our 'Alternative Dispute Resolution' policy).

18. As part of the assessment, the case officer may conduct enquiries into the matter (Ombudsman Act, section 13A. See our 'Enquiries' policy).

19. As a result of assessing a complaint, a case officer may form the view that:

- the matter can be resolved informally through further action by the complainant, the authority concerned and/or another agency that has a role to deal with the complaint
- an investigation should be conducted (see our 'Investigations' policy)
- no investigation or other action by the Ombudsman is warranted.

20. We must inform the complainant of the outcome of our consideration of their complaint, including reasons for our decision (also see Ombudsman Act, sections 24 and 13B, noting exceptions).

ROLES AND RESPONSIBILITIES

Role	Responsibility
Assistant Ombudsman, Executive Office	<i>Owner</i> – Accountable for maintaining policy drafting, reviews and authorisation from the Executive.
Principal Legal Adviser	<i>Legal compliance</i> – Responsible for ensuring compatibility with the <i>Charter of Human Rights and Responsibilities 2006</i> (Vic) and compliance with other legislation under which VO operates.
Executive Committee	<i>Authorisation</i> – Authorises policies and significant amendments.
All staff, contractors and third parties	<i>Implementation</i> – Responsible for acting in compliance with the policy, standards, procedures and associated documents.

DOCUMENT MANAGEMENT

Compliance

VO maintains a compliance management system. Compliance to this policy, including use of information and systems, is subject to regular monitoring and reporting to the Executive Committee. For further details on compliance checks please refer to the compliance management system.

Document approval

This document was approved by the Governance Committee on 17 December 2015.

Document review

This document is due for review upon major changes or three years from the date of the last review.

APPENDIX A: Related documents

Title	Location
Public Interest Disclosures Act 2012	Available at
Ombudsman Act 1973	http://www.legislation.vic.gov.au/