

POLICY

Review of complaint practices and procedures of an authority

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Responsible officer	Assistant Ombudsman, Executive Office

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POLICY STATEMENT

The Ombudsman has a mandate to improve public sector administration. Receiving and understanding complaints can help an organisation measure its effectiveness in its service delivery. The Ombudsman says to authorities in VO's good practice complaint handling guide:

Complaints are free feedback about what people think of your agency's services and decisions. They can highlight the need for changes to your practices, or the need to explain them to members of the public in a different way.¹

Reviewing complaint practices and procedures enables the Ombudsman to assist an authority optimise the value of feedback from complaints to make informed, citizen-focused changes to service delivery and operations.

SCOPE

1. One of the objectives of the Ombudsman Act is to assist in improving the quality of administration and complaint handling practices and procedures of authorities (Ombudsman Act, section 2A(d)).
2. The Ombudsman may decide to review an authority's complaint practices and procedures:
 - a) on the Ombudsman's own motion (Ombudsman Act, section 13D(1)(a)), or
 - b) in response to a complaint (Ombudsman Act, section 13D(1)(b)).
3. Instead of, or in addition to, a 'review' of an authority's complaint practices and procedures, the Ombudsman can conduct an 'own motion investigation' (Ombudsman Act, section 13D(5)). An investigation may be warranted, if, for example, the Ombudsman:
 - a) considers, at the outset, that the issues involved may be serious or systemic in nature
 - b) deems it may be necessary to compel the authority to provide information through the use of the Ombudsman's coercive powers

¹ Victorian Ombudsman, *Complaints: Good Practice Guide for Public Sector Agencies* September 2016, p 2.

- c) identifies systemic concerns during a review that merit investigation
- d) considers it, otherwise, in the public interest to conduct an investigation
- e) envisages it may be necessary for the authority to report on its progress to implement recommendations.

CONDUCTING REVIEWS OF COMPLAINT PRACTICES AND PROCEDURES

4. Reviews of complaint practices and procedures evaluate the degree to which an authority's complaint handling system measures up to principles outlined in the Ombudsman's good practice guides, which promote a 'citizen centric' approach as recommended in national and international industry standards as the core driver of an effective complaint handling system.^{2, 3}
5. When reviewing an authority's complaint handling practices and procedures, the Ombudsman uses a collaborative approach. The Ombudsman engages with the authority at the outset of the review and adapts the methodology to suit the needs and capabilities of the authority.
6. The methodology applied is also dependent upon the legislative and organisational context of the individual authority. The Ombudsman takes a proportionate approach to fact finding and information-gathering exercises, to match the organisation's operational capacity and complexity.
7. The Ombudsman uses effective audit practices, which may include:
 - a) reviewing the Ombudsman's complaints data about the authority
 - b) examining the authority's policies, procedures and data
 - c) meeting with key stakeholders to set the terms of reference of the review
 - d) conducting staff or complainant surveys to obtain insights
 - e) requesting the authority complete self-audit and assessment tools developed with the Ombudsman's assistance.
8. The Ombudsman recognises that there is more than one successful form for a complaint handling system. A review looks at the degree to which the authority's

² Australian/New Zealand Standard, *Guidelines for complaint management in organizations* (AS/NZS 10002:2014) p 6

³ International Organization for Standardization, *Quality management -- Customer satisfaction -- Guidelines for complaints handling in organizations* (ISO 10002:2018)

complaint practices and procedures exhibit the core values to which the authority is committed under legislation and policy. For the Victorian state public sector these are: responsiveness, integrity, impartiality, accountability, respect, leadership and human rights.⁴

9. The Ombudsman informs the authority of the outcome of a review of the authority's complaint practices and procedures. As a result of a review, the Ombudsman may recommend improvements to an authority's complaints practices and procedures, and deliver education, training or other assistance to the authority (Ombudsman Act, section 13D(2)(a) and (b)).
10. The Ombudsman may table a report on a review of an authority's complaint practices and procedures (Ombudsman Act, section 25(2)). If the report contains any adverse comment or opinion in relation to an authority's complaint handling systems, we provide the authority a reasonable opportunity to respond to any such material in the report (Ombudsman Act, section 25A(2)).

WHY WE DO REVIEWS OF COMPLAINT PRACTICES AND PROCEDURES

11. Reviews of complaint practices and procedures enable the Ombudsman to:
 - a) prevent complaints being unnecessarily escalated to the Ombudsman's office by empowering an authority to proactively identify its own administrative deficiencies and take ownership of implementing improvements
 - b) collaborate with authorities and collectively work towards creating cultural change that recognises the value of complaints to excellent administrative practice
 - c) effect sustainable social and public service change that better serves the public interest by using legislative powers flexibly and interchangeably
 - d) through the power to make recommendations, ensure authorities remain accountable for implementing positive change to their processes after reviews of complaint practices and procedures are completed.
12. Reviews of complaint practices and procedures comprise a valuable aspect of engaged oversight. Giving a complaint system a health check is a natural applied

⁴ *Public Administration Act 2004* (Vic), section 7(1).

extension of the Ombudsman's leadership in publishing guides and undertaking public sector education for best practice complaint handling.

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.

Document approval

This document was approved by the Executive Committee on 20 April 2021.

Document review

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