

POLICY

Complaints and approaches

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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, agencies and local councils (and those performing a function on behalf of these bodies), or a protected disclosure entity. A complaint may result in the Ombudsman conducting enquiries or an investigation.

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/New Zealand Complaint Handling Standard (10002:2014).

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 provided to, or 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 'Unreasonable Complainant Conduct' 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, section 14):

- about an administrative action taken in, or by, a Victorian state government department, agency or local council (or those performing a function on behalf of these bodies) 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. If a complainant does not comply with such a request, we may refuse to deal with the complaint (Ombudsman Act, section 15A(3)).

DISCLOSURES

8. A 'disclosure' is an approach that involves an allegation of improper conduct or detrimental action involving a public body or a public official (*Protected Disclosure Act 2012*, section 9). A disclosure can be made verbally or in writing.
9. VO must notify the Independent Broad-based Anti-corruption Commission (IBAC) of a disclosure that meets the statutory requirements in the Protected Disclosure Act. Notifications must be made within 28 days of receiving the disclosure. VO will otherwise cease to deal with the matter unless, or until, it is returned from IBAC (*Protected Disclosure Act 2012*, section 21(2)).

CONTACTING VO

10. VO operates a general enquiries telephone number during standard business hours.
11. VO can also be contacted in writing by letter, email, fax or via the Victorian Ombudsman website.
12. An approach to VO can be made in person by:
- visiting our reception
 - attending a community event where VO officers are available to take approaches
 - making an appointment to speak with an officer.
13. 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

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

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

- 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 take action on a matter until all avenues to resolve a complaint have been exhausted.
- VO has the power to deal with the complaint
- we should exercise our discretion under the Ombudsman Act to accept or refuse to deal with the complaint.

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

17. 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 is warranted.

18. 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, Portfolios & Administrative Improvement	<i>Owner</i> – Accountable for ensuring the drafting, maintaining and seeking authorisation of the policy and standards from a suitable Senior Leadership Committee.
Manager, Human Rights Portfolio	<i>Charter compliance</i> – Responsible for checking compatibility of the policy with the human rights protected by the <i>Charter of Human Rights and Responsibilities 2006</i> .
Governance Committee	<i>Authorisation</i> – Authorises, leads, monitors and reports on information management activities.
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 Senior Leadership Committee (Governance 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.

Document control

Version	Date	Section	Brief Description of Change
0.1	17/12/2015	All	Policy approved by Governance Committee
0.3	31/8/2016	All	Policy amended to incorporate July 2016 legislative amendments to Victoria's integrity scheme
0.3	28/2/2017	All	Policy content transferred to new template

APPENDIX A: Related documents

Title	Location
<i>Protected Disclosure Act 2012</i>	<u>Protected Disclosure Act 2012</u>
<i>Ombudsman Act 1973</i>	<u>Ombudsman Act 1973</u>