

Fact sheet 2

Tips for making a complaint to Victorian public sector bodies

There is now an expectation in both the public and private sectors that organisations have established complaint-handling procedures. If you wish to make a complaint, you should first direct this to the organisation concerned to give them the opportunity to address your concerns. Apart from resolving your complaint, bringing the matter to the attention of the organisation may result in changes to their policies or procedures that will benefit other members of the community.

You can complain to the Victorian Ombudsman if you have an unresolved complaint about a **Victorian** government department, statutory authority, or local council (i.e. public bodies). You do not have to be a resident of Victoria to make a complaint to the Ombudsman about Victorian public bodies.

The Victorian Ombudsman cannot resolve complaints about federal government organisations (such as Centrelink or Medicare). You must take these kinds of complaints to the **Commonwealth Ombudsman**.

Similarly, the Victorian Ombudsman does not have jurisdiction over private companies or service-providers (such as banks, water and power suppliers, or telephone and internet providers). You must take these kinds of complaints to the relevant complaint body. For example, complaints about internet providers should be directed to the Telecommunications Industry Ombudsman. You can find a list of these bodies, and their contact details, at our website:

<http://www.ombudsman.vic.gov.au/www/html/19-useful-links.asp>.

A letter to the public body is best but a telephone call may resolve the matter quickly.

It is usually best to write a letter of complaint, particularly if you are dealing with a large public body. If you write, someone will be given the job of answering your letter and it is more likely to be directed to the right area or person.

However an initial telephone call may help clarify some of the issues or may help you understand the public body's complaint-handling procedures. For example, some complaints may require a special form.

If you do telephone the public body, tell them about your complaint, ask them if they can help and what they intend to do. Try to ensure that you are speaking to the most appropriate person for addressing your complaint. Always ask for their name and position and keep notes of what was said and the time and date of your call. You may be asked to put your complaint in writing, particularly if it is complicated or if there is a significant history to it.

Addressing your letter

You should send your letter to the complaint-handling officer if there is one. If you are unable to identify such an officer, write to the head of the public body.

What to include in your letter

Your letter should be clear and to the point. Summarise in a couple of sentences precisely what your complaint is about. Do not give excessive detail. Your letter should be set out in a logical order and should include:

- the date
- your name, address and day-time telephone number
- a description of the incident or problem
- relevant dates, places and times
- relevant details of any telephone conversations and meetings
- any explanations you think are important
- copies of relevant documents
- the result you are seeking.

Tell the agency what you need

Explain what action you think should be taken to resolve your problem. This will give the public body a chance to fix a mistake or an omission.

Make sure your demands are reasonable. If your request is realistic and within the power of the person you are writing to, you are more likely to get your complaint resolved.

Ask for action

Always request that your letter be acknowledged in writing. Ask the public body for an estimate of how long it will take to deal with your complaint. If there is a degree of urgency involved, let them know this and explain why. Four weeks is usually a reasonable length of time in which to receive an answer to your complaint.

Keep records

It is important that you keep copies of all the letters you send and receive as well as details of all telephone calls. You may need to provide evidence of your dealings with the public body, particularly if you decide to refer the matter to the Ombudsman.

Pursuing your complaint's progress

If nothing happens, call the public body to check on the progress of your complaint. If they are not able to provide you with an update, then write again.

Dissatisfied with response

Ask the public body what rights of appeal are available to you if you are dissatisfied with the resolution of your complaint.

After this process, if your complaint is not resolved to your satisfaction or not dealt with in a reasonable time, you may complain to the Victorian Ombudsman.

Making a complaint to the Victorian Ombudsman

The tips outlined above are also relevant when making a complaint to the Ombudsman. Clear and simple communications are important when contacting our office. In most cases we will ask that you complain to us in writing. Should you have any difficulties in lodging a written complaint please contact us on the numbers provided below and our staff will assist you to submit your complaint.

It is essential that you give the Ombudsman clear details of all of the circumstances and issues of your complaint. Please set out as clearly and concisely as you can the matters about which you are complaining. Dates of relevant events and names and contact telephone numbers of the public body or other people who may have relevant information are very helpful.

If you have a reference number from the public body, this should also be provided to the Ombudsman.

You should provide any relevant documents you have which will assist the Ombudsman to understand the complaint. Copies of letters or documents should be provided to the Ombudsman by post, email or by delivery to this office.

It is important that you tell the Ombudsman what you hope can be done to assist you and how your complaint may be resolved to your satisfaction. Otherwise, your expectations may be misunderstood.

The Ombudsman will need your contact details, preferably including a day-time telephone number, if you would like to be informed of the outcome of our consideration of your complaint.

Please note: This document is intended as a guide only. For this reason the information contained herein should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Victorian Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to www.legislation.vic.gov.au.

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