

# challenges in complaint handling

Managing the large number of complaints and inquiries received each year is a major challenge for the Ombudsman's office. The scale of this challenge is captured in the office statistics for 2003–04. We received 17,496 complaints and 9,036 other approaches at our eight offices in capital cities around Australia. Complaints are made by telephone, in person, in writing (by letter, email or fax), and by use of the online complaint form on our website. An investigation staff of 69 officers handles the complaints.

The way that a complaint is dealt with by the Ombudsman's office can be as important to a person as the correctness of the decision they are complaining about. Timeliness in complaint handling is a foremost concern. There are other important challenges as well, particularly for a dispersed national office such as the Commonwealth Ombudsman. It is important to ensure consistency across the office in the way complaints are dealt with. Maintaining a uniformly high quality of service delivery is a dimension of that challenge.

*'Timeliness in complaint handling is a foremost concern.'*

These issues and challenges are long standing ones in the work of the Ombudsman's office and have been taken up in many ways. A principal initiative was to define the criteria for good complaint handling in *A Good Practice Guide to Effective Complaint Handling*, available on our website at [www.ombudsman.gov.au](http://www.ombudsman.gov.au). The guide is as useful for the office in monitoring its own standards as it is for monitoring complaint handling in agencies. A key objective of the Ombudsman's office is to model the principles and standards expressed in the *Good Practice Guide*. An essential step in that process has been to create a Client Service Charter that sets out the standards the

office strives to achieve. The charter contains commitments to complainants about the service that can be expected from the office, ways to provide feedback, and steps that can be taken if standards are not met.

This chapter describes other steps taken by the office, over a long period of time and during 2003–04, to develop a framework and system for complaint handling. Some challenges facing the office to be taken up in 2004–05 are also noted.

## THE TECHNOLOGICAL DIMENSION TO COMPLAINT HANDLING

When the Ombudsman's office was established in 1977, it was customary at the time for a paper file repository to be maintained of all complaints received and information on how they were handled. Since the late 1990s, the office has increasingly computerised its complaints management and record keeping, using databases in all aspects of its operations.

In late 2001, a new complaints management system was introduced—the Commonwealth Ombudsman Information System, known as COMBi. COMBi was developed especially for the office and complements, rather than replaces, paper file records. All complaints are registered in COMBi as they are received. Each complaint is allocated an automatically generated identifying number, and the database enables investigation staff to record all relevant information about the handling of a complaint. This includes personal details of the complainant, details of the agency and issues complained about, actions taken by the investigator, and conclusions reached.

The primary use of COMBi is to record, search and retrieve complaint information. This database is also used in a number of other ways to facilitate

the work of the office. COMBi enables case records to be transferred efficiently around the office, such as from a State office to a specialist team in Canberra. It also helps staff to manage complaints by reminding them when action is due or overdue. COMBi allows supervisors to check on the workload of investigation staff in order to maintain high standards of timeliness and decision making. Senior managers are able to access COMBi for data on trends in the number and nature of complaints over time. This can assist in managing resource allocation across the office, and in identifying areas of public administration that require attention from the Ombudsman in the form of an own motion investigation.

*'... access COMBi for data on trends in the number and nature of complaints over time.'*

COMBi is used to inform the strategic direction of the office. For example, during 2003–04 we examined the postcodes of complainants to identify the regional areas from which we were receiving complaints. In the light of this information, we decided to improve outreach to regional areas and received additional funding for this purpose in the 2004–05 Budget.

Information extracted from COMBi is also used outside the office. We provide consolidated statistical data throughout the year to agencies about which we receive the most complaints, such as Centrelink, the Australian Taxation Office (ATO) and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). This data includes the number of complaints received, the issues raised and complaint outcomes. The information helps agencies to identify areas where there may be problems in their administration or internal complaint-handling processes.

Other bodies often call on us to assemble profile information on the complaints received by the office. In 2003–04 we provided information to parliamentary inquiries examining the governance of Norfolk Island, the Medicare safety net, the exercise of safety net discretionary powers by the Minister for Immigration, and to the Senate Estimates Committee. COMBi was also used to provide information to the Treasury inquiry into self-

assessment; to the Inspector-General of Taxation's review of the ATO's small business debt collection practices; and to the Australian National Audit Office for its review into the ATO's administration of the Australian Business Number (ABN) system.

Information is entered into COMBi by Ombudsman staff around Australia. There is a heavy reliance on the accuracy and professionalism of their work in doing so. A matter of increasing concern within the office was that if the process of data entry was too complex, the quality and timeliness of the input would suffer. To address this concern we decided during the year that problems with data entry and the 'usability' of the system required that we consider alternative databases. We have decided to replace COMBi with a more 'user friendly' system, which will help to streamline work practices. Work on a new complaints management system to replace COMBi is well advanced. The move to the new system has given rise to an unforeseen expense of \$195,000 in 2003–04. Chapter 10 provides further information on the technical aspects of COMBi.

## **BENCHMARKING**

It has been customary for the Ombudsman's office to aggregate complaint statistics and produce a report annually on the outcome of investigations. Some people rely on these statistics as an indicator of standards and trends in public administration. As this report shows, we produce statistics on different aspects of complaint handling, including the number of complaints against individual agencies, the number of issues raised in those complaints, the proportion of complaints handled by formal investigation or in some other way, and the outcome of complaint investigations. If those statistics are to convey an accurate picture, there must be an equally sophisticated system for recording and interpreting them.

The production and interpretation of statistics poses an ongoing challenge for the Ombudsman's office. One dimension of this challenge is to ensure consistency in data entry. This means that Ombudsman staff who are entering data into COMBi must all work to the same definitions—for example, they should have a common understanding of the term 'defective

administration'. This is easier to achieve in some areas than others. The office's Taxation Team checks the consistency of outcomes by regularly reviewing all ATO complaints involving some administrative deficiency. It is difficult to replicate this process in some other areas of the office not supported by a specialist team. Another method for achieving accuracy and consistency across the office is to hold regular meetings of all investigation officers from around Australia to enable benchmarking issues to be discussed. During 2003–04, we reviewed and simplified the classification of complaint outcomes applied by investigation officers.

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Another prerequisite for high-quality data entry is best-quality work practices in the office. At one level this means, in the context of a national institution with eight separate offices, that it is necessary to monitor constantly the workflow in each office so that staff have the time and opportunity to perform tasks such as data entry as proficiently as possible. Training and technological support for staff in each office is equally important. At another level it is important that the policies and manuals on which staff rely for guidance are comprehensive and current. A project reviewing the office's investigation guidelines was commenced during the year, with a particular focus on ensuring that they are congruent with the new complaints management system. It is expected that this will result in greater simplification and standardisation of data entry and statistical reporting across the office.

Statistics, of course, tell only part of a story. It is the way they are interpreted that conveys the real message. A question often asked of the Ombudsman is whether it is good to see complaint numbers go up or down. There is no easy answer to a simple question of that kind. For example, a reduction in complaint numbers to the Ombudsman can be read in contradictory ways. It could mean that public administration is improving and that agencies are 'getting it right' more often. Or it could mean that fewer people are aware of the service provided by the Ombudsman. Worse still,



... being coordinated and systematic ...

it could perhaps mean that people are disillusioned with the service and see little point in complaining. While it is difficult to be definitive, the discussion of these possibilities will be better informed if there is contextual data available on how people perceive the office. A client satisfaction survey conducted during the year yielded valuable benchmark data for assessing how well complainants think we are doing our job.

Benchmarking is a common problem for all Ombudsmen in Australia, in both the public and private sectors. During the coming year we will be working with other Ombudsmen to explore how we measure performance. A starting point will be to agree on definitions of key concepts and terms, such as 'complaint', 'issue', 'investigation', 'preliminary investigation' and so on.

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In summary, we are concerned that our current data does not provide a sufficiently reliable picture of performance, workload and results. We will be working to improve this situation over 2004–05.

## CLIENT SATISFACTION SURVEY

The opinion of complainants as to their satisfaction level with the Ombudsman's office is an important element in assessing how successfully the office is discharging its function. It is equally important not to overstate the importance of this measure of office performance. The Ombudsman has defined its role as that of making an impartial and unbiased assessment of complaints, after conducting a professional investigation. An unduly high level of satisfaction from complainants could prompt the question of whether the office had developed an unhealthy bias towards agreeing with and advocating the grievances of complainants. Over time, that would be counterproductive to agencies' receptiveness to the Ombudsman's recommendations.

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In May 2004 the office conducted a client satisfaction survey. The last survey was conducted in 2000. It will take some time to analyse the results and decide on a further course of action, but basically the survey results show that we have maintained a high satisfaction rate among complainants (58% of complainants were satisfied with service delivery and 65% were satisfied that Ombudsman staff did as much as they should have when investigating complaints). This is similar to the results of the survey conducted in 2000. Of great interest are the widely differing satisfaction levels of complainants according to the agency involved. For example, for complaints we investigated about Centrelink, 71% of complainants were satisfied. The equivalent statistic for Defence was 50%. We will need to conduct further research before we can draw full meaning from the disparities in the results.

While we can feel reasonably satisfied with the results of the survey, and we are certainly maintaining our performance standards, considerable work is required to fully understand the results. This work is currently underway.

## STRATEGIC PLANNING

Many of the projects described in this chapter stemmed from a strategic planning exercise undertaken by the office in mid-2003. A motivation for undertaking strategic planning was the recognition that the office will remain effective only if it is strategic.

The size and resources of the Ombudsman's office are small by comparison with the scale of government operations that the office oversees. Many of the areas of public administration about which complaints are regularly received—such as taxation, immigration, and social services—are highly complex and require specialist understanding. The pace of change in government programs is rapid. While these factors pose an extra challenge for an ombudsman's office, they likewise make the office more relevant, rather than less.

To maintain relevance and effectiveness in a strategic manner, the office devised a strategic action agenda for 2003–04, defining the enduring commitments, pressing issues and longer term projects for the office. Examples of the enduring commitments of the office are to maintain an effective national office structure, contribute to public discussion on administrative law and public administration, and nurture our working relationship with Australian Government agencies. The pressing issues—most of which are underway or being finalised—include restructuring the electronic complaints management database, developing an outreach program, revising the investigation guidelines in the office, reviewing each of the major teams in the office, and revamping the office's website to include a research hub about the Ombudsman. Most of the longer term projects have also been initiated—such as a review of the Ombudsman Act, a client satisfaction survey, development of a complaint-handling manual, and preparation of reports on problem areas in law and administration.

Another vital part of the strategic planning process was to define the role of the Ombudsman in a precise and distinguishing manner. A reason for doing so was to highlight the distinctive role of the office—how it can add something to the business of government and fulfil a role not



## vision

- l an office that safeguards the community in dealings with Australian Government agencies.

## mission

- l to correct defective administration, by conducting independent investigation of complaints about Australian Government administrative action
- l to foster good public administration that is accountable, lawful, fair, transparent and responsive
- l to assist people to resolve complaints about government administrative action.

## values

- l independence, impartiality, integrity, accessibility, professionalism and team work.

## what we do

- l investigate complaints about Australian Government agencies and make recommendations for resolving complaints
- l foster good complaint handling in Australian Government agencies
- l encourage and assist people to resolve problems directly with government agencies
- l highlight problems in public administration through complaint handling, own motion investigations and reporting
- l contribute to public discussion on administrative law and public administration
- l focus attention on the adverse impact government administration can have on individuals
- l promote open government
- l inspect the accuracy and comprehensiveness of law enforcement records, including telephone interceptions and controlled operations
- l provide assistance to Ombudsman offices in the Asia–Pacific region.

## how we do it

- l professional, high-quality and well-trained staff
- l delivery of our services in accordance with professional standards
- l efficient and effective information systems
- l being responsive to criticism of our own performance.

discharged adequately by the growing number of other review and complaint mechanisms in government.

The resulting definition—of the vision, mission, values and function of the office—is republished here. The prevailing theme is that the office sees itself as primarily an independent, external, complaint agency. As a *complaint* agency, the role of the office is to pick up grievances expressed by members of the public and to gauge whether there has been defective administration. As an *external* agency, the Ombudsman should offer a perspective that might otherwise be lacking within government. As an *independent* agency, the office must—when the occasion requires—be resilient in pressing an unwelcome or unpopular viewpoint.

*‘... the office sees itself as primarily an independent, external, complaint agency.’*

This core function of the Ombudsman is supplemented by other roles, notably the role of the office in fostering good public administration. However, these other roles spring from the complaint and investigation role of the office and are aimed at supplementing rather than overshadowing the Ombudsman’s core function.

## **OTHER PROJECTS FOR 2004–05**

In addition to the projects described earlier in this chapter, some other areas have been singled out for special project work in 2004–05.

### **Outreach**

It is important that the Ombudsman’s office reaches all Australians. Theoretically this is possible, since most complaints come via telephone, the internet and mail. However, it is a matter of concern whether the office is well known to all Australians. Our belief is that it is necessary for the office to travel beyond capital cities—partly to develop its profile, but also to speak to community gatekeepers (such as community organisations and parliamentary electorate offices). We sought and were granted extra funding in the 2004–05 Budget for an outreach program and will appoint an Outreach Manager. Plans are being developed in each office for outreach projects.

### **Online complaint lodgment**

We already have a facility for online complaint lodgment, but feel that it is under utilised. We will be revising our website and complaints form to make electronic access to our services more effective. This will be done in two ways: by linking the Ombudsman’s website to the complaint-handling mechanisms in other agencies, and by improving the information provided to the public to facilitate lodgment of complaints.

### **Persistent complainants**

An issue faced by many complaint-handling agencies is that some complainants are unrelenting in not accepting the decision made by the agency. It is proper that decisions made by the office should be open to question and review, but in a small number of cases the complainants are persistent and inflexible beyond any reasonable limit. This can be a great drain on the resources of the office, and can lead to the paradox that the person’s original complaint becomes transformed into a complaint directed at the complaint-handling agency. We commissioned a study on the issue of persistent complainants during 2003–04. In 2004–05, we will consider how to address the issue.

### **Legislation review**

The statute establishing the office of Ombudsman also prescribes the framework for administrative investigation. Early in the life of the office it was found that some features of the Ombudsman Act impede rather than facilitate efficient investigation. For example, in 1983 the Act was amended to provide that complaints could be received orally as well as in writing, and to authorise the Ombudsman to conduct preliminary inquiries of an agency before deciding whether to conduct a formal investigation. It is now considered time for a further review of the Ombudsman Act, to ensure that the Act better reflects the more flexible and informal way that many complaints and inquiries to the office are handled and resolved. The Prime Minister indicated his agreement in 2003 to a project to prepare a proposal for a revised Ombudsman Act for consideration by the government. This project is currently underway.

# corporate support

## FINANCE TEAM

The Finance Team is located in the Canberra office and comprises two staff. Team members are responsible for budgets, procurement and contract administration, business procedures, coordinating Senate reporting and supporting the office's Audit Committee.

The Team also oversee the office's outsourced finance function handled by Duesburys Chartered Accountants, who carry out accounting operations and financial administration, including taxation and most



financial reporting for the office. In 2003–04, Walter Turnbull conducted most of the office's internal compliance and business audits and reviews.

## HUMAN RESOURCE MANAGEMENT, RECORDS MANAGEMENT AND SUPPORT SERVICES TEAM

The Human Resource Management, Records Management and Support Services Team of four provides advice and services to management and employees. This relates to pay and conditions, recruitment, training and development, occupational health and safety, workplace diversity, workplace relations, records management practices and procedures, office services and facilities management to underpin the Ombudsman's objectives.



The training programs coordinated by the team on introductory and advanced investigations are attended by staff from other government agencies, and from Ombudsman offices in Australia and the Asia–Pacific region.