

ROOM FOR IMPROVEMENT

**Observations from the
Ombudsman**



Introduction

Putting people and the Australian public at the centre of our service delivery is the cornerstone of good government.



Here at the Office of the Commonwealth Ombudsman, we oversee Australian Public Service (APS) agencies and receive complaints about them. We know the APS is committed to providing quality services to the community – but there is always room for improvement.

Our observations and data have shown us that most agencies can improve their compliance with legislation, record keeping, internal guidelines, complaint handling and communication. This report highlights the impact of not doing well in these essential areas. To ensure better services, it's crucial to have a culture that prioritises people and their needs in all aspects of service delivery.

If you're a public servant, look over the following list, talk with your colleagues, and consider how you can implement the adjustments we suggest. In doing so, you will improve the fairness, transparency, accountability, and service delivery of your agency.



1 Follow the law



APS agencies have a responsibility to comply with legislation – and should be particularly familiar with the legislation that underpins their functions. At times, we have observed agencies perform their functions in a certain way because, “that’s how it’s always been done”. In such cases, if an agency were to dig a little deeper, they may find their practices do not actually reflect the law.

Why is it important?

The public looks to government to not only know the law, but to follow it. Compliance with the law is not optional: if an agency thinks the law is incorrect, they should seek to have the law changed. Until it is, they are still obliged to follow it.

As we’ve seen, an incorrectly held assumption about what is lawful can result in widespread decision-making errors which later need to be fixed. Again, it’s crucial for us as public servants to have people front of mind at all stages of service delivery.

Decision-making errors may deny people their entitlements or may improperly raise debts against people.

People may have rights to seek review of decisions that have been improperly made – so agencies should tell people who have been affected, so the people can decide whether to seek review.

Make the Change

- ✓ Be curious and courageous.
- ✓ If in doubt about the law, seek legal advice; if necessary, escalate the issue.
- ✓ Don’t make assumptions about what the law says. Read and understand the law. It’s a sign of agency health to be prepared to check that a long-standing practice is in fact lawful.
- ✓ Consider what complaints are telling you. Review complaints to identify if there’s a legal issue.
- ✓ When developing standard operating procedures, ensure that they correctly reflect what the law actually is.
- ✓ Include references to underpinning legislation in your standard operating procedures and set review dates to make sure the references stay accurate.
- ✓ Ensure staff induction materials include information about relevant legislation.

What we've seen

Recently agencies have approached us because they have discovered that they have not acted in accordance with the law.

In one case, a Department was acting based on what they thought the law should say, not what the law actually said. The Department told us that the legislation (passed 5 years ago) "did not correctly reflect" what they had intended to do (and had been doing since).

In the other case, an entity was acting on a long-held but incorrect view that they didn’t need to give compensation to a group of customers who had been affected by the entity's failure to follow the law, if the customers had not complained.

In both cases, resource intensive activities were required to fix the issues.

2 Keep good records



There's almost always room for improvement in record keeping. Strong record keeping practices are the cornerstone of a transparent and accountable government.

The suggestions and recommendations in our reports and our contact with agencies often relate to recording reasons for decisions, providing staff with instruction on what information should be recorded, or training staff on how information should be organised and stored.

Why is it important?

Maintaining accurate and reliable records supports effective administration, increased transparency, effective complaint handling, and proper scrutiny of decisions.

What we've seen

We found decision makers in an agency were not recording their reasons for decisions they made. As a result, the agency was unable to provide assurances that their decisions were appropriate or in accordance with the relevant policy.

This also meant the agency could not monitor how their power to make such decisions was being used. It also meant that people affected by the decisions did not know the basis on which the decisions were made, which affected their ability to decide whether to seek review of decisions.

We recommended the agency require decision makers to record the reasons for their decisions and to also communicate their reasoning to applicants.

Make the Change

- ✓ Be proactive – think about publishing your decision-making framework online. This can help answer questions and avoid the need for people to lodge complaints.
- ✓ Identify each decision point in your program and cross check whether record keeping practices are appropriate at each step.
- ✓ Assess whether each decision point is at an appropriate delegation level.
- ✓ Include your agency's record keeping procedures in your staff induction.

Not having good records can cast doubt on the integrity of decision-making.

3 Have clear policies and guidelines



Providing a framework for staff to understand and apply rules correctly helps ensure consistency, fairness and confidence in the decision-making process.

Why is it important?

Clear policies and guidelines are a vital component of the APS toolkit. As our example shows, people can be severely impacted when agency internal guidance is not clear.

Make the Change

- ✓ Make sure any eligibility criteria are clearly defined.
- ✓ Conduct regular reviews of guidance materials and include input from frontline staff in your review.
- ✓ Keep abreast of policy changes that could require changes to any standard operating procedures.
- ✓ In your program's risk plan - incorporate an action to review your guidance materials.

What we've seen

On more than one occasion, we observed that decision-makers in an agency did not consider a relevant policy provision when reviewing a particular type of application.

The lack of familiarity and confidence with the policy contributed to applicants being wrongly deprived of financial support for a period of time.

We recommended that the agency update its guidance and procedures to ensure review officers had clear advice on what circumstances would prompt consideration of the relevant legal provision.

People can slip through the cracks and not receive the help they need - an outcome that is easily mitigated by having clear guidance and procedural materials.

4 Make your complaint-handling user centred



Complaints are a very important source of feedback for agencies. They are also a vital way for people to raise concerns about the agency's work.

Many of our recommendations concern improvements to an agency's complaint handling process. In particular, we look at how agencies can make their complaints process easier for people to navigate. This may include recommendations or suggestions to streamline procedures, enhance communication with complainants, ensure timely and thorough investigations, and to implement ways to identify recurring issues.

Some agencies think they have good complaint processes, but when we look we find that the agency only has a process for "inquiries" (not complaints), or they require the person complaining to first have a detailed knowledge of how the agency organises itself in order to find how to lodge a complaint.

What we've seen

A good complaint-handling system fosters accountability, responsiveness, and a culture of excellence in public service delivery.

More recently, we have observed that people can experience difficulties trying to resolve complaints where more than one agency is involved - as we saw in the following case study.

We received a complaint from an individual trying to update their personal details across two agencies. Despite contacting the relevant agencies multiple times over many months, the issue remained unresolved, so they began to complain to each agency. When the individual did eventually receive advice to fix the issue, they found it confusing and they lacked confidence in the solution proposed.

Amongst other things, we suggested the agency that received the initial complaint review the case to identify areas for improvement in relation to complaint handling. We suggested they consider working with other agencies to integrate complaint handling systems. The case study highlights that people can fall through the cracks or feel as though they aren't able to find the right place to fix their issue, where multiple agencies are involved.

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Why is it important?

It's important for all agencies to set up their complaint systems in a way that is easy and logical for complainants and optimal for the type of service agencies are providing. Otherwise, people may not have an effective way to raise and resolve their problems. For agencies that deliver joint services, an optimal system may involve handling complaints together.

All agencies involved in joint service delivery should consider whether joint complaint handling systems would make processes easier for complainants. You can read about this in more detail in our [Insights Paper on joint service delivery](#).

Overall, a robust complaint handling system that is tailored to the needs of the complainants and customised to the specific service being delivered, not only provides a platform for individuals to voice their concerns, but also facilitates continuous improvement. This is because it allows systemic issues to be identified, which in turn drives change.

Make the Change

- ✓ Develop a healthy complaint handling culture in your agency where complaint analysis is integrated into various business functions and involves staff at all levels – from frontline staff to senior executives; and complaints are seen in a positive light – as an opportunity to improve service delivery.
- ✓ Ensure your complaint pathways are easy for the public to find.
- ✓ Empower frontline staff to resolve complaints quickly.
- ✓ Create a triage system to prioritise complaints. Set timeframes for when the complaint needs to be resolved.
- ✓ When delivering a joint-agency program, work with the other agency to implement an integrated complaint handling model. See [Insights Paper on joint service delivery](#).

Want help making this change?

Consult our [Better Practice Complaint Handling Guide](#)

Contact us for training. You can email us about our Complaint-Handling Workshop at education@ombudsman.gov.au

5 Communicate clearly



From website content to providing written advice and decisions, communication impacts almost every part of government service delivery. For the most part, we find people want clear messaging on when to expect a response to their contact with an agency and why a decision was made. In fact, we resolve many complaints we receive by simply providing a clearer explanation of the information a complainant has received from an agency.

Why is it important?

Effective communication is essential: the public deserve no less. Providing accurate and timely information strengthens the relationship between the APS and the public. Good communication addresses peoples' needs, manages public expectations, enhances service delivery and means people don't need to lodge complaints in order to get an answer.

What we've seen

We reviewed the application process of an agency and found the agency was not providing accurate, clear or consistent information about application timeframes. The issues we identified were present in the agency's general communication materials (such on their website and in their templates) as well as in their one-to-one communication with individuals.

As you can imagine, situations like these can cause confusion and frustration. It also contributes to individuals losing trust in government agencies. We suggested the agency review the entirety of its communication about applications to improve accuracy, consistency and clarity.

Make the Change

- ✓ Think about your communication from a customer or client's perspective – consider co-design to ensure your communication materials are logical and accessible.
- ✓ Agencies should strive to communicate information in a clear and concise manner. Using plain language, avoiding jargon, and presenting information in a structured format can enhance understanding. Remember that, for many people, English is not their first language.
- ✓ Ensure internal policies promote transparency about timeframes and the progress of decision-making.
- ✓ Regularly review all forms of communication (including website and letters) to ensure these include clear information.
- ✓ Make sure changes to communicative materials incorporate feedback received from complaints.

Want to learn even more?

Check out our [Ten Principles for Good Administration](#)