

## *Parliamentary Complaint Handling Procedures*

### 9. Actioning your decision: Preliminary inquiries

Updated: 16 September 2019

Review at: 16 September 2020

OVERVIEW	3
9.1 ASSUMPTIONS	3
9.2 PROCESS TABLE – IMPLEMENTING A DECISION TO MAKE PRELIMINARY INQUIRIES	4

## Overview

Procedure 7 covered when you might decide to make preliminary inquiries of an agency to find out more information to help you to decide what action to take on a complaint. This Procedure explains how to implement your decision to conduct a preliminary inquiry of an agency. It is assumed you have read Procedure 7.

This Procedure also does not address decisions to investigate or not investigate, including transferring complaints. Procedures 8 and 10 explain the process for those decisions.

The Office's [Preliminary Inquiries policy](#) outlines the overarching policy and expectations of how preliminary inquiries are used in this Office. This Procedure outlines the procedure for using preliminary inquiries for parliamentary complaints.



Purpose	To explain how to implement a decision to make preliminary inquiries in relation to a complaint
Workflow	<i>Previous Step:</i> Procedure 7 – Determining a course of action <i>Next step:</i> Procedure 12 – Finalising complaints
Scope	Does not examine the thinking process for making a decision to make preliminary inquiries Only applies to parliamentary complaints.

### 9.1 Assumptions

Prior to commencing these processes, you are required to:

- ✓ have read Procedure 7 and assessed your complaint
- ✓ have documented your assessment as per the process
- ✓ have read the [Preliminary Inquiries Policy](#) (the Policy)
- ✓ decided that a preliminary inquiry to an agency is the appropriate course of action for your complaint
- ✓ be aware of your timeliness expectations (we generally expect to finalise contacts where an investigation is not required within 30 days).

9.2 Process table – implementing a decision to make preliminary inquiries

1	Ensure your assessment and proposed decision has been clearly recorded	See Procedure 7.	
	Commence preliminary inquiry workflow		
2			
			3
			4

5	Prepare to contact the agency	We conduct preliminary inquiries by email. Occasionally we may support the email by contacting the agency by phone, but this does not supplant the requirement to notify the agency by email of the preliminary inquiry. Draft your preliminary inquiry to the agency using the template provided below.
		<p>Ombudsman ref: 2019-123123 Dear [agency],</p> <p style="text-align: center;"><b>Section 7A notification – Preliminary inquiry – complaint from [Complainant]</b></p> <p>The Ombudsman has received a complaint from [Complainant] (Agency ref: xxx xxx) regarding the [Department/agency/subject matter].</p> <p>Please accept this email as notice under s 7A of the <i>Ombudsman Act 1976</i> that I have decided to conduct a preliminary inquiry and request information from [the Department / Agency].</p> <p><b>Issue/background:</b> [Complainant] told us [insert <i>brief outline of the issue regarding the preliminary inquiry – 1 or 2 sentences</i>].</p> <p><b>Questions:</b> To assist our assessment of this complaint, would the [Department/agency] please [respond to the following questions/provide the following information]:</p> <ol style="list-style-type: none"> <li>1. [...]</li> <li>2. [...]</li> </ol> <p>I would be grateful if you could respond to this enquiry by [xx Date/as soon as possible]. You are welcome to phone me if you would like to discuss this request. Yours sincerely</p>
6	Seek quality checking of your email	Whether you are required to undertake quality checking of your decision will depend on arrangements with your supervisor. If quality checking is required, send your draft email to your supervisor or colleague to check.
7	Send the preliminary inquiry	S 47G
8	Receive the agency's response	
9	Analyse the agency's response	Follow the principles set out in Procedure 10 regarding analysing responses from an agency.
	Decide on next steps	<p>After analysing the response, decide what action you will take – for example, finalise the complaint, transfer or consider investigation. You should follow a similar decision making process to that outlined in Procedure 7.</p> <p style="text-align: center; background-color: black; color: red; font-weight: bold;">s 47G</p> <p>Your analysis should include information about:</p> <ul style="list-style-type: none"> <li>• what the agency told you</li> <li>• your analysis of that information, including whether it is correct, reasonable and appropriate</li> </ul>

	<ul style="list-style-type: none"> <li>whether the information received is sufficient to determine if the complaint should or should not be investigated, and why.</li> </ul>
s 47G	
<b>10</b>	<p>Investigation warranted</p> <p>If you believe investigation is warranted, <span style="color: red;">s 47G</span> [redacted]</p> <p>You supervisor may seek to discuss this decision with you prior to you completing this step. If so, consult accordingly.</p>
<b>11</b>	<p>Investigation not warranted</p> <p>If you decide investigation is not warranted or to transfer the complaint to the agency, <span style="color: red;">s 47G</span> [redacted]. You should ensure that your analysis is documented in the action as this forms the basis of your s 6 decision.</p>
<b>12</b>	<p>Investigation Declined</p> <p>Advise the agency of your decision by email. See template below. Refer to the processes in Procedure 8 to implement your decision not to investigate a complaint.</p>
<p>Ombudsman ref: <span style="color: red;">2019-123123</span></p> <p>Dear <span style="color: red;">[Agency]</span>,</p> <p style="text-align: center;"><b>No further action - Preliminary inquiry - complaint from <span style="color: red;">[Complainant]</span></b></p> <p>I refer to my preliminary inquiry of <span style="color: red;">[xx date]</span> regarding a complaint from <span style="color: red;">[Complainant]</span> (Agency ref: <span style="color: red;">123 123</span>). Thank you for the information provided. After considering this information, I have decided to finalise <span style="color: red;">[Complainant]</span>'s complaint. I do not need any further information from <span style="color: red;">[agency]</span>.</p> <p>Yours sincerely</p>	

<b>Approval Date</b>	16 September 2019				
<b>Date of Review</b>	16 September 2020				
<b>Contact Team</b>	Education, Coordination and Review				
<b>Document ID</b>	A1761763				
<b>Version Control</b>					
<b>Version</b>	<b>Amended by</b>	<b>Review Date</b>	<b>Brief Description of Change</b>	<b>Approved by</b>	<b>Date</b>