

Parliamentary Complaint Handling Procedures

9. Actioning your decision: Preliminary inquiries

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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 <u>Preliminary Inquiries policy</u> 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	Previous Step: Procedure 7 – Determining a course of action Next step: Procedure 12 – Finalising complaints	
Scope	Does not examine the thinking process for making a decision to make preliminary inquiries Only applies to parliamentary complaints.	

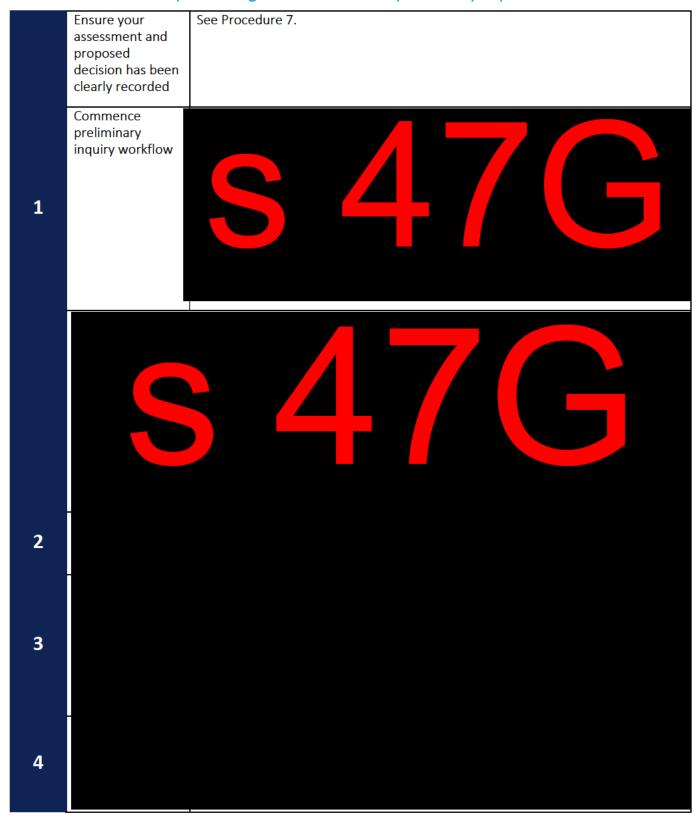
9.1 Assumptions

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 <u>Preliminary Inquiries Policy</u> (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





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.				
	Ombudsman ref: 2019-123123 Dear [agency], Section 7A notification – Preliminary inquiry – complaint from [Complainant] The Ombudsman has received a complaint from [Complainant] (Agency ref: xxx xxx) regarding the [Department/agency/subject matter]. Please accept this email as notice under s 7A of the Ombudsman Act 1976 that I have decided to conduct a preliminary inquiry and request information from [the Department / Agency]. Issue/background: [Complainant] told us [insert brief outline of the issue regarding the preliminary inquiry – 1 or 2 sentences]. Questions:					
	To assist our assessment of this complaint, would the [Department/agency] please [respond to the following questions/provide the following information]: 1. [] 2. [] 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					
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					
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	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. S 47G Your analysis should include information about: • what the agency told you • your analysis of that information, including whether it is correct, reasonable and appropriate				



	 whether the information received is sufficient to determine if the complaint should or should not be investigated, and why. 					
	s 47G					
10	Investigation warranted If you believe investigation is warranted, You supervisor may seek to discuss this decision with you prior to you completing this step. If so, consult accordingly.					
11	warranted agency, s 47G . You should ensure that you					
12	Investigation Declined	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.				
	Ombudsman ref: 2019-123123					
	[, '900]])	No further action - Preliminary inquiry - complaint from [Complainant]				
		ary inquiry of [xx date] regarding a complaint from [Complainant] (Agency ref: 123 123).				
	Investigation Declined Ombudsman ref: 201 Dear [Agency], I refer to my prelimin Thank you for the infe	this step. If so, consult accordingly. If you decide investigation is not warranted or to transfer the complaint to the agency, S 47G . You should ensure that your analysis is documented in the action as this forms the basis of your s 6 decision. 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. 9-123123 No further action - Preliminary inquiry - complaint from [Complainant]				



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Version Control

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