



Australian Government



COMMONWEALTH
OMBUDSMAN

2021-22

CORPORATE PLAN

Financial Years 2021-22 to 2024-25

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Commonwealth Ombudsman's foreword



As the accountable authority of the Office of the Commonwealth Ombudsman, I am pleased to present the Office's 2021–22 Corporate Plan for the period 2021–22 to 2024–25, as required under clause 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The plan is the Office's primary planning document, guiding how we will deliver on our purpose.

In the next 4 years, I anticipate that the Office will continue its longstanding role of considering complaints from members of the public about the wide range of Commonwealth, ACT and private sector organisations we oversee. In recent times, we have been particularly attuned to individual complaints and complaint themes that relate to the Government's response to the COVID-19 pandemic, and for so long as the pandemic is with us I anticipate we will continue to place an emphasis on this area. While complaint handling is a core component of our work, so too is the investigation of systemic issues through broader investigations, as are the range of other audit, inspection and oversight roles we fulfil.

We hold agencies to account but seek to do so in a way that is constructive and fair. Our goal is to uphold the integrity, and influence the improvement, of public administration. However, the work is never finished. Just as the Office continues to fulfil enduring roles, as the following paragraphs illustrate so too we continue to undertake new or expanded roles where Governments or Parliaments so determine.

In 2021–22 we will see an expansion to our oversight functions to oversee the use of the new *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* and *Telecommunications Legislation Amendment (International Production Orders) Act 2021* by law enforcement agencies. Law enforcement agencies rely on a wide range of covert and intrusive tools to do their work. The Office will play a vital oversight role to maintain public and Parliamentary trust that these tools are being properly deployed, in accordance with the legislation which governs their use.

The Defence Reparation Scheme has been extended to 2023. The Office will continue to provide current and former Defence members a confidential mechanism to report serious abuse for those who feel unable, for whatever reason, to access Defence's internal mechanisms.

The Office continues its work to progress Australia's implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), as both the National Preventive Mechanism (NPM) Coordinator and Commonwealth NPM. I am very proud of the work we have done in this area, the materials we produce, our inspections of places of detention, the planning we are doing to consolidate our role, the engagement with like bodies in the states and territories, and our engagement with civil society, all of which is in the public interest. We look to keep up the good work in 2021-22.

Work with our international partners continues in a constructive way despite the COVID-19 pandemic. Our Office remained resilient, flexible, and adaptable as the pandemic necessitated changes in where and how we work. We are working with Papua New Guinea, Indonesia, the Solomon Islands and Samoa to build their oversight capacity.

It has been a privilege to undertake the role of Commonwealth Ombudsman for the last 4 years. As I am retiring from the role at the end of July this year, I take this opportunity to thank my Deputy, Penny McKay, the Office's senior leadership team, and all of our hardworking staff for their commitment to preparing and fulfilling this Corporate Plan. I also wish my successor well, whoever that may be, in taking the work of the Office forward.

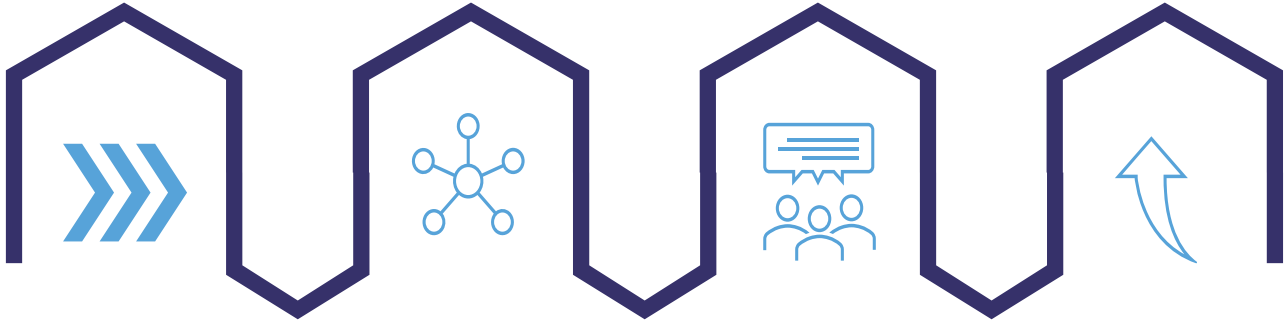


Michael Manthorpe PSM

Commonwealth Ombudsman

30 July 2021

What we do



OUTCOME

Fair and accountable actions by Australian Government entities and select private sector organisations



PURPOSE

To provide assurance of integrity and fairness and to influence



ENGAGEMENT

Public
Government agencies
Private sector
Parliament



LOOKING AHEAD

Improve services
Deliver critical functions
Optimise our influence

ACTIVITIES

• Complaint Handling • Investigations • Education • Audits and Inspections • Engagement

Purpose

The Office of the Commonwealth Ombudsman's (the Office) outcome is:

*'Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.'*¹

We deliver this outcome through our purpose to:

- Provide assurance that the Australian Government entities and prescribed private sector organisations that the Office oversees act with integrity and treat people fairly.
- Influence enduring systemic improvement in public administration in Australia and the region.

The Office delivers on our purpose through complaint handling, conducting investigations, performing audits and inspections, encouraging good public administration practices and discharging specialist oversight tasks. The Office influences improvement in public administration in the Pacific region and Indonesia through collaboration with partner entities.

In fulfilling our purpose, we strive to maintain the confidence of three main groups:

- Members of the public who contact us to complain, report or otherwise seek our help.
- Government agencies and private sector organisations we oversee.
- Parliament (and as we are both the Commonwealth Ombudsman and the ACT Ombudsman, this means both the Commonwealth Parliament and the Australian Capital Territory Legislative Assembly).

During 2020–21 and over the next four years, the Office will focus on maintaining the confidence of the public, agencies and parliament through:

- Responding to feedback from the public and agencies about our service, with a particular focus on the ease of access to our service, timeliness of our service and the clarity of our communications.
- Delivery of critical oversight functions to ensure public confidence in the manner in which law enforcement and other agencies exercise certain intrusive and coercive powers.
- Careful identification of areas of administration where our critical but discretionary activities should be dedicated, in the form of own motion or other investigation and reporting work, in order to optimise our influence on the wider system.

¹ Office of the Commonwealth Ombudsman, Portfolio Budget Statement 2021–22, Attorney-General's Department, Canberra, 2021

Performance

We identify 5 objectives to help deliver our purpose. Each of these objectives is linked to our 7 performance criteria. The table below outlines our purpose, objectives and performance criteria.

OUR PURPOSE	
OBJECTIVE 1	<p>Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.</p> <ul style="list-style-type: none">• We influence improvement in public administration and the practices of the agencies and organisations we oversee.• We are responsive in our dealings with agencies.• We maintain the confidence of parliament.
OBJECTIVE 2	<p>Provide an efficient, effective and accessible government complaint handling service.</p> <ul style="list-style-type: none">• We assist the public to resolve issues with agencies and organisations we oversee.• We are responsive to the public when they contact our Office.• We improve public awareness of our role in influencing public administration.
OBJECTIVE 3	<p>Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.</p> <ul style="list-style-type: none">• We influence improvements in public administration and the practices of the agencies and organisations we oversee.• We are responsive in our dealings with agencies.• We maintain the confidence of parliament.
OBJECTIVE 4	<p>Provide effective and impartial industry complaint handling services and provision of consumer information.</p> <ul style="list-style-type: none">• We assist the public to resolve issues with agencies and organisations we oversee.• We are responsive to the public when they contact our Office.• We improve public awareness of our role in industry practice.
OBJECTIVE 5	<p>Deliver capacity building programs under the Australian Aid arrangements to support ombudsmen and allied integrity bodies to improve governance and accountability.</p> <ul style="list-style-type: none">• We effectively deliver our capacity building programs for the ombudsmen and allied integrity bodies under the Australian Aid arrangements.• We maintain the confidence of parliament.

Quantitative metrics

Our performance against each of the criteria will be demonstrated through a combination of qualitative analysis and quantitative metrics. For some criteria, setting a target (such as a target that 75 per cent of recommendations in public reports will be accepted by the agency or organisation) is appropriate. For other measures, our aim is to improve our performance compared to previous years (for example, measuring an increase in the total number of enquiries, complaints and website visits).

The following table outlines the performance criteria and the quantitative metrics applicable.

Performance criterion	Objective	Primary confidence measure	Applicable quantitative measures and targets	2021-22	2022-23	2023-24	2024-25
1	2 and 4	People	Percentage of people who contacted the Office providing a rating of 'satisfied' (or better) with our services in response to complainant satisfaction surveys.	65%	65%	65%	65%
			Percentage of complainant satisfaction survey responses with a rating of 'satisfied' (or better) evaluating our independence.	65%	65%	65%	65%
			User satisfaction with the privatehealth.gov.au website	75%	75%	75%	75%
2	2 and 4	People	Complaints with the Office will be finalised within our service standards.	90%	90%	90%	90%
3	2 and 4	People	Increase in the total number of enquiries, complaints and website visits compared to the previous reporting period, after taking into account changes due to new jurisdictions.	Annual Count	Count and analysis against 2021-22 results	Count and analysis against 2022-23 results	Count and analysis against 2023-24 results
4	1 and 3	Agencies and Organisations	Percentage of recommendations in public reports accepted by the agency or organisation.	75%	75%	75%	75%
			Percentage of recommendations accepted for Defence abuse reparation payments and VET Student Loan re-credits.	95%	95%	95%	95%
5	1 and 3	Agencies and Organisations	Percentage of satisfaction survey responses from agencies demonstrating a rating of 'satisfied' (or better) with the quality of our work.	80%	80%	80%	80%
			Percentage of feedback responses from participants in educational or other events demonstrating a rating of 'satisfied' (or better).	90%	90%	90%	90%
6	5	Agencies and Organisations	Percentage of outputs delivered under the Australian Aid arrangements.	80%	80%	80%	80%
7	1, 3 and 5	Parliament	Number of reports published.	Annual Count	Count and analysis against 2021-22 results	Count and analysis against 2022-23 results	Count and analysis against 2023-24 results
			Number of submissions made to, and appearances before, parliamentary committee processes.	Annual count	Count and analysis against 2021-22 results	Count and analysis against 2022-23 results	Count and analysis against 2023-24 results
			Percentage of reports within statutory timeframes.	100%	100%	100%	100%

Environment

Our jurisdiction is broad and we work across a diverse environment. We oversee Commonwealth entities and their contracted service providers, subject to some specific statutory exclusions (such as the intelligence agencies and the Australian Taxation Office). We also oversee a number of private sector organisations including:

- private health insurers
- some postal operators
- some providers of education services.

Our legislation provides the power to require the production of information or documents, to examine witnesses, including under oath or affirmation, and to enter premises for the purposes of our functions. We work closely with agencies and the organisations we oversee, fostering collaborative relationships to garner cooperation with us in the performance of our functions without the need to exercise these formal powers, and in our experience this generally occurs.

This includes agencies and organisations about whom we have received complaints, who cooperate with our requests for information, as well as managers of Commonwealth places of detention and law enforcement agencies who cooperate with our requests to access and inspect facilities and records or who consider recommendations in relation to reparation payments such as the Department of Defence.

Our environment also includes a role in liaising and cooperating with state and territory ombudsmen and information commissioners and other regulatory and oversight bodies, to avoid duplication and maximise effectiveness of oversight. This ensures a coordinated national approach to issues where appropriate and identifies opportunities to learn from others to improve our own practices.

Factors within our control

Management of additional or expanding functions

As an independent oversight agency, we have considerable discretion to set our priorities and use our resources to deliver systemic improvement in public administration.

Our purpose has as much contemporary value as ever, and our functions expanded in recent years as a result.

In 2021–22 our oversight functions and resourcing will expand to enable us to oversee law enforcement agencies' use of powers under *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* and the *Telecommunications Legislation Amendment (International Production Orders) Act 2021*. The Office will play a vital role in maintaining public and parliamentary trust that this legislation is being properly deployed across our communities.

4 year projection—informed by recent experience and internal structure and governance changes, the Office is well placed to take on further complementary activities with appropriate resourcing. Any additional or expanded functions are a policy decision for government.

For example, in 2021–22 and 2022–23 the Office is resourced to provide a secondeed to the Electronic Surveillance Reforms Taskforce led by the Department of Home Affairs. This project will replace the current patchwork of Commonwealth electronic surveillance laws with a single, streamlined and technology-neutral Act. A carefully designed oversight framework will be critical to ensure public confidence in agencies' exercise of powers under the new legislation.

Service to the public

The Office is committed to continuing to provide high quality and client focussed service to members of the public. We are focused on providing outcomes for individuals and the broader community that are timely and easy to understand.

We adapted to deliver certain services more flexibly following the restrictions imposed in response to the COVID-19 pandemic, to protect the health of both our staff and members of the public. We also continue to encourage the public to access our services through phone and online channels.

4 year projection—we are prioritising improvements to the channels the public use to engage with the Office to optimise the experience for users. We are making considered efforts to improve the timeliness of our contact with members of the public who make complaints and the milestones on which we update them on their matter.

Stakeholder engagement

Through the provision of outreach and education, the Office works towards improving complaint handling processes in the agencies and private sector organisations we oversee, and influencing improvements in their public administration and practice.

We adjusted the way we undertake our outreach and education functions and changed the way in which we deliver these functions as a result of restrictions in place to manage the outbreak of COVID-19 pandemic. We provide digital options for delivery of education products, and we will continue our digital outreach through regular social media posts.

While we are yet to commence overseas travel again, engagement with international ombudsmen has been adjusted to deliver our obligations virtually.

We will continue to follow the advice of government and medical authorities to determine both when and how to return to a level of service comparable to that delivered prior to COVID-19.

4 year projection—through expanding our education and outreach we continue to build the capability of the agencies and private sector organisations we oversee and public knowledge of our function.

Reconciliation Action Plan

Our vision for reconciliation is to acknowledge, value, respect and affirm the history and cultural richness of Aboriginal and Torres Strait Islander peoples. In 2020 our Office launched our Innovate Reconciliation Action Plan (RAP) 2020–2022 which is a vital part of our continued commitment to improving our services to Aboriginal and Torres Strait Islander peoples. The Office is committed to ensuring we deliver services to Aboriginal and Torres Strait Islander peoples that are equal, open and culturally sensitive. Our RAP also focusses on ensuring that we improve our cultural awareness as an office to provide a working environment that is culturally appropriate for our employees.

Our Office has a dedicated Manager, Indigenous Coordination and an Aboriginal and Torres Strait Islander Employee Network, who provide advice and support to staff handling complaints relating to Aboriginal and Torres Strait Islander peoples and communities.

4 year projection—the Office will continue to support and encourage growth of our Aboriginal and Torres Strait Islander workforce and deliver culturally competent complaint services. The Office will continue to carry out our commitments under the RAP to support our staff to grow, learn and practice innovative reconciliation measures across the Office.

Diversity and inclusion

Our Office's Diversity and Inclusion Strategy 2018–2021 provides a framework for diversity and inclusion across the Office. It supports a workforce that reflects the diversity of our stakeholders, partners, and the community we serve.

4 year projection—our 2021–2024 diversity and inclusion strategy will be launched in late 2021.

Geographic diversity

Our Office's staff are spread across offices in Canberra, Sydney, Brisbane, Melbourne, Adelaide and Perth. Information and communications technology (ICT), such as video conferencing, is used by the Office to ensure continuity of purpose and collaboration between the various locations. Our remote working capability and video conferencing functions were increased as a result of COVID-19. We continue to seek ways to increase our flexibility and productivity by improving our remote working technology.

4 year projection—we will continue to provide services across the country and improve the agility and connectivity of the offices through ICT capability.

Factors outside of our control

Decision-making by agencies and private sector organisations we oversee.

While the Office seeks to influence the agencies and private sector organisations we oversee, their decision-making is largely outside of our control. This is an important driver of the volume and complexity of approaches, complaints and own motion investigations that the Office receives or initiates.

A large part of our work is engaging with public and private sector organisations. We acknowledge that organisations may encounter their own constraints in their dealings with our Office and we endeavour to work with each organisation towards a common outcome.

We have mechanisms in place, such as our risk management framework, governance arrangements (in particular our Strategic Policy Board), workforce planning and ICT strategies, to direct our resourcing to appropriately manage our workload.

Commonwealth and Australian Capital Territory Government

Decisions made by the Commonwealth and ACT Government can impact our operating environment, including changes to our oversight responsibilities and levels of our resourcing.

COVID-19 Pandemic

The COVID-19 pandemic is an ongoing event and we will continue to work within government restrictions and seek innovative ways to deliver on our purpose and outcome.

The economic and budgetary impact arising from the pandemic is significant and will be long lasting. People will continue to rely on government support and services, which may lead to an increase in complaints to the Office. We will continue to oversee the management of new government support and services related to the COVID-19 pandemic.

4 year projection—the Office anticipates the factors outside of our control will persist over all or part of the 4 year reporting period. We will monitor these factors through our risk management planning and governance arrangements and respond as necessary.

Risk Oversight and Management

The Office recognises that accepting some level of risk is inherent in the successful delivery of our strategic and operational objectives.

We promote a shared understanding of risk consistent with the functions and objectives of an integrity oversight agency, including:

- a high standard of complaint handling, investigations, audit and inspections, encouraging good public administration practices and discharging specialist oversight tasks
- well informed decision-making
- proper use of public resources
- better performance outcomes

- fostering a positive risk culture that is aligned to these functions and objectives.

We accept certain risks inherent to our functions, providing that the function is:

- consistent with our strategic outcomes described in the Portfolio Budget Statement and this corporate plan
- a proper use of public resources, for which the Office is responsible
- subject to appropriate performance and conformance measures.

We use our Risk Appetite and Tolerance Statement to identify our risk appetite and tolerance to enable monitoring and review against the following enterprise risk categories:

Enterprise Risks	Appetite and Tolerance	Mitigating Strategies
<ul style="list-style-type: none"> • Strategic • Program • Operational • Compliance 	Zero to high depending on the external or internal risk type	Strategies range from Ombudsman approval for high risk/zero-low appetite and tolerance to local risk owner monitoring for low risk/high appetite and tolerance

The risk types within the enterprise risks are categorised as strategic risks. These risk types are identified as either external and internal and relate to our confidence groups and internal systems and resources:

Strategic Risk	External Risk Type	Internal Risk Type
<ul style="list-style-type: none"> • Reputation • Relevance • Resource 	<ul style="list-style-type: none"> • The Public • Agencies and Organisations we oversee • The Parliament – Commonwealth and ACT 	<ul style="list-style-type: none"> • Finance, Facilities and Assets • People and Culture • Core Business Systems

Our risk oversight and management tools include our Risk Management Framework, Risk Appetite and Tolerance Statement, Audit and Risk Committee, and Business Continuity Plan.

We undertake the following activities focused on effective risk management:

- Annual review of our Risk Management Policy and Framework and Risk Appetite Statement.

- Regular strategic and operational risk reporting to the executive, with the Audit and Risk Committee providing independent oversight.

4 year projection—the Office anticipates our enterprise risk, strategic risks and internal and external risk types will remain current over the 4 year reporting period.

Capability

To deliver on our purpose and outcome, the Office continues to focus on enhancing 2 organisational capabilities—our people and ICT.

People

Achieving and delivering on our purpose is dependent on our people and their qualities and capabilities. Our continued success is reliant on attracting and developing a highly skilled workforce that remains adaptive, dynamic and engaged.

Leadership

Effective leadership is a critical driver of organisational performance. We encourage the exercising of leadership at all levels. We will continue to focus on the development of leadership skills in middle management and in our emerging leaders to ensure effective organisational succession and strong leadership foundations exist across the Office. Our senior executive and staff at all levels will work together to achieve the targets set out in this corporate plan.

Workforce planning

Planning a workforce for the future is critical to ensuring there are enough appropriately trained and skilled employees to deliver on our purpose.

We undertake regular integrated business and workforce planning activities to ensure we continually consider our workforce needs in rapidly changing environments. We will review the Workforce Management Strategy regularly to identify the steps required to ensure we have skills and capabilities so the Office can continue to achieve its purpose and strategic objectives.

Specific strategies include:

- recognising and rewarding high performance
- integrating branch plans with our organisational capability strategies, including our workforce plans, learning and development, diversity and inclusion, and recruitment strategies
- encouraging employee mobility across the agency, the APS and within the portfolio, for example through temporary transfers
- supporting the flexible deployment of staff and strategic recruitment to ensure we have the right people in the right place at the right time
- providing a flexible work environment through a variety of initiatives
- providing development opportunities for staff to broaden their skills and extend themselves
- supporting managers to plan for succession, recruitment and learning and development needs in a strategic way
- actively participating in Australian Public Service Commission initiatives to increase capability.

Learning and development

We identify and foster talent at all levels and will continue to build employee capabilities and create career opportunities for our staff.

We value 'on-the-job' learning through exposure to others who have the required expertise. We offer learning opportunities that build and strengthen management and technical skills that are critical to our current and future workforce.

The Learning and Development Strategy 2021 – 2023 supports high-quality and relevant learning within the Office, by strengthening capabilities that support our purpose. We adapt to the external environment linking individual development needs to core Office skills.

Diversity and Inclusion

The diversity and inclusion strategy promotes inclusiveness and diversity, accelerates gender equality and embraces the unique skills of staff.

Valuing diversity and inclusion are integral to our goals and ensuring our staffing profile is reflective of the Australian values of fairness and equality. Our Disability Action Strategy, Reconciliation Action Plan, Aboriginal and Torres Strait Islander Employee Network, Cultural and Linguistic Diversity and LGBTIQ+ networks and other measures drive cultural change in the Office and open up new ways of working. They are helping staff to reach their full potential and enhance productivity and increase our relevance to our stakeholders. Our measure of success is an inclusive workplace where all staff feel valued and able to contribute to the best of their ability.

“Valuing diversity and inclusion are integral to our goals and ensuring our staffing profile is reflective of the Australian values of fairness and equality.”

Technology

We are seeking opportunities through technology to make engaging with our Office easier while being able to answer queries and resolve issues faster. To guide our technology requirements we have undertaken research to identify how we can most effectively communicate with the public.

The Office's technology strategy has 5 pillars. These are:

1. Security and Reliability

Ensure we provide robust, reliable and resilient ICT services across our agency as part of a whole-of-government response to increased security threats and cyber threats in particular. This will be a principal design and delivery consideration for all ICT projects, system designs and upgrades.

2. Mobility

Ensure our workforce can productively work anywhere and at any time across and beyond the Office, using secure and fit-for purpose technology solutions.

3. Digital Records and Information Sharing

Ensure our digital record-keeping supports staff mobility and helps employees to work productively and innovatively. Improve our internal systems and storage systems and use secure information-sharing systems with other government agencies.

4. Digital Accessibility

Anticipate public demand for digital engagement and self-services through accessible portals, user-friendly online forms, and channels tailored to their needs. Ensure both customer and staff experience and needs are considered in the design and implementation of solutions.

5. Business Intelligence

Invest in business systems that support inter-operability and on-demand, dynamic analytics. Build robust and trusted data sets. Harness quality data and analytic knowhow to deliver rich insights, foster better collaboration with the agencies we oversight and to support trust in our reputation.

“We are seeking opportunities through technology to make engaging with our Office easier while being able to answer queries and resolve issues faster.”



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