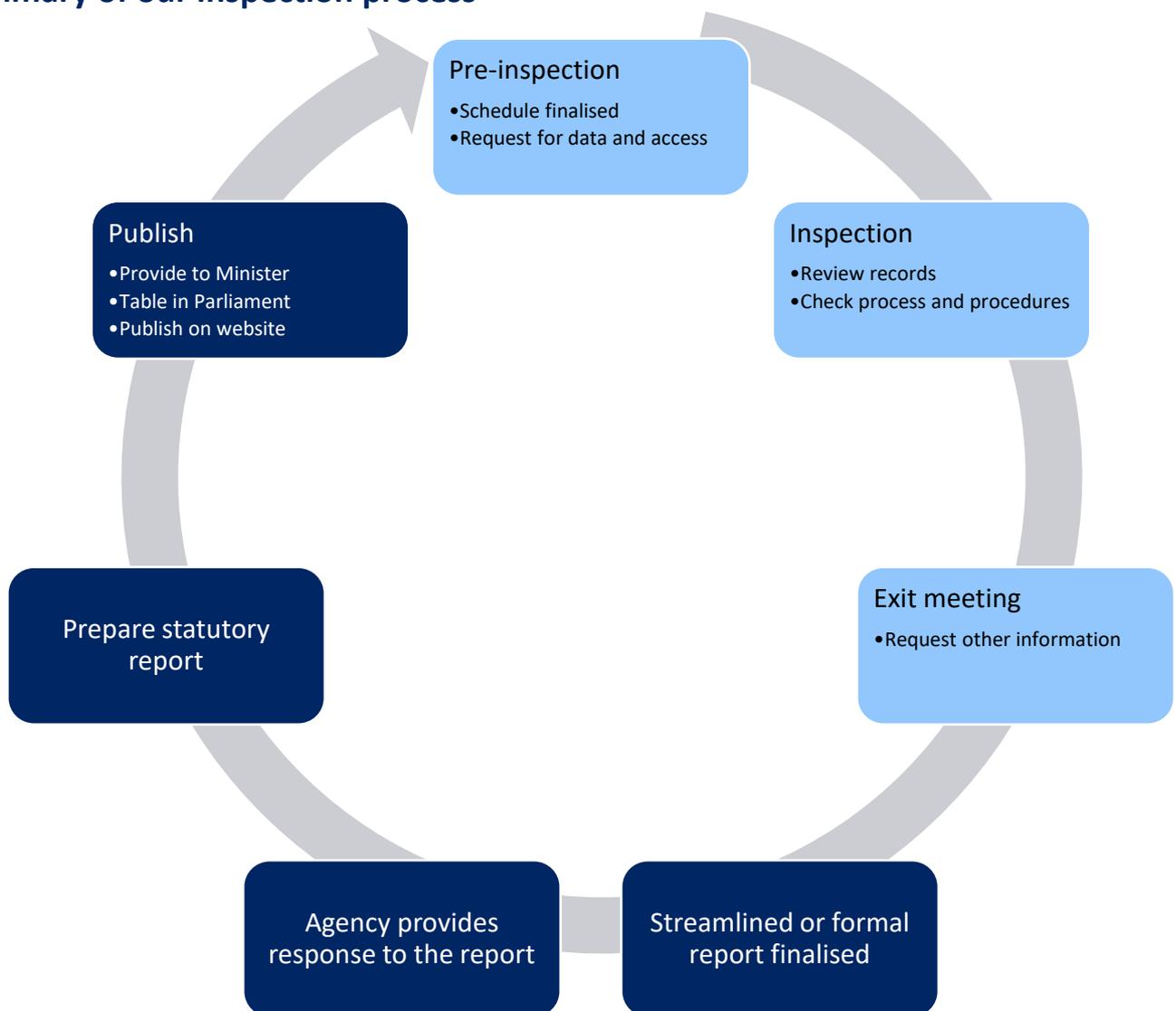


Understanding inspection reports

This factsheet helps agencies understand and act on our reports. See our factsheet [Oversight of the use of covert, intrusive and coercive powers](#) for more information about our role.

Summary of our inspection process



This factsheet focusses on the reporting aspect of our cycle (in dark blue).

Why do we write reports?

By conducting inspections, we aim to influence improvements in agencies' compliance with the law when using covert, intrusive or coercive powers. Each inspection usually concludes with a meeting where we explain the issues we have identified, but the subsequent written report is the formal record of our findings. It provides information to support our findings and may give an agency suggestions or recommendations about remedying existing issues and/or preventing recurrences.

Reports help us to track issues:

- at an agency over time
- across agencies
- across regimes.

We conduct our inspections under several Acts, some of which require the Ombudsman to prepare periodic reports about his Office's activities.

Types of reports

We prepare different types of reports.

Report type	Description	When can you expect it
Streamlined (internal)	<p>These reports are addressed to the relevant agency and contain the findings from an inspection. To address our findings, we make suggestions and/or better practice suggestions.</p> <p>This type of report is approved by a Director and sent to the compliance area of an agency or who we dealt with during our inspection.</p>	<p>We aim to provide this type of report to an agency within six weeks of the end of the inspection.</p> <p>It may take longer if we require additional information from an agency following the inspection.</p>
Formal (internal)	<p>These reports are addressed to the relevant agency and contain the findings from an inspection. We prepare this type of report if our inspection identifies significant or systemic issues that warrant us making at least one recommendation.</p> <p>This type of report is approved by the Ombudsman and sent directly to the head of an agency.</p>	<p>We aim to provide this type of report to an agency within ten weeks of completing the inspection.</p> <p>It may take longer if we require additional information from an agency following the inspection or need to seek other advice.</p>

Report type	Description	When can you expect it
Statutory (published)	<p>A statutory report consolidates and summarises the findings from our inspections of certain powers over the relevant period (annually, quarterly or bi-annually). It may include information from inspections at multiple agencies or be limited to powers used by only one agency.</p> <p>The legislation that empowers the Office to conduct inspections requires us to make these reports.</p> <p>In most cases, we provide the report to the Minister for Home Affairs who must table the report in the Parliament.</p> <p>Sometimes the Ombudsman directly tables the report in the Parliament or provides a summary of the Office’s inspection activities so it can be included in a different annual report.</p>	<p>It depends on the legislation and whether the report is quarterly, annual or bi-annual.</p> <p>As an example, we try to provide most annual reports to the Minister or Parliament within six months of the end of the reporting period.</p>
Ad hoc reports (may be published)	<p>Sometimes we conduct an ‘ad hoc’ (additional) inspection to consider or revisit a particular issue. We will prepare a standalone report with our findings from that inspection.</p> <p>These reports may be published, and the results may also be included in our statutory reports.</p>	<p>The timeframe will vary. An agency will always be given the chance to respond to the report before it is finalised and will be advised if (and when) the report will be published.</p>
Own Motion investigation reports (may be published)	<p>The Ombudsman may decide to investigate an administrative issue using his powers under the <i>Ombudsman Act 1976</i>. This is known as an own motion investigation and will generally result in a report which may be (but is not always) published.</p> <p>These reports will look different to our inspection reports but may also contain recommendations.</p> <p>If we decide to conduct an own motion investigation, we will give an agency information about the investigation process.</p>	<p>The timeframe will vary. The agency will always be given the chance to respond to the report before it is finalised and will be advised if (and when) the report will be published.</p>

How to read our streamlined and formal reports

Our reports begin with details about our inspection. This generally includes:

- when we did the inspection
- the team(s) we worked with
- the number, and where relevant the type, of records that were available
- the number, and where relevant the type, of records that we inspected.

As an introduction, we summarise any improvements we identified since our last report. Agencies can help us to produce this section by preparing for the inspection and being clear about what they did in response to our previous recommendations or suggestions.

Our reports include a table of our findings. Findings are our conclusions based on what we observed during our inspection. Our reports are not legal advice; they are our assessment of an agency’s compliance with legislative requirements. Each finding will be numbered and include:

- the relevant inspection criteria. Our criteria will be sent to an agency before the inspection
- what the legislation requires (where relevant)
- suggestions, responses, or related findings from previous inspections (where relevant)
- what we identified
- what we suggest or recommend the agency does to address the finding.

The records we identified that support our finding are listed in the right hand column. Sometimes that column will also include records where we identified good practice. If the finding relates to an agency’s general approach to a process or to all relevant records we inspected, this column might say ‘general finding’.

Agencies may also see the following terms when we explain our findings:

Term	Meaning
Legacy issue	We identified recent records that were affected by the issue, but we know an agency has already made improvements or the records pre-date a finding from a previous inspection.
Ancillary issue	This is an issue that is secondary to, or caused by, something else we identified. Generally, if an agency makes changes to address the primary issue this will also improve the ancillary issue.
Repeat issue	This issue has been included in previous reports. If an agency has already taken action to address the issue, a ‘repeat issue’ finding probably means the action didn’t resolve the problem. We will usually remind an agency about any earlier suggestions or recommendations and may also make a further suggestion or recommendation.

If agencies come across terms they don’t understand or have any questions about our findings, staff are always welcome to ask us for more information.

The final section of our report is ‘other matters’ which includes any other information or issues not covered by our findings.

How do we decide if an improvement should be a suggestion, better practice suggestion or recommendation?

When we record a finding about non-compliance or compliance risk, we may decide to make a suggestion (including a better practice suggestion) or recommendation to an agency about action it could or should take to address the finding. The table below explains the circumstances in which we will generally make a suggestion or recommendation.

	When we use it	What the agency should do
Better practice suggestion	<p>A better practice suggestion generally means that, while an agency’s practice is strictly compliant with the legislation, our experience tells us there is a better way to achieve compliance.</p> <p>We may also provide a better practice suggestion when we identify a practice that introduces a risk of non-compliance, even if that risk hasn’t yet eventuated.</p>	<p>Consider our better practice suggestion and, if an agency agrees, act on it.</p> <p>If an agency doesn’t agree with our better practice suggestion, record the reasons including whether not making the suggested improvement increases the agency’s risk of future non-compliance.</p>
Suggestion	<p>We may <i>suggest</i> an agency takes action in circumstances where we:</p> <ul style="list-style-type: none"> - identify a record or records that are not compliant with the legislation but do not appear to represent a systemic issue - find policies, procedures or documented practices that are not sufficiently robust to ensure compliance with legislation. 	<p>Make improvements and tell us about these before or at our next inspection.</p> <p>If an agency can’t make changes quickly, it should take steps to manage the risk in the short term and schedule the intended change.</p>
Recommendation	<p>We may <i>recommend</i> an agency takes action in circumstances where we:</p> <ul style="list-style-type: none"> - identify one or more records that are not compliant with the legislation and indicate a serious systemic issue - identify policies, procedures or culture that support, or contribute to serious or systemic non-compliance. <p>We may also make a recommendation if we have previously suggested action to address a compliance finding but an agency has not acted on the suggestion or its action did not address the problem.</p>	<p>Make improvements and tell us about these before or at our next inspection.</p> <p>If an agency can’t make changes quickly, it should take steps to manage the risk in the short term and schedule the intended change.</p>

What should agencies do when they receive our reports?

Agencies must consider all our suggestions and recommendations and be prepared to provide us information about improvements they have or will make to act on our findings. We also expect agencies to respond to our reports to:

- advise if they disagree with any finding so we can understand their position. We don't generally revise the report unless agencies identify an error (rather than a different view) but will reflect their position in any public reporting
- ask questions if they want more information or do not understand the basis for a finding
- warn us if our report contains operationally sensitive information that should not be included in a public report
- inform us of any errors or inaccurate information – we will consider correcting these and ensure they are not perpetuated in any public reports.

Remember...

The National Assurance and Audit team can help. Contact us at inspections@ombudsman.gov.au if you have a question about a report, especially if you can't see a clear connection between what we have found and what we suggest or recommend.

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](#).