

Workshop 1: Meeting the challenge: How successful have operational reforms been for Ombudsman offices?

Reforming complaint resolution

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Overview of presentation

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- **Context for operational reform**
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About the Ombudsman

Principal functions

Investigating complaints

Receive, investigate and resolve complaints about the administration of the laws of Parliament;

Reviewing certain deaths

Review certain child deaths and family and domestic violence fatalities;

Own motion investigations and administrative improvements

Undertake major own motion investigations and education and liaison programs with agencies; and

Oversight

Undertakes a range of legislative oversight functions.

Context for operational reform

- **Western Australia led Australia in introducing the office of the Ombudsman in 1972 (but New Zealand led Australia by ten years!). This was followed by the establishment of an Ombudsman in each State and Territory and at the Commonwealth level.**
- **The creation of the Ombudsman was part of the 'new' administrative law of the 1970s.**

Context for operational reform

- **The creation of Ombudsmen paralleled the growth in concern for access to justice and interest in alternative dispute resolution.**
- **I do not think that it is overstating the case to say that Ombudsmen have played a significant role in increasing access to justice in Australia.**

Context for operational reform

- **Ombudsmen were created due to a number of factors, including:**
 - **The cost of resolving disputes;**
 - **The time taken to resolve disputes; and**
 - **It was not (and is not) the role of Courts to identify thematic or system-wide problems arising from complaints and act on them by way of proactive investigations (in a way that, for example, might be done by standing royal commissioners).**

Opportunities for change: the need for operational reform

- **In 2006, we were getting many things right.**
- **There were, however, two obvious opportunities for the office:**
 - **To improve the timeliness of resolving complaints; and**
 - **To improve controls over the quality of our complaint handling.**

Opportunities for change: the need for operational reform

- **In this presentation I am focusing on the first of these opportunities, but there is an obvious inter-dependency between timeliness and quality.**
- **So what was the timeliness of our complaint handling in 2006?**

Opportunities for change: the need for operational reform

- **110 investigations were over 6 months old;**
- **53 investigations were over 12 months old;**
- **Our oldest investigation was nearly six years old and a number of investigations were between 2 and 5 years old; and**
- **The average age of complaints was 230 days.**

What did we do? – Principles

A first principles approach

- **As noted, the office of the Ombudsman was created, in part, to address delays in achieving administrative justice.**
- **Accordingly, we believed to have a large number of investigations older than six months, was to not achieve a key reason for our creation.**

What did we do? – Opportunities

Identifying our key opportunities for improvement

- **Elimination of aged investigations; and**
- **Embedding structures, policies and processes to ensure ongoing improved timeliness of investigations.**

What did we do? – Knowledge

Informing ourselves

- **Studied our own office by examining complaint handling over a period of time, our legislation, our structures and our processes.**
- **Studied Ombudsman offices and other complaint handling agencies that had achieved timeliness improvements.**
- **Actively listened to staff for ideas.**
- **Engaged Corporate Executive and senior management.**

What did we do? – Operationalising

How did we operationalise reform?

- **We operationalised reform utilising a range of organisational, project, policy, process and engagement initiatives.**
- **There were seven key initiatives that I will mention briefly.**

What did we do? – Legislation

1. Drew guidance from our legislation

- **The Ombudsman legislation creates a very clear, helpful and methodical pathway to the resolution of complaints through both formal and informal investigations.**

What did we do? – Strategic Plan

2. Incorporated timeliness in our Strategic Plan

- In developing our Strategic Plan, timeliness was included as a key strategy:
- “Resolving complaints from the public about Western Australian public authorities, in a high quality, independent, fair and timely manner, with an increased focus on informal resolution.”

What did we do? – Organisational structures

3. Reviewed and revised organisational structures

- **We reviewed our organisational structures to ensure that we were able to optimise efficiency and effectiveness of our resources and to ensure the capacity for the introduction of specialist skills and rapid response to complaints that required urgent attention.**

What did we do? – Organisational structures

- **We created three teams:**
 - **A Complaint Resolution team that focuses on triaging all cases upon receipt and undertaking the bulk of complaint resolution work through informal investigations.**
 - **An Administrative Improvement team to focus on major own motion investigations, freeing up complaint resolution staff from this work.**
 - **An Investigation and Inspections team to undertake investigations not appropriate for early resolution methodology.**

What did we do? – Staff

4. Attracted and developed staff

- **We identified skills and experience required for new roles in the organisation and recruited for these, as well as including timeliness as part of our mentoring, continuous professional development and performance management processes.**

What did we do? – Early resolution

5. Established an early resolution culture and process

- **As provided for in our legislation, we utilise an informal investigation process that aims to resolve a complaint at the earliest appropriate stage.**
- **Early resolution is better for complainants, for public authorities, for our office and for taxpayers.**
- **This approach utilised lessons learned from industry Ombudsmen.**

What did we do? – Stakeholders

6. Engaged stakeholders

- **A very significant factor in our timeliness was delays in receiving responses from agencies. We changed the way that we communicated our timeliness requirements in our correspondence and liaised with all major agencies to encourage them to work with us as well as encouraging timeliness in responses by complainants.**

What did we do? – Stakeholders

7. The Consistent, Effective & Efficient Complaint Handling (CEECH) Project

- Reviewed and revised delegations.
- Developed framework for complaint handling.
- Developed assessment process for high risk and priority cases.
- Developed guidelines on determining jurisdiction and exercise of discretion not to investigate.
- Developed template (precedent) letters.
- Developed complaint handling toolkit.

What didn't we do?

- **Didn't accept a quality/timeliness trade-off. Drove both improvements concurrently.**
- **Didn't accept a boom/bust approach.**

Where are we now? – Timeliness improvements

- **110 investigations were over 6 months old – there is now one;**
- **53 investigations were over 12 months old – there are now none;**
- **The average age of investigations was 230 days – it is now 33 days; and**
- **We forecast that 95% of our investigations will be closed within 3 months in 2013/14.**

Where are we now? – Efficiency improvements

- **It is very pleasing that we have been able to achieve these timeliness improvements while concurrently achieving efficiency dividends.**
- **Indeed, the cost of finalising complaints has reduced each year for five consecutive years, from \$2,759 in 2008-09 to \$1,821 in 2012-13.**

QUESTIONS