QUEENSLAND OMBUDSMAN

50 YEARS 1974–2024

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Call: (07) 3005 7000
Speak & Listen: 1300 555 727
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How an Agency responds to an Ombudsman Investigation

If you are an officer from a Queensland state government agency, local council, TAFE or public university who has been asked to respond to an investigation inquiry from us, you may find the following information useful.

Investigations

The Ombudsman's role is to independently review administrative actions of public sector agencies. It is an integral part of the system of public accountability in Queensland.

An Ombudsman investigation may be about a particular complaint or may be undertaken on the Ombudsman's own initiative. If an investigation finds an organisation's practices or procedures can be improved, it will make recommendations.

Investigations can be conducted informally or the Ombudsman can decide to use formal powers to require documents, information or answers to questions. Most investigations are completed in an informal and cooperative way.

Investigators are mindful of the impact of their work and seek to minimise disruption to your workplace. They will act with discretion and respect at all times. They understand that investigations can impact on competing priorities in your organisation, your resources and timeframes.

The *Ombudsman Act 2001* (the Act) includes a secrecy provision that prevents information obtained during preliminary inquiries or investigations being unlawfully disclosed. This applies to Ombudsman officers as well as agency officers.

The Act also states that any obligation you may have to maintain secrecy under another Act does not apply to the information you provide to investigators.

Responding to a request for information

Ombudsman investigators will usually request particular documents or specific information. Sometimes they may want to arrange to meet officers who were part of the decision-making process.

To respond to a request, you should:

- Provide all the information requested as soon as possible. The original contact letter or email will explain what is required and set a due date for response.
- Use plain language and provide a clear, accurate and complete response. If you are having difficulty providing the information requested, you can contact the investigator to discuss the request.

You can provide background information in your response if you think it will help the investigation but make sure you explain the relevance of the material.

The request for information may cause your organisation to reconsider its original decision or identify improvements in your own policies or procedures. If this is the case, include details of this in your response. You can also talk directly to the investigator about what your organisation plans to do.

Analysis and outcomes

Investigators will consider the information gathered. They may decide to seek additional information and may also consult further with your organisation, the person who made the complaint, or other experts.

The next steps depend on the information provided. If the Ombudsman is satisfied your organisation has appropriately dealt with the matter, or agreed outcomes are put in place to informally resolve the matter, the investigation can be finalised. If the Ombudsman considers an administrative action was unlawful, unreasonable or wrong, a letter setting out the proposed opinions and recommendations will be sent to your

organisation. Your organisation will be invited to respond before a final decision is made.

The Ombudsman also has the option to make a report under s.50 of the Act. The report may be tabled in Parliament or, with the approval of the Speaker, released publicly. The organisation will be provided with a proposed s.50 report and have the opportunity to respond before it is published.

In cases where an investigation was commenced from a complaint, the person who made the complaint is also informed of the final decision.

Monitoring and compliance

The Ombudsman will monitor compliance with recommendations that have been accepted by organisations. You may be asked to provide evidence that your organisation has implemented the recommendations.

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