

Overview of Ombudsman Investigation Process

Your agency has received a notice of investigation from the Ombudsman's Office. This factsheet gives you more information about what to expect from here. It is intended as a guide only. It gives a general overview of our process, setting out the main stages of an investigation by the Ombudsman.

You have been given the name of a contact officer in our office. Please do not hesitate to contact them during the investigation if you have any questions about our process. We have also asked you for a contact person. This is to help maintain good communication throughout the investigation.

Notice of investigation

This is the first step of the investigation process. The notice is a formal requirement of the *Ombudsman Act 1974*. It identifies the agency being investigated and the conduct the subject of the investigation. Some investigations arise from complaints we have received, others are initiated of our own motion.

Evidence gathering

Every investigation is unique. How we investigate will depend on a number of factors including what is being investigated, the potential sources of information and the level of agency cooperation. We may require you to provide information in the form of written answers to questions, copies of procedures manuals, policies or other documentation. We may interview agency staff, conduct site visits and audit records. We may use our Royal Commission powers to summon witnesses and require them to answer questions on oath. We may enter agency premises and inspect documents.

Analysis, consultation and reporting

Once we have finished gathering evidence we will carefully assess all the information. There can be a large volume of evidence and analysis can therefore take some time. Each Ombudsman investigation officer has a caseload of matters and the investigation into your agency will not be their only work. We aim to complete the analysis as soon as possible but, if there is a large amount of material, this may take some time. If the investigation has arisen due to a complaint, part or all of the information provided by your agency may be sent to the complainant for their comments.

If our analysis suggests there may have been wrong conduct, the investigation officer will prepare a Statement of Provisional

Findings and Recommendations. This document sets out this office's preliminary views and the evidence relied on to reach those views. We will send you a copy and ask for your comments. You will be asked about its factual accuracy and any adverse comments that may be provisionally made in the statement. You will also be invited to provide any additional evidence that will help us get to the truth of what is being investigated. We may also suggest a meeting to discuss the document and the proposed recommendations.

If the Statement of Provisional Findings criticises an individual, it may be appropriate to give them the opportunity to comment. In some cases we will ask the agency to provide the individual with all or part of the statement. In others we will give the individual the parts of the document containing the criticism about them and ask for their comments. If this step is necessary, it will add additional time to the process.

We consider all comments the agency and individuals provide, make changes we think are necessary and produce a Draft Report. The Draft Report is sent to your agency's Minister(s) for consultation or comment. This can take up to a month. We then finalise the report and give the Final Report to the relevant Minister(s), your agency and, if applicable, the complainant. It is a matter for the Ombudsman whether the report of an investigation is made public by tabling it in Parliament.

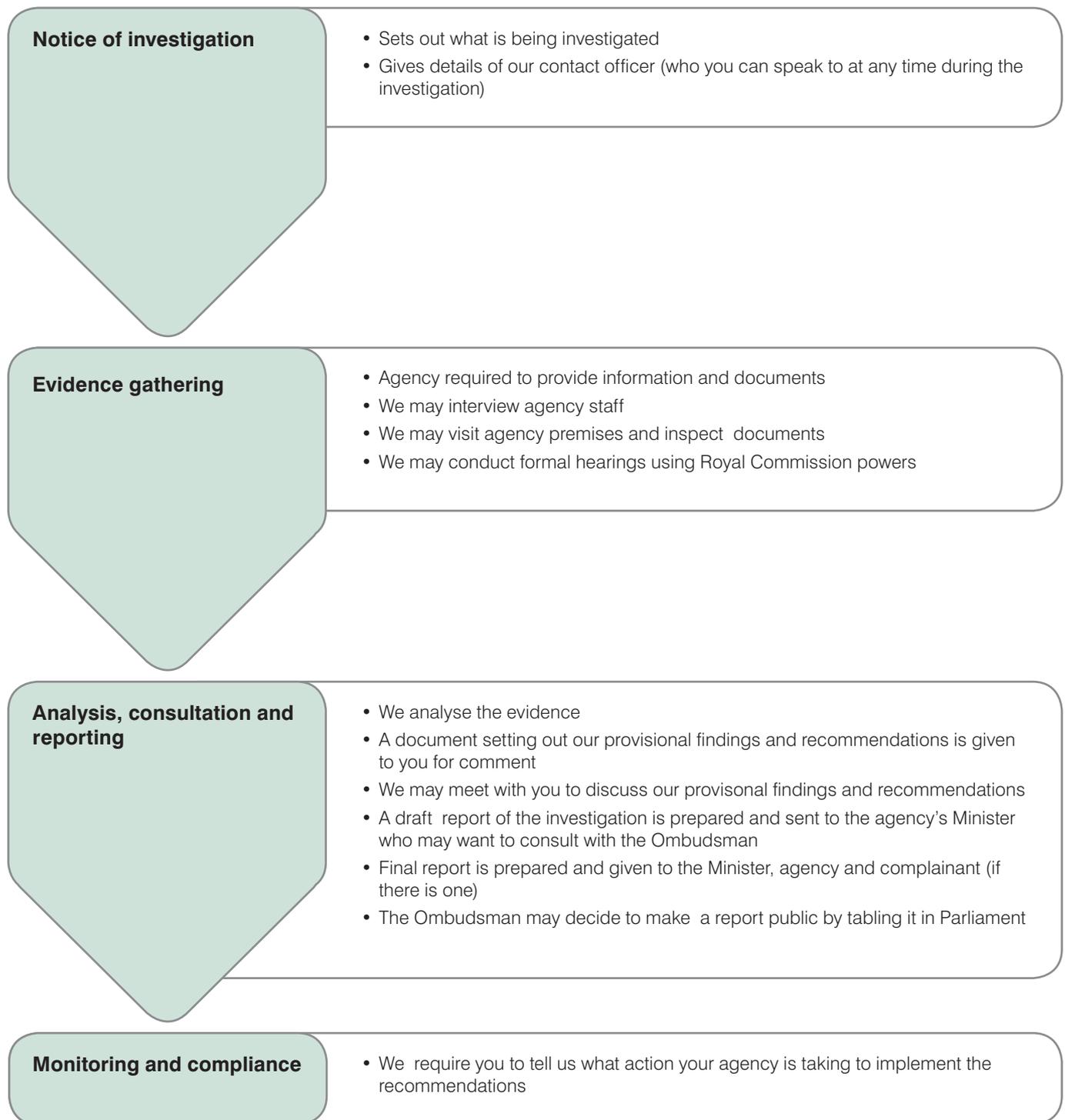
Monitoring and compliance

We monitor compliance with our recommendations, requiring you to provide us with evidence of the action your agency is taking to implement the recommendations. We can make a report to Parliament if an agency does not take adequate action on our recommendations.

How long will the investigation take?

This depends on what is being investigated and the work involved. Because every investigation is different, it is hard to say at the outset how long a particular investigation will take. We will keep you informed of progress and you can also talk to the contact officer about any specific questions you have.

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Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Level 24, 580 George Street
Sydney NSW 2000

Email nswombo@ombo.nsw.gov.au

Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Facsimile 02 9283 2911

Toll free (outside Sydney metro) 1800 451 524

Tel. typewriter (TTY) 02 9264 8050

Telephone Interpreter Service (TIS): 131 450

We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.