

Complaints about us

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NSW Ombudsman

Level 24, 580 George Street
Sydney NSW 2000

Phone: (02) 9286 1000

Toll free (outside Sydney Metro Area): 1800 451 524

Website: ombo.nsw.gov.au

Email: info@ombo.nsw.gov.au

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1. Introduction

While our work involves handling complaints about others, we also receive and respond to complaints made about us. We aim to meet the same standards that we expect from public authorities and services providers we oversight and welcome feedback and opportunities to improve the way we work. Like other NSW public authorities, we are required to comply with our obligations under anti-discrimination, privacy and information access legislation.

This policy outlines how we handle complaints you make to us about **our** own conduct.

It does not apply to complaints you make to us about other public authorities or service providers. If you wish to make a complaint about another public authority or a service provider, please see [here](#).

2. What complaints this policy covers

You make a complaint when you tell us that:

- (a) you have concerns that something we have done (or not done) is not right, and
- (b) you want us to do something to make things right.

You can complain about:

- the way we carry out our functions,
- the decisions we make, and
- the conduct of our staff.

For example, a complaint might be about:

- the length of time we took to respond to you
- how we communicated with you
- the accuracy of information we provided to you
- whether we did something we said we would do
- a decision we made (such as a decision to take, or not take, particular action in response to a complaint you have made to us about another public authority or service provider)

3. Who can complain?

You can complain to us if you have had work-related dealings with anyone in or representing our office.

You can complain about us if:

- you have made, or tried to make, a complaint to us about the conduct of a public authority or service provider,
- you are a member of the public, or a private sector organisation, who has had dealings with us or has been directly affected by the performance of our functions, or
- you are, or work for, a public authority or service provider which has had dealings with us or has been directly affected by the performance of our functions.

This policy does **not** deal with complaints from our own staff or those working with us. We have other policies and processes for those matters, including our:

- [Grievance management policy and procedure](#)
- [Bullying, Harassment and Discrimination Policy and Procedure](#)
- [Public Interest Disclosure Policy](#)

4. Can someone make a complaint on my behalf?

You can make a complaint personally or through another person acting on your behalf, as long as you have agreed to them doing this. You may ask a family member, legal or community representative, an advocate, a friend, a Member of Parliament, or an organisation to do this for you.

5. Can I make an anonymous complaint?

You can make a complaint anonymously, without disclosing the name under which you had contact or dealings with our office. You can do this with or without providing us with contact details, for instance, by providing us an email address that does not identify you. Obviously, if we have no way of contacting you will not be able to provide you with any acknowledgement or information about how we have dealt with your complaint.

You should also be aware that, if a complaint is made anonymously, this may affect if and how we are able we able to deal with it and address any concerns you have raised. For example, we can only handle these complaints if there is enough information for us to identify the relevant conduct that you are complaining about.

6. How to complain about us

You can make a complaint about us by phone, email, post, or in person.

If you have been talking to or corresponding with a member of our staff, and you are comfortable speaking with them about your complaint, we encourage you to talk to them first about your complaint. This is often the quickest way for us to resolve a complaint.

If you don't want to do this, or you have tried and your complaint is still unresolved, you can:

- email the staff member with your complaint
- ask to speak to the staff member's supervisor
- submit an [online complaint form](#) that identifies the NSW Ombudsman's Office as the agency you are complaining about
- [contact our office](#) another way (for example, call our general phone line, email us, or send us a letter), or
- make a complaint through the 'Your Feedback' function on the Ombudsman website (see below):



7. How we handle complaints about us

We handle all complaints about us in accordance with the [Commitments to Effective Complaint Handling](#). This means that when we handle complaints we are committed to:

1. Respectful treatment
2. Information accessibility
3. Good communication
4. Taking ownership
5. Timeliness
6. Transparency

For some complaints, we have specific policies and pathways for dealing with them. For example:

- **Review of Ombudsman decision**

If your complaint is about a decision concerning the exercise of our statutory functions when handling a complaint you have made to us about another public authority or service provider, we may deal with your complaint by conducting a formal review of that decision in accordance with our [Request for a review of a decision policy](#)

- **Complaint/review of information access or privacy related conduct**

If your complaint concerns our obligations under the *Government Information (Public Access) Act 2009*, the *Privacy and Personal Information Protection Act 1998* or the *Health Record and Information Privacy Act 2002*, we may deal with the complaint in accordance with our [Privacy Management Framework](#)

Otherwise, a general complaint (for example about the conduct of staff member of our office) will be handled by an officer who:

- is senior to or at the same grade as that staff member, and
- was not involved in the conduct about which the complaint was made.

If a complaint is made alleging wrong conduct by the Ombudsman we can, if there are reasonable grounds on which to believe that the complaint should be investigated, engage an external entity to investigate. Alternatively such a complaint might be more appropriately made or referred to someone else (see section 11 below).

8. Confidentiality

We are only allowed to disclose information where it is permitted by the law. The same privacy and non-disclosure obligations that apply to our statutory functions also apply to how we handle complaint about us.

9. Protection from adverse consequences

We are committed to handling complaints about us fairly and objectively.

If you have made a complaint about us, we will handle it separately from, and ensure it does not impact on, any other matter we are dealing with. We handle complaints in compliance with anti-discrimination legislation.

10. How we manage unreasonable conduct

We understand that some people who contact our office may be distressed and may have been significantly affected by their complaint or situation.

We are also committed to ensuring the wellbeing and safety of our staff and allocating our resources fairly to provide an equitable level of service to all complainants. We are not always able to resolve complaints to the satisfaction of every complainant.

If you behave unreasonably toward us, it may impact our ability to resolve your complaint quickly and effectively. We will take action to ensure the safety and well-being of our staff, and to ensure that our resources are fairly distributed across the work that we do.

11. If we cannot resolve your complaint

Sometimes we may not be able to resolve your complaint to your satisfaction. If this happens, we will tell you if we are aware of another avenue available to you to make your complaint.

While court and tribunal proceedings cannot be brought against the Ombudsman or Ombudsman officers: *Ombudsman Act 1974* s 35A, there may in some cases be other formal paths to pursue your particular complaint. These may include an external body such as the Information and Privacy Commission or Anti-Discrimination New South Wales.

Complaints about suspected corrupt conduct can and should be made to the Independent Commission Against Corruption.

We are also more generally accountable to Parliament. A Parliamentary Committee (the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission) has been established under s 31A of the *Ombudsman Act 1974* with functions including to monitor and review the exercise of the Ombudsman of the Ombudsman's functions. Although that Committee cannot deal with complaints relating to particular conduct or decisions of the Ombudsman (s 31B(2)), concerns of a general nature about our conduct can be brought to the attention of that Committee.

12. Recording and reporting complaints

We make a record of all complaints made about us in our case management system, and report on them in our Annual Report.

Where you tell us that you are not happy with something we have done (or not done) we may seek confirmation from you as to whether or not you are making a complaint, so that we can appropriately record if you do.

13. Ombudsman approval

A handwritten signature in black ink, appearing to read "Paul Miller". The signature is written in a cursive style with a large initial 'P' and 'M'.

Paul Miller
NSW Ombudsman