

Commencing an own motion investigation after a complaint has been resolved or withdrawn



If a complaint is resolved as a result of an investigation for early resolution and there are outstanding systemic issues worthy of further consideration, an own motion investigation may be commenced. Similarly, if a complainant withdraws his or her complaint but the Ombudsman wishes to continue the investigation, he may do so on his own motion.¹

Prior to commencing an own motion investigation, the case officer must obtain advice and approval from the Assistant Ombudsman Complaint Resolution² or the Assistant Ombudsman Child Death Reviews.³ The Assistant Ombudsman may also consult with the Deputy Ombudsman in relation to any own motion proposal.

Factors to consider for own motion investigations

In order to determine whether or not to commence an own motion investigation, the following factors should be considered:

- Whether the allocation of resources necessary can be justified against the likely benefits to public administration;
- The significance of the issues involved;
- The number of persons affected by the issue;
- Resource implications for the agencies involved;
- The urgency of the investigation;
- Whether the systemic issues identified can be addressed through other means, such as face to face meetings with senior staff of the agency; and
- Whether another agency could more appropriately handle the investigation.

Briefing Note

Case officers should prepare a briefing note for the Assistant Ombudsman addressing:

- The agencies involved;
- The background of the original complaint;
- The issue/s to be addressed;
- Possible outcomes (for example, recommendations for changes to policy or legislation);
- The reasons for undertaking an own motion investigation, based on the factors outlined above;
- Resources required;
- Proposed time frame; and
- Any other relevant information.

¹ s16(1) authorises the Ombudsman to initiate an investigation on his own motion

² For investigations in IRT

³ For investigations in CDRT