

## A DEFINITION OF A RESOLVED COMPLAINT

The Public Administration Division of the NSW Ombudsman uses the following definition of a resolved complaint:

It is important to remember that the focus of the legislation is the protection of children and young people. In the following table, the Ombudsman Act and the Commission for Children and Young People Act are grouped under the heading 'Employee Focus'. Matters relating to a situation of a child or young person being 'at risk of significant harm' under the Children and Young Persons (Care and Protection) Act have been titled 'Child Focus'.

A complaint is resolved if we are satisfied that is the case. Whether or not complainants agree the matter is resolved is not the determining factor. Always ask your supervisor if you are unsure if your case should be recorded as resolved.

We can consider a complaint resolved where **we prompt action** that finalises a situation or dealing between an agency and the complainant that we view as reasonable having regard to the agency's powers and obligations, and the rights and expectations the complainant should objectively have in the relationship with the agency.

We also consider a complaint resolved when:

- where we obtain additional information from agencies that allows complainants to gain a substantial new understanding of the reasonableness of the agency's position
- where we reframe information previously available to a complainant who has a significant cognitive disability and our reframing means they gain an understanding they were unlikely to obtain from the previous form
- due to security or other reasonable grounds, a complainant could not access specific information on which the conduct complained about is based (eg, intelligence information, endorsement information, etc) and our access enables us to assure the complainant that the conduct was reasonable
- where a complainant withdraws a complaint because it has been resolved directly with the agency.

Definition	Practice Tip
Letter of decline containing critical advice and suggestions is issued to the public authority.	Provision of advice or explanation of applicable law, policies, procedures or authority action assists resolution of the grievance by providing the complainant with a better understanding of the action taken by authority and suggestions/comment on conduct made to agency.
Complaint resolved to Ombudsman's satisfaction by action taken by authority following Ombudsman's intervention.	Use where public authority makes apology or other concession and/or takes some action to remedy or address issues raised by complaint that are considered to be reasonable in the circumstances based on the information that is currently available.
Ombudsman satisfied that action taken by public authority prior to Ombudsman's intervention is sufficient to consider the complaint resolved.	Use where prior to Ombudsman contacting public authority, the authority makes apology or other concession and/or takes some action to remedy or address issues raised by complaint that are considered to be reasonable in the circumstances based on the information that is currently available.