



Office of the Ombudsman
Oifig an Ombudsman

Role of the Ombudsman Liaison Officer

Introduction

Experience of dealing with complaints has shown that there is great practical advantage both for the Ombudsman's Office and for the particular body, the subject of complaint to the Ombudsman, in having an official of the particular body nominated to act as liaison officer between the two bodies. The purpose of this document is to set out, in a general way, the type of liaison arrangement which the Ombudsman's Office operates in dealing with bodies subject to the Ombudsman's jurisdiction. The Ombudsman's Office may agree individual arrangements with individual bodies but this will always be within the context of the broad arrangements described below.

1. The Liaison Officer appointed by the body should be at an appropriate senior level - however, this is at the discretion of the body itself.
2. The Liaison Officer's main functions are:
 - to act as the initial point of contact in any particular case between the Ombudsman's Office and the body;
 - to ensure that any written or oral enquiries from the Ombudsman's Office are immediately directed to the appropriate section(s) of the body for attention;
 - to ensure that all time limits applying to requests for information, or for responses to complaints, from the Ombudsman's Office are met;
 - to ensure that all relevant files and documents are readily available for inspection when requested by the Ombudsman's Office;
 - to ensure that the Ombudsman's staff are provided with suitable facilities on any visits to the body.
3. In nominating an officer for liaison duties regard should be had to the above functions, and also to the following aspects:-
 - the need for ready access to the Head of the body;
 - the seniority of the nominee should be such as will facilitate the processing of complaints quickly and effectively within the body, and
 - the requirement to be easily accessible to the staff of the Ombudsman.

Examinations/Investigations by the Ombudsman

4. The Ombudsman is empowered to fix whatever procedures she considers appropriate for conducting an examination/investigation. However, the Ombudsman will always seek to have regard to the needs of the particular body in determining procedures in any particular case.

5. In the case of the preliminary examination, the first person to be contacted by the Ombudsman's Office is the Liaison Officer. He or she should, in the case of an enquiry by telephone, indicate which section of the body is involved. If possible, he or she should also supply the Ombudsman's Office with the name of a particular officer who should be in a position to respond to the enquiry, so that the Ombudsman's Office can then contact the officer involved and attempt to resolve the matter. In the case of complaints made in writing, the Liaison Officer should ensure that any letter from the Ombudsman's Office is directed to the appropriate section. The Liaison Officer has an important role to play in resolving any difficulties that may arise, particularly in facilitating the processing of that small number of cases which require immediate and urgent consideration outside of normal procedure

In some cases the subject matter of the complaint might involve consideration of sensitive issues e.g. potentially defamatory allegations against individuals. Such complaints will generally be forwarded directly to the Head (or, on occasion, to another senior manager) of the body for an appropriate response.

A reply to an initial request from the Ombudsman's Office for a report on a complaint should generally be provided within two to three weeks of receipt of the request. A reply to any subsequent request for material or additional information should be provided within one to two weeks depending on the nature of the information sought.

6. Where the Ombudsman decides to investigate a complaint under the Ombudsman Act, this Office will write to the Head of the body concerned enclosing a written statement of the complaint and requesting written observations on it. A copy of this correspondence will be sent to the Liaison Officer. Such a communication should be dealt with as a matter of priority and a reply should generally issue **within 14 days** of receipt.

Suggested format of replies to the Ombudsman's office

(Preliminary examination and Investigation)

7. Requests from the Ombudsman's Office for a report on a complaint will generally contain a summary of the case circumstances (as perceived by the complainant) and details of the action of the body, which is the subject of the complaint, as alleged by the complainant.

The body's reply should:

State clearly whether it accepts the circumstances of the case as stated by the complainant. If not, the body should outline its account of the events giving rise to the complaint and should detail the contacts between it and the complainant in regard to those events;

Indicate whether its position in the matter, as alleged by the complainant, reflects accurately the body's actual position. If not, the body should outline its position in relation to the alleged decision or action;

State the specific basis for its decision or action by reference to the relevant guidelines, scheme, regulation or statute, as appropriate. In some cases a body may decide to send the Ombudsman a copy of the relevant legislation or guidelines. In any event, the Ombudsman may ask that such a copy be provided if it is not otherwise already available to him/her;

Indicate the reason for the body's decision or action in the matter.

Production of Documents, Witnesses etc.

8. The Ombudsman may, for the purposes of a preliminary examination or an investigation, require that any information or document or any other thing relevant to her examination or investigation should be furnished to him/her. Where appropriate, the Ombudsman may require any person who, in his/her opinion is in possession of any such information, document or other thing to attend before him/her for the purpose of furnishing it to him/her. Bodies must comply with the Ombudsman's requirements in this respect. Subject to the Ombudsman's agreement, and at the request of the person concerned, the Liaison Officer may attend any interview between the Ombudsman (or his/her staff) and the person concerned.

Cases involving individual Officers or Employees

9. In some cases, a complaint may be directed against an individual staff member, or the Ombudsman may find it necessary, in order to complete his/her examination or investigation, to scrutinise in detail the actions taken by an individual staff member. In such cases, the staff member concerned should be informed immediately by the Liaison Officer (or other senior manager to whom the complaint has been notified) that his/her actions are under scrutiny. If the staff member is not satisfied that his or her position has been adequately reflected in any reply which is sent to the Ombudsman, he/she may wish to submit his or her own comments directly to the Ombudsman. A staff member who wishes to make such a submission should be afforded all reasonable facilities, including access to the relevant files (if necessary), to assist him or her in preparing the submission. Where the Ombudsman has prepared a draft investigation report, he/she may send to any individual staff member, in the body complained of, relevant extracts from the draft and invite comments or representations in relation to the proposed draft. The time limits applicable for personal submissions to the Ombudsman will be 14 days from receipt of the enquiry from the Ombudsman.

Liaison Officer to be Kept Informed by Ombudsman's Office

10. As the Liaison Officer is the primary channel of communication between the Ombudsman's Office and the particular public body, it is essential that the Liaison Officer be kept informed as to all developments in relations between the two bodies. The Ombudsman's Office will seek to ensure that the Liaison Officer is so informed by, for example, routing complaints through the Liaison Officer (but not in every case or for everybody), by sending the Liaison Officer copies of all significant correspondence (e.g. re. investigation cases), and by informal contacts. The level of such contact will vary from body to body depending, in particular, on the volume of complaints made against the particular body.

The Liaison Officer will be advised when a complaint has been finalised and what the outcome was. Generally, this will be done on a periodic (e.g. monthly) rather than on a case by case basis. In some cases, the Liaison Officer will be given additional feedback on the outcome of a complaint.