



The Centre for Democratic Institutions

**REPORT
on**

**Technical and Training Assistance to the Office of the
Parliamentary Ombudsman
Thailand
Stage 2**

**Prepared by
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2 – 20 August 2001**

Forward

This version of the report comprises excerpts from the full report prepared by John Wood.

John Wood, the Former Deputy Commonwealth Ombudsman, is now Director of Baljurda Comprehensive Consulting Pty Ltd. He was contracted by CDI to undertake this project.

Background

Terms of Reference

Following the visit of 28 February - 17 March 2000 and subsequent Report, a return visit was made to the Office from 2 - 20 August 2001.

The purpose was to undertake the relevant components of a program originally established as a project of the Thailand Australia Capacity Building Facility.

These included the following:

1. Assist the Office of the Ombudsman in developing complaints handling procedures and investigation procedures, including draft procedures on:
 - a) initial receipt of complaints in person and through Senators and Members of Parliament
 - b) design of complaint form
 - c) criteria for rejection of complaints and referral to other appropriate bodies
 - d) allocation of cases within the Office of the Ombudsman
 - e) procedures for seeking information and responses from the relevant agency, including procedures in cases of refusal or inability to provide full information
 - f) investigation steps
 - g) recommendations to relevant agency
 - h) procedures in cases where recommendations are not followed, or response not provided within required period reporting procedures
2. Provide training to senior investigation staff on the identification of, and design and implementation of systemic investigations.
3. Provide high level advice to the Ombudsman, the Secretary General and other senior officers on policy and strategic issues such as proposed legislative amendments, criteria for selection of cases, jurisdictional issues and information strategy.
4. Assist in finalising the content of the investigator and case management training courses in conjunction with the proposed deliverer of this training, the NSW Ombudsman's Office and brief the latter.

On arrival, these were extended in discussion with the Office to:

1. Introduction on Australian Ombudsman, both Federal and State, including:
 - selection and appointment procedures;
 - powers and duties; and
 - jurisdiction, etc.
2. Submission and reception of complaints.

3. Investigative procedures and techniques.
4. Case Tracking Management Systems.
5. Staff recruitment, training, and performance evaluation.
6. Remuneration and incentives.
7. Essential administrative and technical supports to the work of the Ombudsman.
8. Filing and record systems.
9. Internal complaint handling systems for agencies.
10. Systemic investigations and major projects.
11. Policy and legal support units.

Part 1: Activities Report

Introductory Briefing

After a welcoming discussion with Khun Pichet, I received a briefing from Khun Gecha Chaechai and Deputy Secretary-General, Khun Thawal. There followed a Powerpoint presentation (summary notes are at Appendix A) from Khun Roypim Thirawong who was one of the officers who visited the British Columbia and Ontario Ombudsman offices in Canada earlier in the year.

Currently there are 56 staff in the Office. They are using a Local Area Network (LAN) of computers and have set up a Case Tracking System (CTS).

Office Organization

The Office is divided into 3 main Divisions:

- Administration Division
- Technical Support and Public Relations Division
- Investigation Division.

Administration Division

Has a General Administration Unit; Finance and Procurement Unit; and a Personnel Administration Unit.

Technical Support and Public Relations Division

Consists of a Technical Support Unit, IT Unit, and Community Relations Unit.

Investigation Division

Is made up of four Investigation Teams, each with allocated agencies and the Intake Team which undertakes preliminary assessments of all incoming complaints.

Progress

Complaints

Since commencement they have received about 700 cases, with 400 in the period Jan – Aug 2001.

The breakup of complaints by agency is:

- By Agencies
 - Ministry of Interior 150 complaints
 - The Police Bureau 48 complaints
 - National Election Commission 20 complaints
 - Ministry of Finance 20 complaints
- By Areas

- Bangkok 198 complaints
- Provinces 176 complaints

The main issues of complaint are corruption; unfair treatment and maladministration; and proposed certain matters to the Constitutional Court for consideration.

Training

As well as the Canadian visit there was an earlier two week mission by the BC Deputy Ombudsman and one of his staff in January 2001.

The Office is developing staff investigator's skills through a 3 month Administrative Law course through the Bar Association and 2 people each for a three month course in Public Law at Thamassat University. They have 14 lawyers and two Professors as advisers.

Outreach

They are trialling an arrangement of representation through provincial offices of the Attorney-General's Department and by using NGOs.

They have a poster; a radio program each Monday from 2-3pm on the Parliamentary Radio Channel which includes callers; have done TV programs and some newspapers regularly carry cases of interest. The Privy Council's Gen. Prem has offered to do promotion for the Office. In April they had an Anniversary seminar attended by 400 people and in late July undertook their first regional visit, to the South.

Budget

The budget for the current year is B50million.

Presentations and discussions

Seminar 1: The Australian System & Issues

Half day seminar for 29 people.

I gave the first half day seminar to staff on 7 August. It was on the subject, *Introduction to the Australian Ombudsman System* (see Chapter 1), and consisted of presentations on:

- Selection and appointment;
- Powers and duties;
- Duties and Obligations;
- Jurisdiction;
- Discretions;
- Submission of Complaints; and
- Registering Complaints.

There was vigorous discussion and very pertinent questions and observations.

Seminar 2: Complaint Tracking System

Half day seminar for 9 people.

The Technical Support Division gave a presentation on their Complaint Tracking System. It is a most impressive system for a new agency, and was developed by their own IT staff, a great credit to their abilities and understanding of a complex set of inter-relationships.

Following this, we discussed, and I made some presentations on other aspects of a CMS that might be of use to them, including essential characteristics, developing user specifications and archiving (see Chapter 5). These related in particular to the time when IOs would be doing their own entry. I also set out some protocols, based on Australian experience, relating to entries on the system.

Seminar 3: Investigation Processes

Half day seminar for 24 people.

I gave this on 9 August, and it was on the subject *Investigative Procedures and Techniques* (see Chapter 2). In it I covered the following:

- Planning an investigation
 - What are the issues?
 - What resources are available?
 - First steps of the investigation;
- Contacting the agency
 - First contact
 - Further contact during the investigation
 - Method of contact and signing arrangements
 - Completion of investigation;
- Contacts with the client
 - Service and performance standards
 - Timeliness
 - Communicating with clients
 - Provision of information to clients
 - Completion of investigation;
- Investigation issues
- Use of coercive powers
- Defective administration
 - Agency error versus defective administration
 - Are there broader issues to consider?
- Is a remedy warranted?
 - When should there be a remedy?
 - What remedies are available?

Again there were many questions and good discussion of various issues as they arose.

Seminar 4: Concluding an investigation

Half day seminar for 24 people.

This half-day seminar was the second part of that on Investigation Processes and was delivered to the same group on 14 August. It covered:

- Where no further action is warranted:
 - closing complaints after investigation;
 - informing the client;
 - informing the agency;
- Where further action is warranted;
 - approaching the agency orally, by letter, or in a draft report; and
 - the agency response;
- Formal reports:
 - Report to an agency
 - What can the Ombudsman say in a formal Report to an agency?
 - Dealing with the client at this stage;
 - The agency response to a formal Report; and
 - Reports to the Prime Minister, etc., and to Parliament;
- Closure:
 - Closure issues;
 - Informing the parties;
 - Closing investigated complaints on your database/management system; and
 - Quality assurance.

Seminar 5: Major projects and systemic investigations

Half day seminar for 15 people.

This half day training seminar was on 15 August (see Chapter 7), and was attended by the Deputy Secretary-General, policy staff and senior investigators. It covered the following topics:

- Identification of major projects;
- What is a systemic?
- Major project criteria;
- Investigation methodology;
- Research and analysis;
- Investigation planning;
- Review of investigations;
- Formal notices;
- Formal interviews;
- Recording of critical decisions or events;
- Reports; and
- Agency briefings.

Discussion followed on a wide variety of procedural and policy issues that a major project might entail, including: staff deployment; witness representation; reporting delegations; compensation matters; and investigation reviews.

Other discussions

I also had discussions with staff on various other matters including: filing and records management; policy and legal units (see Chapter 4); and internal complaint handling by agencies (see Chapter 6).

On 16 August I had a half-day discussion with Assistant Secretary-General, Khun Viyada, and Khun Kasem, Director of General Administration, on a wide range of administration matters including: recruitment of staff; desirable qualifications; differential pay scales for IOs and others; classification procedures; registry; and mobility between the Ombudsman's office and the public service.

On 17 August I had a half-day with Khun Roypim, Assistant Director, Technical Support, on a wide range of policy matters including means for enhancing complaint management.

Training delivered

In total I delivered 104 half-days of training to staff and managers. For security reasons the Ombudsman's Office informed me that the list of those staff who attended the training should be kept confidential.

Other Relevant Developments

Currently the Parliament is in the process of seeking the further two Ombudsmen allowed for under their Act.

Conclusions

In my opinion, the Office has done a remarkable job in establishing itself so effectively in eighteen months. Its knowledge base and processes are very well developed for such a young organization.

I was especially struck by the development of their Case Tracking System and database. It is already at a level in advance of many Ombudsmen who have been in existence for 10-15 years or more. All involve, particularly those in the Technical Support Division and the IT staff deserve much credit.

At the same time it is important to remember that at present the Office is dealing with a rate of 700 complaints per annum. As this caseload inevitably increases, it will put considerable pressure on the Intake process, and the Team that manages it. It would be an interesting exercise for the Office to undertake an exercise in planning how they would deal with, say, 4000 complaints per annum.

One area that deserves further consideration and development, is that of turning the CTS into a complaint **management** system (CMS). This is crucial to successfully handling an increasing number of complaints. The key is to develop the system so that individual IOs enter the data, preferably in real time, and also use the system to help them manage their own caseloads, with regular reminders, reporting facilities, etc.

This is one area where I believe that Australia could offer some valuable experience, particularly with the Commonwealth Ombudsman's new software, to be installed in August/September 2001. This will be, from my own knowledge, far ahead of any other system currently in use by an ombudsman office.

I understand that Canada has provided sufficient funding to enable any necessary in-country investigator training to be provided by them.

Recommendations

In the light of this, it is my view that the most useful assistance that Australia could offer is twofold:

- a short study tour to Australia by the Ombudsman and a few select staff, to observe the very practical aspects of Ombudsman offices in operation, and their interaction with other review agencies; and
- a visit by some staff from the Technical Support Division, including an IT person, to study in detail the operation and technical and policy parameters of the Commonwealth Ombudsman's complaints management system.