



“Daily Complaint Handling Towards a Systemic Approach: Thai Ombudsman Experience”

**Mrs. Panit Nitithanprapas
Chief Ombudsman of Thailand**

**Delivered to the 12th Asian Ombudsman
Association Conference
7 December 2011, Japan**

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**Mr. Chairman,
Distinguished delegates,
Ladies and Gentlemen,**

It is a great pleasure and honor for me to be addressing one of the five key sub-themes of the 12th Asian Ombudsman Association Conference in Japan. I would like to congratulate everyone whose dedication and efforts have contributed to the success of this conference, particularly Mr. Hideo Arai, the Director-General of the Administrative Evaluation Bureau in the Ministry of Internal Affairs and Communications and his team for their insights, goodwill, and hospitality extended to all of us.

Today I would like to share with you on the sub-theme “Identifying People’s Concern from the Daily Flow of Complaints and Contribute to

Systemic Improvements” which I will focus on Thai Ombudsman experiences in daily complaint handling towards a systemic approach.

The Roles of Ombudsman in Thailand

Ladies and Gentlemen,

Before going into details on how Thai Ombudsman deal with daily flow of complaints, let me briefly explain about the roles of Thai Ombudsman.

The Thai Ombudsman is an independent constitutional organization firstly established under the 1997 Constitution of Thailand to investigate the complaints on maladministration and unfair practices of the public officials. Therefore, the main duties of the Ombudsman in the past focus only on fact finding concerning the complaints on maladministration, unlawful performance as well as unfair practices (whether or not it's lawful) of the public authorities.

But under the current 2007 Constitution, the Ombudsman has been given other important roles, i.e. to conduct the proceeding in relation to ethics of persons holding political positions and state officials, as well as, to investigate any omission to perform duties or unlawful performance of duties of the Constitutional Organizations or Agencies in the administration of justice, except the trial and adjudication of the Courts.

Thus, if such acts of those public authorities cause injuries to the public or it is necessary to protect public interests, the Thai Ombudsman may conduct investigation irrespective of a complaint (or what we call “own motion”).

Thai Ombudsman’s Experiences

Distinguished Guests,

With the various roles of the Ombudsman in Thailand under the Thai Constitution, we, the Three Ombudsmen, must take the lead in proactively ensuring proper complaint handlings (or people’s concern) and developing efficient and effective mechanism for systemic improvements. This entails more than simply providing an individual remedy to the complainant. We must as well regard prompt and professional access, timely service delivery along with fair and proportionate remedial actions on a broadest scale possible

- Thai Ombudsman’s Experiences in Dealing with Daily Complaint

Let me now share some of the initiatives, what the Thai Ombudsman has done to effectively identify people’s concern from the daily flow of complaints, as the followings:

First, to ensure easy accessibility for people to file complaints, the

frontline toll free call center (1676), which provide easy and free access for individual concerns without the cost of long distance telephone calls, has been set up. Mediation through direct telephone conversation instead of relying on traditional bureaucratic documentation and processes was also initiated by the Ombudsman. In addition, we have mobile “complaint handling” and also promotion unit travelling around the country to receive people’s complaints to provide a stronger presence and effective daily flow of complaints derived from public exposures.

Second, the Thai Ombudsman has set the target in our internal working procedure for all staff that all complaints coming into the office must be finished from start to end within 6 months. So far, out of totally 25,171 complaints received, we have finished 23,807 cases (94.6% of total complaints) meanwhile only 1,366 cases (or 5.4% of total complaints) are still under investigation.

Third, to guarantee accessibility for daily flow of complaints which will impinge on a more effective public services in a convenient and timely fashion, we collaborated with the Lawyer Council as well as the Department of Legal Aid and Civil Rights Protection, Office of the Attorney General, in every province throughout the country as alternative channels for the people to have legal advices or submit complaints to the Ombudsman. Since we do not have regional offices throughout the

country, this co-operation can save the expenses of the poor to file their complaints at their own domiciles.

Fourth, on top of all initiatives, the Thai Ombudsman has used the divisional authority to efficiently handle the daily flow of cases. Each of the three ombudsmen will be allocated portfolio of responsibilities. Each has a full authority to preside over their respective area divisions or investigative bureaus. For example, although being Chief Ombudsman, I have been evenly allocated portfolio to preside complaint over police and local administration.

Thai Ombudsman's Experiences for Systematic Improvement

Ladies and Gentlemen,

What I have been sharing with you so far are some of the works done by the Thai Ombudsman in dealing with the daily complaints coming to our office. We realize that complaint handling in a case by case basis is important to cope with daily grievances of the people. It is however a matter of fact that similar problem can emerge in different parts of the country. If we tackle the issue in a systemic manner, we will not be able only to solve the problem for the people, but also to prevent the same problem from ever occurring again.

I was reminded of a case where a motorcyclist filed a complaint to our office that the police fined and confiscated his driving license due to the loss of a license plate. The motorcyclist had explained that he had already filed for a new license plate and had gone through the proper process with a document to prove to the police. The police did not care to look at the document and made judgment without proper protocol. Considering this as a “systemic” improvement issue, I raise the bar to the whole system of the Thai Police and not just the handling of one police officer. My positioning results in a systemic level change and the Thai Police put in place a proper process in the matter of lost license plate so fairness and fair handling of the matter will be there for all, resulting from one individual complaint. On top of that, the Department of Land Transport responsible for the issuing of license plates responded to my recommendation and looked into measures to enhance faster services in their production line as well.

In order to promote systemic improvements, the Thai Ombudsman has set up the system to upgrade “individual” complaints, small as it may seem at the outset, to affect systemic change or “BIG PICTURE” impacts as follows:

First, “Tuesdays” (weekly) consultation meeting among the three Ombudsmen has been created. Given that each Ombudsman has a full

authority to preside over different investigative bureaus, the three Ombudsmen set up a meeting on each Tuesday to brief the others on the latest development of cases under their respective areas in order to streamline cooperation, standards and procedures to make cases systemic and expansive.

For example, we have recently discussed a matter concerning flood and water management system instigated by own motion from one of our ombudsmen, namely, Professor Siracha Chareonpanij. Even as these cases fall under Prof. Siracha's investigative bureau, it requires attention from all three ombudsmen since other public bodies must be integrated into a systemic and comprehensive planning to alleviate public distress.

In addition, all of Professor Siracha's undertakings on the matter of concern, from his personal study leading to an extensive study on a nationwide scale with a support team, led us all Ombudsmen to come alongside to both rework and broaden the issue with him as a leader to that of "National Spatial Development Plan" thematic issue. He, with our full support, championed this "Grand Theme" integrative improvement of the whole issue surrounding flooding and water management.

Second, besides meeting arrangements between Ombudsmen each week, we also invite internal and external team of experts on a case-by-case basis. Internal and external expert team, individuals respected for

their local wisdom pertaining to the issue at hand, and public participating are all crucial to the successes of case and systemic issue handling and processing. As in the case of the recent “Flood Crisis” in Thailand, we were well ahead of time to provide the Thai government with the support they need for systemic improvements to prevent future flooding in Thailand.

Third, we also streamline our public relations with various target groups, focusing on the general public, government agencies, state agencies, state enterprises and local government organizations, non-governmental organizations, mass media, private organizations, foundations, associations and educational institutions. Specific activities and media were designed for each target group. Television and radio programs are broadcasted regularly in order to send a message to the public at large.

Fourth, apart from the above practices, the Thai Ombudsman also investigated other cases of unconstitutionality and recommends to the Constitutional Court or Administrative Court to give ruling in the case committed to a systemic resolution as the ruling of these Courts has a binding effect to all public concerned.

Conclusion

Distinguished Guests,

Ladies and Gentlemen,

What I have been sharing with you so far are some of the works done by the Thai Ombudsman in handling daily complaints towards a systemic approach. I hope that our case sharing will be useful for others to apply for its own context as I myself find that case sharing throughout the conference has proved to be extremely useful to improve our future works at the Thai Ombudsman. Lastly, I strongly believe that with closer cooperation among fellows Asian Ombudsmen, we will become better adapted and equipped to face the challenges in an ever-changing Socio and Economic environment we live in at present.

Thank you very much for your attention.
