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Improving decision making: The case for internal intelligence functions

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IMPROVING DECISION MAKING:
THE CASE FOR INTERNAL INTELLIGENCE FUNCTIONS

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ABSTRACT

Decision making is a crucial facet of human existence. Decision making can also be a powerful instrument in determining the fate of individuals, organisations, governments, and at society at large. Within the context of government, there is enormous responsibility to ensure that decision making as par for the course of management and governance, results in decisions which are informed, timely and appropriate. It is essential that decision making achieves objectives which are beneficial to the individuals or environment, to which they will be applied.

This research study seeks to understand the use of intelligence processes to inform and improve decision making. Further, this study explores the opportunities which may be capitalized upon, in the event that internal intelligence functions are incorporated within the organisational structures of a non-dedicated intelligence organisation. This exploration is undertaken through a review of the way in which the Office of the Parliamentary Commissioner for Administrative Investigations (Ombudsman) in Western Australia performs legislated functions to arrive at decisions. Insightful information is presented in relation to the organisation's structure; and the assessment, investigative and decision making processes and procedures, employed therein. When combined with individual perceptions collected from a range of participants within the organisation regarding the influence and impact of intelligence, this information allows for analytical comparison with academic literature within the intelligence discipline.

Through understanding and exploration of the formal and informal structures within the organisation that influence investigative decision making processes, complaints management and administrative tasks; this research study both identifies and quantifies the potential contribution of intelligence functions in decision making. This research study provides an opportunity to gauge the appropriateness and envisaged contributions (such as a potential improvement in decision making), that implementation of a formal intelligence function might bring to the organisation. Again, comparisons between available literature, examination of current organisational structure and processes, and the personal understanding of participants, is illustrative in the development of an overall picture of the appropriateness or otherwise of intelligence within non-dedicated organisations in general.

This research study is as much the learning and development opportunity of the researcher, as it is about addressing an aspect currently lacking within academic literature surrounding intelligence and decision making. As such, this research study
provided a facilitative mechanism for the research to further develop their own understanding of the associated context and concepts, whilst also contributing an innovative perspective to the literature.
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CHAPTER ONE – INTRODUCTION

Now the reason the enlightened prince and the wise general conquer the enemy whenever they move and their achievements surpass those of ordinary men is foreknowledge.

Sun Tzu (544 BC – 496 BC)

1.1 Introduction

Each and every day, decisions, albeit some more important than others, are made by individuals and organisations within society through what is known as the cognitive process of decision making (Gadomski, 2006). Decisions and decision making form a constant part of human life, which both influence and are influenced by, a variety of personal, historical and social, economical, environmental, and technological factors.

Without decisions and decision making, society could not and would not, exist as it does today – that is, from an individual and organisational perspective, decisions and decision making are crucial to success with society (Gadomski, 2006).

Many professionals hold the view that the achievement of good decisions and decision making is dependent on an understanding of the situation; thorough evaluation of available options; and the development of clear objectives (Thompson Education, 2007; and Teale, etal, 2003). Whilst in agreement with this statement, it is the premise of this research study that “intelligence” in the form of relevant and reliable information which has been subjected to processing, as described by Schulsky and Schmitt (2002), is the most crucial aspect of good decisions and decision making. Only through access to intelligence can individuals and organisations gain understanding, evaluate options and develop clear objectives in decision making. Decision making, without intelligence, does not exist (Gadomski, 2006).

In the course of this research study, which is focused on improving decision making, two different types of organisations have been identified. The first organisation is referred to herein as a “dedicated intelligence organisation”. A dedicated intelligence organisation is one in which intelligence, as it is typically viewed in society, is the primary, and often singular, function of the organisation. In contrast, the second organisation referred to herein as a “non-dedicated intelligence organisation”, is one in which intelligence is not the primary function of the organisation, but may still occur with or without recognition.

To make a case for internal intelligence functions, as further suggested by the thesis title, this research study provides an exploration of the intelligence capacity, capability
and impact on a non-dedicated organisation. The organisation chosen for this
purpose, being the Office of the Parliamentary Commissioner for Administrative
Investigations (the Ombudsman's Office), is unique in many respects but is also an
exemplar of state government agencies at large. For instance, the Ombudsman's
Office undertakes extensive information management and decentralized information
processing which subsequently results in recommendations for reparation and change
amongst government departments and agencies (Katzen & Douglas, 1999). However,
each decision (recommendation) made by the Ombudsman's Office is based mainly on
the information held and collected for that particular activity. The Ombudsman's Office,
as a non-dedicated intelligence organisation for the purpose of this research study,
does not knowingly use intelligence as described by Schulsky and Schmitt (2002).

1.2 Research Background

This research study developed from a review of both historical and contemporary
literature regarding the application of intelligence to decision making practices within a
variety of organisations. From this review, I identified a common and recurring theme
in the literature. That is, practitioners and theorists of the discipline tended to narrowly
focus on the crucial role of intelligence to improve issues of national security, the
application of intelligence within dedicated organisations, and government review and
oversight of such organisations. Further, I found that only a limited amount of research
and literature existed regarding the application of intelligence to other settings of
information management and control, such as non-dedicated organisations. And even
less research and literature existed, regarding the influence of intelligence on decision
making practices. This lack of available research and literature, highlighted for me, a
significant gap in current knowledge within the intelligence discipline.

Having become aware of, and if I am completely honest, a little shocked by this gap in
knowledge, I started to consider the variety of government departments and agencies
existing within Western Australia which could be classified as non-dedicated
intelligence organisations. It was through this research that I identified the Integrity Co-
ordinating Group consisting of four administrative oversight bodies – the Auditor
General; the Commission for Public Sector Standards; the Corruption and Crime
Commission; and the Ombudsman – all of whom share a common purpose to promote
and strengthen integrity within the public sector (Integrity Co-ordinating Group, 2006).
The associated statistics estimated that in the process of providing community
services, government departments and agencies comprising the public sector
employed in excess of 140,000 personnel, generated a combined annual revenue and
expenditure of more than $36 billion, and were responsible for assets valued at more
than $70 billion (Integrity Co-ordinating Group, 2006). It was at this point, I
contemplated the difficulties associated with public relations and information management in an environment of review and oversight. But, it was through further consideration of their primary function that these administrative oversight bodies appeared, to me at least, perfectly placed as non-dedicated intelligence organisations. Commissioned with the enormous responsibility of seeking improved integrity from the public sector, these administrative oversight bodies engaged in co-ordinated research; evaluation and monitoring of public sector activity; and development of effective and consistent communication between the public sector and themselves (Integrity Co-ordinating Group, 2006). From here, I developed the preliminary assumption that without proper recognition, these administrative oversight bodies were unknowingly performing internal intelligence functions which later influenced their decision making practices. Subsequently this lead to a consideration of the intelligence capacity and capability of the Ombudsman in making decisions (and recommendations) on matters critical to state public infrastructure and administration (Ombudsman WA, 2001); and this sparked development for some initial ideas towards this research study. However, a distinct lack of overt information in the research and literature surrounding the intelligence capacity and capability of such administrative oversight bodies (i.e. non-dedicated intelligence organisations), confirmed once again, the significant gap in knowledge which I had previously identified. Perplexed by this apparent gap in knowledge but at the same time, equipped with developing ideas for a research study, I approached a number of industry professionals for further insight. Through conversation with industry professionals, they confirmed for me, that there was indeed, a significant gap in the knowledge between dedicated and non-dedicated intelligence organisations, and the influence of intelligence on decision making practices. They encouraged my pursuits in the exploration of the intelligence capacity, capability, and impact on a non-dedicated organisation.

With my ideas validated by the industry professionals, it was at this point, I approached Dierdre O'Donnell (Ombudsman, 2002-2007) in an effort to establish an appropriate research setting. I also began to formulate a suitable research strategy which would allow me to adequately explore the current facets of the Ombudsman's Office as a non-dedicated intelligence organisation; and to outline the potential improvement in decision making, should internal intelligence functions be formally implemented. Receiving the Ombudsman's approval and with research proposal in hand, my research study commenced, and after much time, finally culminated in this thesis.
1.3 Research Significance

This thesis provides greater insight into what is generally perceived as the clandestine world of intelligence and its practices of covert action and intense secrecy (Thompson, 2006). Although the traditional perspectives of intelligence are not overlooked, the content and conclusions contained within this thesis are intended to bridge the literary and knowledge gap between dedicated and non-dedicated intelligence organisations. The research study is intended to present a new perspective and contribute to current literature by developing a thesis which is outside of the generic trend usually applied in the study of intelligence. The thesis will therefore contribute an innovative aspect to contemporary intelligence literature, whilst also providing a basis for future research studies of a similar nature to be undertaken.

Further, this thesis is focused on “sense making” and understanding of the potential for internal intelligence functions to improve decision making within non-dedicated organisations. As such, it does not seek to develop any definitive conclusions or recommendations as to how this may be achieved.

1.4 Research Purpose, Aims and Objectives

The purpose of the research study is to identify and quantify the contribution of intelligence in decision making. To achieve this purpose, this thesis provides an analysis of the potential for formal implementation of internal intelligence functions within the current practices and procedures of the Ombudsman’s Office.

In undertaking such analysis, it is the aim of the research study to provide an overall assessment of the capacity, capability and impact of internal intelligence functions on non-dedicated organisations. It is expected that the research study will thoroughly examine and provide insight regarding the role and application of intelligence within the context of a non-dedicated organisation’s decision making practices and procedures. This will result in numerous recommendations of a non-specific nature which make the case for the improvement of decision making through the application of intelligence functions.

Due to the largely uncharted literary territory and the broadness of the research purpose, there is one important objective necessary to refine the research study, especially if it is to be successful. The research study is intended to provide an overview of both theoretical and practical aspects which establish the capacity and capability of non-dedicated organisations to apply internal intelligence functions to influence decision making practices and procedures. The achievement of this objective is largely dependent upon the emphasis given to the definitions, processes and
activities associated with intelligence within the context of the research study. It is expected that literature will assist to define the role and application of intelligence within a dedicated as opposed to a non-dedicated organisation; to clarify the contemporary role of the Ombudsman; and to identify the potential for application of intelligence functions within decision making practices and procedures.

1.5 Research Questions

Developed through my review of the literature and subsequent identification of a knowledge gap, this research study asks and addresses a number of pertinent research questions. These questions are critical in making the case for internal intelligence functions to improve decision making practices within a non-dedicated organisation.

These research questions are as follows:

(1) Given the application and ethical oversight of intelligence within the context of dedicated organisations, as reviewed in the literature: does the Ombudsman's Office demonstrate the capacity and capability to apply internal intelligence functions to influence decision making practices and procedures?

(2) What resources are required for implementation and what is the potential impact resulting from the implementation of internal intelligence functions?

(3) As a non-dedicated organisation, are intelligence functions already in operation within the Ombudsman's Office, but without specific recognition? If so, how can they be refined to further contribute positively to the outcomes of decision making practices and procedures?

1.6 Research Methodology

The methodology applied in this research study for the purpose of data collection, is one of interpretive field studies and action research. In collecting the data I adopted all the stages of the action research cycle including - action planning; action and experience; observing, evaluating and concluding; and attending, noticing, diagnosing, focusing and re-focusing - as described by Cherry (1999), Cunningham (1993) and a variety of other authors. Using action research for data collection enabled me to identify the research problem and develop research questions; develop a research strategy; collect the data; and then, evaluate the next stages of action. However,
similar to Cherry (1999), I found that action research relied heavily on a continuous cycle of planning, action and review, making it a particularly subjective tool, which necessitated the allocation of extra time to ensure the accurate collection and analysis of data. The subjective nature of action research led me to believe that its use may introduce the potential for a biased perspective in the research outcomes, and which might later become a significant limitation of the research study if not managed appropriately. To address this potential limitation, I proposed the use of an external validation group relevant to the research study, with whom it would be appropriate to share and receive feedback. This validation group became a key factor in guiding the methodology adopted, and subsequently the outcomes, in this research study.

With respect to the methodology applied for the purpose of data analysis, I initially proposed the use of a cost/benefit approach. At the time of drafting the research proposal I viewed cost/benefit analysis as the most appropriate theoretical framework in which to address the research questions and evaluate the data. However, I also maintained that if by impartial review and application cost/benefit analysis was deemed not to be appropriate, then the research methodology with respect to finding an appropriate analytical tool would need to be re-evaluated. Ironically, upon reflection, the cost/benefit approach was deemed inadequate to provide a comprehensive analysis of the data. I chose instead, to use to the principles of hermeneutic inquiry as outlined by Klein & Myers (1999) to analyse the data and identify my interpretations of the research, rather than the cost/benefit approach previously outlined.

1.7 Summary of Learning Outcomes

The primary learning outcome achieved as part of this research study is further insight and understanding of the associated concepts and context. Three important aspects, discussed further in Chapter Four.- Research and Learning Outcomes, provide the key to insight and understanding. These are, intelligence and decision making theory; Ombudsman practices and procedures; and research methodology. Their interaction is illustrated at Figure 4.2 of Chapter 4.

1.8 Thesis Writing Style

The writing style adopted throughout this thesis is both post-modern and reflective, using first and second person narrative.
1.9 Definitions

As this research study addresses a significant gap in current knowledge within the intelligence discipline and to avoid confusion, terminology relevant to this thesis is defined herein. Definitions within this section relate to the application of intelligence both within a dedicated and a non-dedicated organisation.

1.9.1 Intelligence: Application within Dedicated Organisations (Public Sector & Government)

Often definitions and descriptions of intelligence invoke images associated with states or state-like units engaged in practices of covert action or intense secrecy in order to achieve success in politics involving high stakes (Thompson, 2006; Clark, 2004; Deibert, 2003; Herman, 2001; and Jervis, 1991). Understandably, intelligence is frequently revered as being of utmost importance; and deserving of its status as the most secretive undertaking by governmental organisations (Barger, 2005).

Perhaps this is why the dedicated intelligence community within Australia is characterized through a diversity and complexity of relationships existing between several prominent governmental organisations. Numbering more than a dozen in total, these dedicated organisations are recognized as significant contributors within the Australian intelligence community. Indeed, the development of many of these dedicated organisations is steeped in a tradition of close ties to their respective UK and USA counter-parts, as well as direct historical lineage to similar intelligence operatives used by the Australian government during World War II (Cain, 2004; Woodard, 2001; McKnight, 1994; and Richelson & Ball, 1990). Unfortunately detailed review of each dedicated organisation's history and operations is outside the scope of this research study. However, it is suffice to comment that the dedicated organisations within Australia are highly proficient in both traditional and technical methods relating to the use and application of intelligence functions which are reviewed throughout this research study. Particularly where they are relevant to or critical to, matters of international relations, national security, military combat, and law enforcement (Cain, 2004; Hulnick, 2004; Hulnick, 1999; McKnight, 1994; and Richelson & Ball, 1990).

Some of the more well-known and recognized dedicated intelligence organisations within Australia include the Office of National Assessments (ONA); the Australian Secret Intelligence Service (ASIS); the Australian Security Intelligence Organisation (ASIO); the Defence Intelligence Organisation (DIO); and the Defence Signals Directorate (DSD) (Cain; 2004; McKnight, 1994; and Richelson & Ball, 1990). These dedicated organisations perform a diversity of roles within the security and/or
intelligence community. For example, the ONA (2006) is an organisation which is established for the purpose of providing analytical assessments, and reports directly to the Prime Minister of Australia regarding international political, strategic and economic matters. As another example, ASIS (2006) is an organisation concerned with the collection and dissemination of intelligence, undertaking of counter-intelligence activities, and liaison with other dedicated intelligence organisations. Whilst the primary purpose of ASIO (2006) as an organisation is to collect and inform government of information endangering national security, and to provide protective services to diplomatic and parliamentary officials when required. To further illustrate, in a specialized area of expertise DIO (2006) provides strategic and military intelligence and, undertakes counter-terrorism activities. Whilst DSD (2006) collects and disseminates defence signals intelligence, in addition to developing and providing government and other organisations with secure technical products which aid in information security and protection.

Intelligence is universally and colloquially considered a ‘sexy’ subject (Thompson, 2006). Inevitably this perception exists mainly because the dedicated organisations, concepts, processes and issues connected to intelligence are shroud in secrecy, yet feature prominently within political discourse and debate, exist in the wider public consciousness and, due to media perpetuation have high social expectations attached (Scott & Jackson, 2004; Johnson & Wirtz, 2004; Clark, 2004; Bennett, 2002; and Jervis, 1991). However, the literature suggests that intelligence should, at least in professional and academic circles, be viewed differently. For example, Schulsky and Schmitt (2002) provide a comprehensive overview of the functions which constitute intelligence as a concept and process.

Intelligence refers to information relevant to government’s formulation and implementation of policy to further its national interests and to deal with threats from actual or potential adversaries... Regardless of whether publicly available information should, strictly speaking, be considered intelligence, clearly there must be some process by which it is systematically made available to government officials in a usable form. An intelligence service often provides this function. Intelligence information typically includes not only raw data but analyses and assessments based on it. It is this output that is typically of direct value to policy makers. The extent to which this intelligence product strives to present a comprehensive evaluation of a situation, based on all available data, both public and secret, varies from one intelligence service to another..." [Italics and Underline Added] (Schulsky & Schmitt, 2002, pp.1-2).

As the critique provided by Schulsky and Schmitt (2002) is substantiated through further review of intelligence literature, it can be considered an accurate guide for the very definite attributes which intelligence as a process, a product and an organisation must demonstrate. Specifically, intelligence as a process is the mechanism by which information is collected, analysed and disseminated. Intelligence as a product is relevant information subjected to analysis and assessment and presented to decision makers in a usable form. And finally, intelligence as an organisation refers to the
units which carry out these tasks (Johnson & Wirtz, 2004; and Schulsky & Schmitt, 2002). Sherman Kent (cited in Johnson & Wirtz, 2004) was among the early theorists to first describe intelligence in these terms, specifically as a process ("activity"), product ("knowledge"), and an organisation. But ultimately, intelligence should be about sharing of useful information, not secrecy (Thompson, 2006; and Schulsky & Schmitt, 2002).

Defining the use and application of intelligence within a dedicated organisation is complex. This is because intelligence is a very complex concept and process to which a variety of definitions persist (Clark, 2004; Ratcliffe, 2004; Herman, 2001; and Braman, 1989). Lester and Koehler (2003) are among many of the researchers who provide a broad definition of intelligence as being concerned with the collection, analysis, dissemination and management of information for the immediate or future benefit of a specific organisation. In addition to the benefit of other individuals and organisations, of whom may be external to the intelligence process but nonetheless, rely on such information.

In addition to identifying and defining the essential functions associated with the intelligence cycle, Ratcliffe (2004) demonstrates through the use of a flow chart shown in Figure 1.1 below; how such intelligence functions are applied to operational practice within a dedicated organisation.

![Figure 1.1: The application of the intelligence cycle to operational practice within an organisation (Source – adapted from Ratcliffe, 2004, p.6).](image)

The intelligence process within a dedicated organisation does not usually commence without some direction from decision makers with respect to the scope and content of the information required (Ratcliffe, 2004; Clark, 2004; and Schulsky & Schmitt, 2002). Direction is followed by collection at which time raw data and information is gathered through a variety primary and secondary, open and covert sources including but not limited to surveillance and espionage, interviews, newspapers, television programs,
speeches, patent filings, journal articles, internet sites and so forth (Ratcliffe, 2004; Lester & Koehler, 2003; Dupont, 2003; and Schulsky & Schmitt, 2002). Collection is fundamental to the progression of information throughout the subsequent stages of the intelligence cycle. Following collection, analysis is the stage of the intelligence cycle at which point seemingly insignificant parts of information are examined and compiled in a useable format for future dissemination (Ratcliffe, 2004; Johnson & Wirtz, 2004; Clark, 2004; and Schulsky & Schmitt, 2002). The image or idea constructed during analysis may later form the basis for a significant decision, which potentially has great influence (Ratcliffe, 2004). Following analysis, dissemination is the stage at which intelligence (information) is conveyed to decision makers, most commonly in the form of a short memorandum, formal report, briefing, graph or any other reasonable documented mechanism of presentation (Ratcliffe, 2004; Johnson & Wirtz, 2004; Clark, 2004; and Schulsky & Schmitt, 2002). The fifth stage, of feedback and review is the most important. It is this stage which is concerned with the learning which can be taken from the intelligence process (Ratcliffe, 2004; and Monk, 2002).

Although somewhat simplified, Ratcliffe’s (2004) flow chart shown at Figure 1.1 suggests that the functions associated with intelligence, including the collection, analysis, and dissemination of information each form part of an inter-related cyclic process. Therefore in relation to the use and application of intelligence within any organisation, it is impossible to have one function without the others (Ratcliffe, 2004; Herman, 2001; and Lester & Koehler, 2003).

Further, it can be understood that reliable information produces good intelligence, and in turn, good intelligence results in effective decision making (Klintworth, 2002; and Jervis, 1991). Intelligence provides information which modifies understanding, and therefore influences the decision making process (Monk, 2002; and Klintworth, 2002). This is because intelligence is more than just information and data (Keetly, 2004; Monk, 2002; Klintworth, 2002; and Steele, 2001).

Intelligence originates as information which is processed and – generally – assessed, before it becomes a finished product... The process of intelligence production must be one of distilling what is most relevant from a large volume of material. In this way, trends are identified and overall perceptions of the situation develop (Royal Commission on Intelligence and Security, Fourth Report, Volume II, 1977, pp.108-9).

Consequently, intelligence does not make sense in isolation and consequently must involve the processing, assessment, evaluation and distribution of information in a useful format (Dupont, 2003; and Woodard, 2001). The objective of intelligence is to collect by means which are conventionally unavailable to decision makers, information which can be analysed for further understanding (Woodard, 2001). From such meaningful information, intelligence seeks to develop precise, reliable and valid inferences in the form of hypotheses, estimations, conclusions and predictions which
may be later used to inform decision making (Ratcliffe, 2004; and Clark, 2004). Therefore, to be effective in informing decision making, intelligence must maintain relevance through the processing, assessment, evaluation and distribution of information in a useful format, or otherwise risk the potential for irrelevant information; poor decision making and the resulting negative consequences (Barger, 2005; Dupont, 2003; Schulsky & Schmitt, 2002; and Braman, 1989). Ultimately however, if the intention is to provide assistance to, and inform decision making, intelligence needs to be managed appropriately (Deibert, 2003; and Dupont, 2003).

From an administrative perspective, any attempts to co-ordinate or manage intelligence functions within the context of a dedicated organisation present two significant problems (Schulsky & Schmitt, 2002). The first problem concerns the ability of the dedicated organisation to maintain secrecy and control of any intelligence output. There is a legitimate requirement upon a dedicated organisation to ensure that intelligence functions are carried out in accordance with the law and ethical guidelines, and that classified or confidential information obtained is restricted in availability (Johnson & Wirtz, 2004; Schulsky & Schmitt, 2002; and Steele, 2001). Secondly, problems arise within a dedicated organisation in defining the inter-relationship existing between those individuals directly involved in the intelligence process ("the experts") and those individuals whom are external to the intelligence process ("the decision makers"). The issue arising in this instance relates to the determination of the appropriate recognition for the intelligence process and product – that which should be attributed to the experts, as compared to the decision makers (Johnson & Wirtz, 2004; Schulsky & Schmitt, 2002; and Jervis, 1991). Overall, the challenge for the dedicated organisation is as much about managing tensions between the experts and the decision makers, as it is about ensuring accuracy, legality and confidentiality of the processes, functions and outputs of intelligence (Steele, 2001).

Based on preliminary analysis and review outlined above, this research study recognizes that application; and problems in connection with the implementation and management of intelligence functions are not unique to dedicated organisations. They are also pertinent to the context of non-dedicated organisations.

1.9.2 Intelligence: Application within Non-Dedicated Organisations

(A Corporate Perspective)

Additional review of economic and business literature indicates that intelligence similar to that applied with a dedicated or government context, is often utilised in a corporate environment to influence the internal and external decision making practices and procedures of an organisation (Back, etal, 2005; Anandarajan, Anandarajan &
Srinivasan, 2004; Teale, et al., 2003; and Rustman, 2002). From this review, it appears there is a strong focus not only on the outcomes, but also the factors which influence the decision making practices and procedures within the business and corporate sector (Anandarajan, et al., 2004; and McGonagle & Vella, 1996). Intelligence from a corporate perspective is a useful tool in allowing for the collection, analysis, and dissemination of information which is used to provide decision makers with a level of understanding upon which to act accordingly (Back, et al., 2005; Anandarajan, et al., 2004; Vitt, et al., 2002; McGonagle & Vella, 1996; and Wilensky, 1967).

Ensuring that informed and productive results are derived from the decision making practices and procedures within a business or corporation (non-dedicated intelligence organisation), requires that management receive intelligence that is both reliable and timely (Anandarajan, Anandarajan & Srinivasan, 2004; Wilson, 2003; Teale, et al., 2003; and Wilensky, 1967). Furthermore, if it is to be used for the purpose of improving decision making, such intelligence must produce information which is relevant, accurate, complete, and understandable (Anandarajan, et al., 2004; and Wilensky, 1967).

The implementation of intelligence within a non-dedicated organisation is typically viewed as a positive mechanism in order to facilitate effective and efficient decision making practices and procedures (Anandarajan, Anandarajan & Srinivasan, 2004; Teale, et al., 2003; and Vitt, et al., 2002). However, the continued effectiveness and efficiency of such implementation does require that the organisation periodically review policies, objectives, performance measurement, managerial structures, resources, and information management techniques (Anandarajan, et al., 2004; Wilson, 2003; Burke, 2003; Vitt, et al., 2002; and Wilensky, 1967). The reason for this continued review, particularly within the context of a non-dedicated organisation, is that intelligence is more often than not used to inform internal rather than external decision making. Intelligence in corporate decision making is perceived as providing a competitive advantage (Back, et al., 2005). Because intelligence, when applied to the internal decision making practices and procedure of an organisation, can alter fundamental aspects such as those listed herein, periodic review is necessary to ensure that the correct intelligence is being collected, analysed and disseminated in order to meet the decision making requirements of the organisation (Burke, 2003; Vitt, et al., 2002; Rustman, 2002; and Wilensky, 1967).

1.10 Conclusion

Chapter One – Introduction, has provided the framework for this thesis, as an exploration of the intelligence capacity, capability and impact on non-dedicated
organisations. Commencing with an overview of the importance of intelligence to decision making, this Chapter has outlined the research background, which inaugurated through the identification of the Ombudsman’s Office as a non-dedicated organisation and a gap in current knowledge. Further outlined were the research purpose (to identify and quantify the contribution of intelligence); aims (the assessment of the impact intelligence on non-dedicated organisations); and objectives (the overview of theoretical and practical aspects of intelligence). Not to mention, the research significance, which was established as being an attempt to engage in sense-making and develop a new perspective to add to current knowledge; and the learning outcomes as being to gain insight and understanding. Research questions to focus the study and assist in making the case for internal intelligence functions in non-dedicated organisations were supported by the development of an appropriate research method and strategy. The research methodology was presented as one of interpretive action research involving planning, activity and review in the collection of the data; and combined with the principles of hermeneutic inquiry in data analysis. Finally, this Chapter has explained the definitions associated with an application of intelligence and the intelligence cycle to an environment of both dedicated and non-dedicated organisations.

Chapter Two – Literature Review, follows herein, to provide further examination of intelligence within dedicated and non-dedicated organisations. Review of the literature is intended to provide theoretical context to this research study.
CHAPTER TWO – LITERATURE REVIEW

Collecting intelligence information is like trying to drink water out of a fire hydrant. You know, in hindsight it's great. The problem is there's a million dots at the time.

Louis Freeh (Director of the Federal Bureau of Investigation, 1993 – 2001)

2.1 Introduction

As one of many aspects covered in Chapter One – Introduction of this thesis; intelligence and the intelligence cycle were described in relation to an environment of both dedicated and non-dedicated organisations. Like the comments of Louis Freeh above, this preliminary review conducted in Chapter One highlighted the potential for problematic application of intelligence and the necessity for further consideration to “make intelligence fit” in the decision making context.

What follows in this Chapter, is a review of the literature relating to dedicated and non-dedicated intelligence organisations subjected to an environment of review and oversight; and the functions of the Ombudsman. Review of the literature, particularly focusing on these aspects, is intended to provide theoretical background and facilitate an understanding of the context in which this research study occurs. Ultimately, it is about making the case for internal intelligence functions within non-dedicated organisations, and outlining the ability of these functions to improve decision making.

In an environment of review and oversight, Taylor and Goodman (2004) and Klintworth (2002) are among several researchers to examine whether or not more agencies, money and personnel will assist in intelligence reform. Within the currently purported environment of poor intelligence performance there is a significant amount of public, political and media demand for improvements and reforms which include more agencies, more money and more personnel (Taylor & Goodman, 2004; and Klintworth, 2002). By questioning the effectiveness of increased funding, personnel and the implementation of changes to assist in performing intelligence functions, it can be concluded that ‘more’ dedicated organisations are not the desired answer to intelligence reform. Increased funding and staffing of dedicated intelligence organisations does not necessarily correlate with competence and success. Intelligence reform is achieved in relation to the accuracy of the tasks performed by personnel, not increased budgets and resources (Taylor & Goodman, 2004; Monk, 2002; and Klintworth, 2002).
Further, if there already exists an overlap of intelligence functions, a culture of bureaucracy and competition, lack of coordination, and inadequate communication between the dedicated intelligence organisations – why expend great time and expense in creating more (Taylor & Goodman, 2004; Monk 2002; and Klintworth, 2002)? The issue of intelligence reform is always relevant. However, the real question relates to how intelligence reform is best achieved, particularly in the current environment where both positive and negative aspects of intelligence as a process, product, and an organisation are subject to political, media and public speculation (Barger, 2005; and Hulnick, 1999). Ultimately, intelligence reform is about making the associated intelligence processes, products, and organisations more efficient, more reliable and less prone to failure (Hulnick, 2004; and Hulnick, 1999). Some suggested solutions within the literature include independent review of current intelligence practices, reallocation of resources between dedicated and non-dedicated intelligence organisations, and improvements in recruiting and training of staff (Taylor & Goodman, 2004; Monk, 2002; and Klintworth, 2002). Although acknowledging that all the above solutions have merit, the position of this research study is that given the potential capacity and capability of non-dedicated organisations to implement intelligence in decision making, they may already provide some of the answers.

2.2 Dedicated and Non-Dedicated Intelligence Organisations
(An Environment of Review and Oversight)

Review of historical and current literature highlights a common and recurring theme which is clearly demonstrated within the vast majority of research studies both relevant to, and conducted by practitioners and theorists associated with the intelligence discipline. Unsurprisingly this trend is the obvious tendency for research studies conducted within the context of the intelligence discipline to specifically focus on the ability of dedicated intelligence organisations to identify, acquire, process, analyse and apply relevant information to situations of national security (Johnson & Wirtz, 2004; Scott, 2004; and Monk, 2002). However, on occasion practitioners and theorists of intelligence will “think outside the square” and conduct more innovative research studies. For example, Scott (2004) considers the operation and outcomes of intelligence functions within and environment affected by social and/or political motivations and agendas.

Further support for the idea that intelligence functions can be influenced by social and/or political motivations as presented in the work of Scott (2004) as briefly outlined above, can be found in the work of Sociologist, Erving Goffman. Goffman was among the first to postulate that those intelligence functions used by dedicated intelligence
organisations, including the collection, analysis, dissemination and management of information, can be successfully applied to other social settings of information management and control (cited in Marx, 2004; Lester & Koehler, 2003; and Eells, 1984). Goffman's theoretical position suggests that intelligence related functions are therefore, part of a general process able to be applied in a variety of settings, irrespective of whether they are conducted for the purpose of national security, law and order enforcement, analysis of social behaviour, observation and monitoring of business and consumer interaction, attainment of economic information or, examination of environmental issues (Goffman cited in Marx 2004; Todd & Bloch, 2003; and Schulsky & Schmitt, 2002). Consequently, intelligence related functions should not be restricted to the confines of a dedicated intelligence organisation but rather, recognized as providing a valuable contribution when utilized within the context of an appropriate non-dedicated intelligence organisation (Scott, 2004; Keelty, 2004; Johnson & Wirtz, 2004; Goffman cited in Marx, 2004; Todd & Bloch, 2003; and Eells, 1984).

Applying this concept within the context of the Australian intelligence community leads to the insinuation that many dedicated intelligence organisations may perform additional roles which are outside their documented objectives and purposes (Keelty, 2004; and Steele, 2001). Not to mention the fact that many intelligence related functions may also be carried out by non-dedicated intelligence organisations which are for the majority of the time, unaware of the significance they have in performing these functions (Scott, 2004; Bennett, 2002; and Steele, 2001). Although unrecognized, many non-dedicated intelligence organisations may demonstrate significant capacity and capability to use and apply intelligence functions which assist in the achievement of policy and decision making requirements (Keelty, 2004; and Schulsky & Schmitt, 2002). The principle roles and objectives of non-dedicated intelligence organisations often lie outside the scope of the intelligence community, yet they may retain departments and staff whose daily activities involve extensive use of intelligence related functions (Scott, 2004; Richelson & Ball, 1990; and Eells, 1984). As another defining characteristic, non-dedicated intelligence organisations will normally have minimal involvement with other organisations associated with the intelligence community but on the particular occasions were contact does occur between dedicated and non-dedicated intelligence organisations, it is usually both direct and extensive (Scott, 2004; and Richelson & Ball, 1990).

Acknowledgement of non-dedicated intelligence organisations highlights a complex relationship existing between organisations within the Australian intelligence community and emphasizes that the use and application of intelligence related
functions may vary according to time and place (Scott, 2004; and Richelson & Ball, 1990). Furthermore, as recognized by Justice Hope (1977) and cited below, the acknowledgement of non-dedicated intelligence organisations and their ability to use and apply intelligence functions creates significant difficulties, particularly with respect to defining and determining the exact magnitude of the Australian intelligence community (Richelson & Ball, 1990).

"The Australian intelligence community is [already] fragmented, poorly coordinated and disorganised. The agencies lack proper guidance, direction and control. They do not have good or close relations with the system of government they should serve...There are several reasons for this state of affairs. The formal machinery for management and coordination is weak. There has been a lack of political interest and will at the ministerial level with respect to guidance and oversight...Australian ministers have generally been reluctant to become involved in the supervision of intelligence and security activities – there has been a tendency over the years for ministers to take the intelligence/security business for granted or leave it to go its own way" [Italics Added] (Justice Hope, Royal Commission on Intelligence and Security, 1977, cited in Richelson & Ball, 1990, pp.62-63).

Justice Hope’s comments and criticisms in relation to the Australian intelligence community are cited as neither the first nor the last of this nature. Indeed, the Australian intelligence community is the subject of a rather extensive history of review and oversight provided by royal commissions as well as parliamentary committees, inquiries and reports. Given the difficulties associated with an overlap of functions between dedicated and non-dedicated intelligence organisations, the potential for inadequate co-ordination and management of the Australian intelligence community has and continues to remain a prominent issue, particularly with respect to the array of royal commission and parliamentary oversight (Richelson & Ball, 1990). Details of some of the more familiar and well recognized commissions, committees, inquiries and reports surrounding the Australian intelligence community are outlined below. As mentioned previously, in-depth review of each organisation’s history and operations is outside the scope of this research study. However, it is necessary to focus some attention to royal commissions and parliamentary scrutiny of these organisations as they provide further background and context to the research study.

2.2.1 Royal Commission on Intelligence and Security (The First Hope Report), 1974

The First Hope Report was established to provide recommendations on the intelligence and security services which Australia as a nation should have available to it. Terms of reference outlined in the First Hope Report provided for consideration of issues associated with efficiency and effectiveness within organisations, including arrangements for coordinating and evaluating intelligence, and its distribution and use. Not to mention, the review of the mechanisms for ministerial and official control of such organisations (cited in Commission of Inquiry into the Australian Secret Intelligence...
Further review by the Royal Commission on Intelligence and Security primarily focused on the established role and functions of Australia's primary dedicated intelligence organisation at that point in history – ASIO (4th Report, Volume I and II, 1977).

Charged with these terms of reference the Royal Commission on Intelligence and Security inevitably delved further to define and clarify the inter-related processes of collection, assessment and dissemination involved in the intelligence cycle. In considering the security requirements of Australia with respect to the services provided by ASIO as a dedicated intelligence organisation, the Royal Commission on Intelligence and Security raised controversial issues surrounding the proper place for private intelligence organisations (referred to in this research study as non-dedicated intelligence organisations). The Royal Commission on Intelligence and Security recognized non-dedicated intelligence organisations as often being well recognized by the public majority, care-takers of human rights, and politically aligned. But nonetheless, suggested that non-dedicated intelligence organisations have an important role to play, particularly with respect to collecting, analysing and disseminating intelligence for the decision making practices and procedures of other organisations (4th Report, Volume I and II, 1977).

2.2.2 Royal Commission on Australia's Security and Intelligence Agencies (The Second Hope Report), 1983/84

The second Hope Report provided for a review of Australia’s security and intelligence organisations, especially in terms of how such organisations had operated in the period since the first Hope Report. The second Hope Report also assessed the implementation of Government decisions resulting from the earlier report, including issues associated with efficiency, effectiveness, accountability and control (cited in Commission of Inquiry into the Australian Secret Intelligence Service, 1995). Similar to the first Royal Commission, Justice Hope again identified and reported on the critical role of non-dedicated intelligence organisations in the management of information.

2.2.3 Australian Intelligence in a Changing International Environment (The Richardson Report), 1992

The Richardson report was prepared by the Secretariat Committee on Intelligence and Security (SCIS) and presented to the Security Committee of Cabinet (SCOC). Terms of reference bestowed on the SCIS in relation to the Richardson Report included, powers to review the roles and relationships of Australian intelligence agencies in the aftermath of the collapse of the Soviet Union and, the disappearance of the strategic
and ideological divide between East and West. Following consideration of historical involvement of dedicated intelligence organisations in relation to matters of national security, review conducted by the SCIS returned a generally favourable assessment of the potential future contribution of such organisations (cited in Commission of Inquiry into the Australian Secret Intelligence Service, 1995). Approximately, ten to twenty years after the first and second Hope Royal Commissions, The Richardson Report reinforced the appropriateness of Justice Hope's original findings. Thus, re-confirming the relevance of non-dedicated intelligence organisations in a changing environment (cited in Commission of Inquiry into the Australian Secret Intelligence Service, 1995).

2.2.4 Intelligence Collection in a more Complex World
(The Holloway Report), 1992

The primary objective of the Holloway Report was to provide an assessment and report of the shortfalls apparent in Australia's dedicated intelligence organisations and, to make recommendations with respect to addressing such deficiencies. In general the Holloway Report rated highly the performance of dedicated intelligence organisations in undertaking the tasks assigned to them but, proposed more refined arrangements with respect to use and application of intelligence functions (cited in Commission of Inquiry into the Australian Secret Intelligence Service, 1995). In reviewing the historic shortfalls apparent in dedicated organisations, the Holloway Report provides guidelines to current dedicated and non-dedicated organisations alike, regarding 'best practice' for the application of intelligence functions.

2.2.5 A Review of Security Assessment Procedures
(Parliamentary Joint Committee), March 1994

This Parliamentary Committee was established to provide a review into the operation of the Australian Security Intelligence Organisation Act, 1979 and, to report on the manner in which ASIO as a dedicated intelligence organisation was able to perform its primary function of providing security assessments. Further to this, the Parliamentary Joint Committee examined the effectiveness of ASIO procedures established for the purpose of performing security assessments and, the usefulness of assessments so issued (cited in Parliamentary Joint Committee on the Australian Security Intelligence Organisation, 1994). Examination of the final report produced by this Parliamentary Committee provides insight into a dedicated organisation, extremely proficient in the activities and processes which culminate in reliable intelligence and good decision making. In the context of this research study, the findings of the 1994 Parliamentary Committee are an exemplar of the potential organisational benefits of intelligence in the decision making of both dedicated and non-dedicated organisations.
2.2.6 Inspector General of Intelligence and Security Act 1986

The Office of the Inspector-General of Intelligence and Security was formed as result of a directive from the second Hope Royal Commission. The objectives behind the establishment of this office primarily included the provision of ministerial assistance and, oversight concerning the activities of Australia's dedicated intelligence organisations. Specifically this was to involve ensuring that dedicated intelligence organisations acted with legality and propriety, complied with ministerial guidelines and directives, and respected human rights (Cited in Inspector-General of Intelligence and Security, 1994). The establishment of this review body to oversee and work along side dedicated intelligence organisations, again reconfirms the view of Justice Hope in outlining the importance of non-dedicated intelligence organisations within the community.

2.2.7 Commission of Inquiry into the Australian Secret Intelligence Service
(Commission of Inquiry), March 1995

The Commission of Inquiry into ASIS was established in March 1995 as a mechanism for counter attack against high profile media criticisms reproduced on information provided by two former ASIS officials. Information provided by these official concerned ASIS operations and more specifically, alleged a lack of external restraint and accountability on part of the organisation. Therefore, the terms of reference of this Inquiry sought to review the operations and management of ASIS, and if necessary, propose changes with a view towards improvement (cited in Commission of Inquiry into the Australian Secret Intelligence Service, 1995). In reviewing serious accusations against a dedicated organisation, this Commission of Inquiry provides some indication of the operational and managerial controls which must be present for the successful application of intelligence within non-dedication organisations.

2.2.8 Nature, Scope and Appropriateness of ASIO's Reporting Activities
(Parliamentary Joint Committee), September 2000

The purpose of the Parliamentary Joint Committee established in this instance was to provide a review of the nature, scope and appropriateness of the way in which ASIO reported to the Australian public regarding its intelligence activities. The Committee was primarily concerned with increasing and improving public accountability of ASIO as a dedicated intelligence organisation (cited in Parliamentary Joint Committee on the Australian Security Intelligence Organisation, 2000).
Interestingly, this Parliamentary Committee provides an overview of the framework in which a dedicated organisation communicates decisions which are based on intelligence. Given the content and context explored in this research study, an analysis of the decision making framework of dedicated organisation translates to relevant comparisons with the potential for non-dedicated organisations to apply intelligence in decision making.

2.2.9 Review of Administration and Expenditure for ASIO, ASIS and DSD (Parliamentary Joint Committee), March 2005

This Parliamentary Joint Committee, as recently as March 2005 provided for a review of the administration, operations and organisational structures, and the expenditure of three high profile dedicated intelligence organisations – ASIO, ASIS and DSD. Committee terms of reference included the ability to review current practices for handling challenges with respect to operations, and to ascertain how current budgets, processes, procedures and staff dealt with both additional resources (or the lack thereof) and greater work demands (cited in Parliamentary Joint Committee on ASIO, ASIS and DSD, 2005). Review of administration and expenditure in relation to these dedicated intelligence organisations by the Parliamentary Joint Committee has the most relevance to the research outlined within the context of this study. Particularly with respect to review of public reporting and accountability, legislative guidelines, recruitment and training of personnel, operational requirements and management issues, which may also be applied equally to non-dedicated intelligence organisations.

2.3 The Ombudsman as a Non-Dedicated Intelligence Organisation (Potential Use and Application of Internal Intelligence Functions)

To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and is improving the standard of, administrative decision making, practices and conduct.

Mission Statement (Ombudsman, Annual Report 2006)

Further to the commissions, committees, and inquiries described herein, it is the position of this research study that review and oversight can have positive repercussions. Not only in terms of ensuring that effectiveness is parallel to accountability as a feasible objective within a dedicated intelligence organisation, but also in setting an exemplary precedent for the future development of intelligence functions within non-dedicated intelligence organisations (Johnson & Wirtz, 2004; Todd & Bloch, 2003). Accordingly, Todd and Bloch (2003) identify a number of criteria which should form part of any constructive review and oversight in relation to dedicated and non-dedicated intelligence organisations. These criteria include independence from
the government, ability to initiate inquiry, impartiality of investigation, uninhibited access to information, ability to maintain confidentiality, expertise in organisational and institutional matters, adequate staff and resources and, the capacity to mobilize public opinion (Todd & Bloch, 2003, p.213-4). The criteria which Todd and Bloch (2003) acknowledge as being central to review and oversight are almost identical to those attributes outlined within this research study as being necessary to the effective and efficient operation of a non-dedicated intelligence organisation. The majority of which, if not all, are demonstrated functions of the contemporary Ombudsman.

Public demand for increased accountability concerning various Australian organisations, government departments and ministerial offices in the late 1970’s and 1980’s, is suggested in the literature as being one of the main precipitating factors which gave rise to the development of new legislation and institutions (McMillan, 2005; Senevirante, 1994; Cain, 1994; and Sawer, 1968). The development of accountability mechanisms throughout Australia during this period included Freedom of Information Legislation, Administrative Appeals and Review Tribunals, and the Office of the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) (McMillan, 2005; Cain, 1994). Regardless of whether these legislative and administrative changes came about because of popular institutional change occurring in western democracies or because governments were seeking to distance themselves from dispute settlement, they have far reaching consequences (McMillan, 2005; Senevirante, 1994; and Cain, 1994). Most imperative to the arguments of this research study is that, these changes resulted in the creation of an administrative office – the Ombudsman – which can be classified as a non-dedicated intelligence organisation.

Legislation (in Western Australia, this is the Parliamentary Commissioner Act, 1971), commissions the Ombudsman with numerous functions. These include: resolution of complaints about public agencies, improvement of the overall standard of government administration, identification of systematic problems and provision of recommendations for change, monitoring the implementation of decisions made by review bodies and, monitoring the implementation and systemic impact of its own decisions (Ombudsman, 2006b; Katzen & Douglas, 1999; Senevirante, 1994; Pearce, 1989; and Sawer, 1968). Resolution of individual complaints is perhaps the most essential function. However, individual complaints may be symptomatic of an underlying problem and therefore the Ombudsman’s capacity to ensure public rights and resolve systemic issues through review of administration cannot be ignored (Ombudsman, 2006b; McMillan, 2005; Katzen & Douglas, 1999; Pigeon, 1992; and Pearce, 1989).
Both Appendix 1 and Appendix 2 to this thesis outline the Ombudsman's procedures for handling complaints and inquiries. Appendix 1 is a flow chart developed by Doi (1974, p.100). Although Doi makes specific reference to the Hawaiian Ombudsman, evaluation reveals the procedures for handling complaints and inquiries as being remarkably similar to those of an Ombudsman within Australia. This is substantiated by Appendix 2 which outlines the procedure for handling complaints and inquiries with the Office of the Ombudsman (Western Australia). This flow chart adapted from the Ombudsman's Office (2006a) was not available during preparation stages of the research study. But rather, it was obtained through direction from a participant during the course of data collection, and proved to be a useful tool in later understanding and analysing the data.

Although the Ombudsman has significant powers of investigation under legislation there are specific limitations in which case the complaint must be referred to another reviewer. For instance, the Ombudsman cannot investigate actions of private individuals and companies, Judicial and Ministerial appointees, disputes involving government personnel or human resources and lastly, the Commonwealth Ombudsman cannot review matters involving State jurisdiction and vice-versa (Smith, 1999; Katzen & Douglas, 1999; Senevirante, 1994; and Binkowski, 1984). Therefore, the functions powers and duties of the Ombudsman are subject to legislative regulations which provide extensive powers to investigate complaints raised by affected persons and organisations. But, at the same time these powers are constrained by specific limitations (Smith, 1999; Katzen & Douglas, 1999; and Pigeon, 1992).

Investigation by the Ombudsman may involve entering of premises, examination of files and records and, taking evidence under oath to review a variety of issues (Ombudsman, 2006b; Katzen & Douglas, 1999; and Binkowski, 1984). Generally issues investigated by the Ombudsman relate to a government department or authority's recommendations, decisions or administrative actions taken, blatant refusal or failure to act or, significant delays in dealing with matters (Ombudsman, 2006b; Katzen & Douglas, 1999; Binkowski, 1984; and Sawer, 1968). If after review and investigation a complaint is deemed to be wholly or partly justified, the Ombudsman has extensive authority to make recommendations and report findings to the relevant government departments and/or authorities, and to the Parliament (as opposed to the current elected Government) (Ombudsman, 2006b; and Katzen & Douglas, 1999). Reports by the Ombudsman may recommend that the government department or authority review and explain the situation to the claimant, that recommendations, decisions or administrative actions taken should be reconsidered, or that a law, rule or
procedure used should be changed. Or, any other action appropriate to the findings (Ombudsman, 2006b; Katzen & Douglas, 1999; Binkowski, 1984; Dillon, 1974; and Combe, 1974).

Therefore, the Ombudsman has a significant capacity to influence internal and external decision making processes in relation to government departments, government authorities and the Parliament (McMillan, 2005; Pigeon, 1992 and Binkowski, 1984). Ability to influence decision making stems from the most important defining feature of the Ombudsman – that is, independence to provide review which is separate from, and impartial to the public, industry and government (Smith, 1999; Katzen & Douglas, 1999; Pearce, 1989; Pigeon, 1992; and Senevirante, 1994).

Consequently deductive reasoning establishes the contemporary functions of the Ombudsman as both synonymous, and fundamental to the performance, use and application of intelligence functions within a non-dedicated intelligence organisation. This is particularly true of those intelligence functions which are later used to aid and assist informed decision making practices and procedures, both internal and external to the organisation (Binkowski, 1984; and Dillon, 1974). The application of intelligence functions within the Office of the Ombudsman as a non-dedicated intelligence organisation is demonstrable through the position of Doi (1974, p.10), especially in relation to influential decision making.

Although the Ombudsman does not have power to overrule the decision of the administrator after investigation and evaluation, he does have the power to recommend an appropriate solution to the problem, and if the administrator refuses to accept the recommendation, to publicize the case. Thus, the recommendation of the Ombudsman must be premised on thorough fact-finding, good research and sound evaluation, for if it is not, the Ombudsman would not be able to persuade the administrator, by logical reasoning, to accept his recommendation... Most administrators, most individuals, and the Ombudsman share the same objective – to arrive at a rational and legal conclusion which is beneficial to the people; and fair and equitable in each case. By arriving at a fair and equitable decision in each case, the administrative process, and Government as a whole, is improved, for fair and equitable treatment by Government to each individual means that Government is fair and equitable to all of the people [Italics and Underline added] (Doi, 1974, p.10).

In collecting data whether from individuals or organisations, to process, analyse and disseminate information in the form of reports and recommendations to relevant government departments and authorities, and Parliament (albeit not all information is disseminated due to confidentiality), the Ombudsman performs specific intelligence related functions (Binkowski, 1984; and Dillon, 1974). That is to suggest, the Ombudsman collects, analyses, disseminates and manages information which is later used to aid and inform both internal and external decision making practices and procedures (Clemente, 2005; and Dupont, 2003). Further to influencing decision making practices and procedures, the role of the Ombudsman is critical to the operation of democracy. As an arbitrary figure reviewing disputes between individuals
and organisations and, the complaints which they raise against the complexities of government departments and authorities, it is the role of the Ombudsman to ensure justice prevails (McMillan, 2005; Joint Standing Committee, 1997; Binkowski, 1984; and Dillon, 1974).

Although the research study asserts that, theoretically, the Ombudsman as a non-dedicated intelligence organisation is capable of implementing and utilizing intelligence functions, the present reality may be strikingly different. Both Doi (1974) and Combe (1974) report on the difficulties and resource consumption sometimes associated with an investigation conducted by the Ombudsman. Dependent upon the overall case workload, complexity and publicity there may be significant time factors and monopolization of valuable financial and personnel resources involved in conducting such investigation (Ombudsman, 2006b; Joint Standing Committee, 1997; Doi, 1974; and Combe, 1974). It is also important to consider whether or not the Ombudsman has access to personnel who are proficient in legal research, fact-finding, problem analysis and communication skills (Doi, 1974; and Combe, 1974). Furthermore, current record systems in use may or may not be adequate to categorize and store an enormous case load, potentially making information difficult to locate and retrieve at a later stage (Doi, 1974; and Combe, 1974). These potential difficulties associated with resource allocation and consumption indicate that it is necessary to conduct further research to determine the capacity and capability of the Ombudsman to apply a formalized approach to intelligence functions (Ombudsman, 2006b; and Joint Standing Committee, 1997).

2.4 Conclusion

In considering the literature presented herein, Chapter Two - Literature Review has provided the structure to further examine the application of intelligence within the context of both dedicated and non-dedicated organisations. As evidenced through an extensive history of review and oversight by royal commissions, parliamentary committees, and inquiries; a complex relationship exists between dedicated and non-dedicated intelligence organisations within Australia (Richelson & Ball, 1990). Amid this setting, researchers such as Taylor and Goodman (2004) suggest that intelligence reform is not achieved through more agencies, money or personnel. Rather it is achieved through independent review, reallocation of resources and provision of training. Furthermore, research outside common parameters suggests that intelligence can be influenced by social and political motivations (Scott, 2004). Research along this line, leads to the conclusion that intelligence concepts applied in dedicated organisations can also be applied to other social settings of information management and control, irrespective of the primary organisational objective (Goffman cited in Marx,
The potential for non-dedicated intelligence organisations is significant. In highlighting the similarities between dedicated and non-dedicated organisations, both demonstrate the capacity and capability to implement intelligence for the purpose of improving decision making (Scott, 2004; Steele, 2001).

In an environment of review and oversight, persistent public demand for increased accountability gave rise to the development of new legislative guidelines and institutions to govern (McMillan, 2005). Of such institutions, the Ombudsman, for the purpose of this research study is classified as a non-dedicated intelligence organisation. The primary function of the Ombudsman is to assist the parliament of the day to be confident that the public sector is accountable for and improving the standard of administrative decision making, practices and conduct (Ombudsman, 2006b). The Ombudsman is commissioned by legislation to assist in the resolution of complaints; improve administration; identify systematic problems; and develop recommendations for change (Katzen & Douglas, 1999). Review of the procedures and process applied by the Ombudsman in the achievement of these functions, highlights a strong intelligence influence. The Ombudsman has enormous capacity to influence decision making using thorough fact finding, good research, and sound evaluation (McMillan, 2005; Doi, 1974). Deductive reasoning establishes the Ombudsman's functions as synonymous with those of intelligence.

The theoretical research contained within this Chapter is supported by Chapter Three – Research Methodology which outlines the practical research undertaken as part of this study.
CHAPTER THREE – RESEARCH METHODOLOGY

3.1 Introduction

Chapter Three – Research Methodology, is about my curiosity and questioning to gain further understanding and insight into the concepts of this research study. I invite you to read further, to share with me, in the development of my learning journey. Commencing with an overview of the research, Chapter Three sets out the research questions; model; unit of analysis; participant profile; and instruments of collection adopted in this study. This is followed up with an outline of action research and hermeneutic inquiry as the framework for data collection and analysis within this research study. Discussion of these frameworks is combined with my reflections of the effects on my research and the limitations I both experienced and managed in due course.

3.2 Research Overview

This research study came about through curiosity and inquiry into a perceived gap existing in the current knowledge of the intelligence discipline. With further consideration a variety of questions arose, which although not entirely clear or properly formulated at this stage, begged for further research and review.

To address the questions arising in connection with this research study, it was vitally important that a number of information sources be acquired and critically evaluated as part of a process of further review in which to establish clarity. Furthermore, facilitation of this research study in a comprehensive manner required the critical evaluation of information sources according to their reliability, relevance and ability to assist in addressing the purpose, aims and objectives established as part of this research study.

In part, these research questions and the purpose, aims and objectives of the research study were addressed through a process of a literature review covering several relevant aspects. Including, the definitions, required resources, and the practices and procedures associated with intelligence; the role of dedicated intelligence organisations within Australia; parliamentary scrutiny of dedicated intelligence organisations; and the development of the Ombudsman’s Office within an environment of administrative
accountability. Internal decision making within the context of a managerial and organisational structure; and the use of qualitative action research methodology in conjunction with the principles of hermeneutics as an analytical tool also proved to be useful descriptors in theoretical research associated with this study.

Recognising that theoretical research alone would be insufficient to identify and quantify the contribution of intelligence in decision making, or to assess the capacity, capability and impact of intelligence on non-dedicated organisations; attention tuned to developing a practical research method and strategy. Firstly, this involved the consideration of an appropriate research setting in which to conduct an evaluation of intelligence capacity and capability, which seemed without doubt, to be the Ombudsman's Office. Secondly, the development of an appropriate research method and strategy seemed guided by action research as the chosen data collection tool, and hermeneutics as the analytical tool of choice. Application of these methodologies allowed for the direct involvement of personnel within the Ombudsman's Office through participation in a structured interview; subsequently followed by researcher analysis within a framework of questioning and validation to ensure accuracy of observation, which later resulted in conclusions.

3.3 Research Questions

The purpose of the research study is to identify and quantify the contribution of intelligence in decision making, with particular emphasis on the environment of non-dedicated organisations. Consequently, the research questions outlined below are intended to provide an assessment of the capacity, capability and impact of intelligence on decision making; and to assist in making the case for intelligence implementation within a non-dedicated organisation.

Questions pertinent to, and, specifically developed to address the intent of the research study are as follows:

(1) Given the application and ethical oversight of intelligence within the context of dedicated organisations, as reviewed in the literature: does the Ombudsman's Office demonstrate the capacity and capability to apply internal intelligence functions to influence decision making practices and procedures?

(2) What resources are required for implementation and what is the potential impact resulting from the implementation of internal intelligence functions?
(3) As a non-dedicated organisation, are intelligence functions already in operation within the Ombudsman's Office, but without specific recognition? If so, how can they be refined to further contribute positively to the outcomes of decision making practices and procedures?

In preparation for the thesis and in keeping with the context of the research study, these questions were applied within the setting of the Ombudsman's Office to examine four particular areas: knowledge and awareness of intelligence amongst personnel; organisational structure; investigation and assessment process; and decision making.

3.4 Research Design and Procedure

This section, research design and procedure, outlines the construction of the research model, unit of analysis, participant profile, and instruments of data collection applied in this research study.

3.4.1 Construction of the Research Model

Perhaps somewhat naively, I initially considered the construction of the research model in terms of research design and procedure, to encompass only the following aspects as outlined by Walliman (2006). These aspects included the obvious stages such as the identification of the research problem; review of the literature; development of appropriate research methods and tools; data collection; data analysis; arrival at, and review of conclusions; and preparation of written results. An illustration (adapted from Walliman, 2006) of these components and others which I considered to form part of the research model for the purposes of this study, is included at Figure 3.1 following.
Figure 3.1: Research model and process (Source – adapted from Walliman, 2006, p.6)

Although each and every stage of this flow chart was incorporated into this research study, in constructing an appropriate research model, I underestimated the important role of validation, feedback and my personal reflection in the research procedure. Again and again, I found myself caught in a cyclic routine of repetitive observation, reflection and action when working through, and between almost each and every stage describe in Figure 3.1 above. This led me to examine further, on the recommendation of my research supervisor, the concepts associated with action research methodology. I discovered that Stringer (1999) described what I was experiencing as the “look, think, and act” process. Stringer (1999) outlined that whilst researchers engaged in this process are committed to achieving particular objectives and working systemically through the information and ideas which emerge, it is not a step by step process. Rather, achievement occurs through revision, repetition, stepping backwards, jumping ahead and sometimes, radical change (Dick, 2002; and Stringer, 1999). Upon reflection, this described much of my learning journey in constructing an appropriate research model. Figure 3.2 below is a representation of the “look, think and act” process described by Stringer (1999), which when overlayed with Figure 3.1 above, I believe provides a more accurate representation of the research model I constructed for use in this study.
Figure 3.2: Interacting Spiral of Reflection (Action Research) (Source – adapted from Stringer, 1999, p.19)

3.4.2 Unit of Analysis

In considering the variety of government departments and agencies existing within Western Australia that could be classified as non-dedicated intelligence organisations. As previously mentioned, my research led me to discover the Integrity Co-ordinating Group. The Integrity Co-ordinating Group consists of the Auditor General, the Commission for Public Sector Standards, the Corruption and Crime Commission, and the Ombudsman (Integrity Co-ordinating Group, 2006). Through consideration of their primary function, these administrative oversight bodies seemed perfectly placed as non-dedicated intelligence organisations. However, with further reflection and consideration, it was the capacity and capability and impact of intelligence on the Ombudsman Office which sparked my interest.

It must be acknowledged that to examine another of these administrative oversight bodies in conjunction with my review of the Ombudsman’s Office, would have provided a more comprehensive assessment of the capacity, capability and impact of intelligence on non-dedicated organisations. Or an even better idea, would have been to examine a dedicated intelligence organisation to later provide for a comparison with the Ombudsman’s Office as a non-dedicated intelligence organisation. Although these plans entered my thought process, reality and time restrictions cannot be ignored. The possibility of gaining access to another administrative oversight body (non-dedicated intelligence organisation) seemed difficult without the appropriate contacts, and in the
case of a dedicated intelligence organisation, even more restricted, if not close to impossible. Further, time limitations placed on this research study really only allowed for a comprehensive review of one non-dedicated intelligence organisation. Thus the unit of analysis for the purpose of this research study became the Ombudsman's Office.

3.4.3 Participant Profile

Following constructive discussions with the Ombudsman, Dierdre O'Donnell, in an effort to explain the purpose and thinking behind the research study, establish an appropriate research setting, and to gain approval to conduct further research, it came time to select the participants. To ensure a holistic approach in the research study, participants were selected in consultation with the Ombudsman, from across the organisation, with one from senior management, two from the investigations and major projects department, and one from the assessments department. It was determined that the participant chosen from senior management, demonstrated the knowledge to provide the research study with a pilot interview. From which, the responses given by other participants could be compared. This process also allowed fine tuning of my interview technique and interview structure, as well as my confidence.

3.4.4 Instruments of Data Collection

Having established the principle research questions appropriate to the context of the research study, it became necessary for me to turn my attention to how I would collect the data in order to adequately address these questions within the thesis. Subsequently I proposed that, when applied within the setting of the Ombudsman's Office, the principle research questions examine four particular areas of interest: knowledge and awareness of intelligence amongst personnel; organisational structure; investigation and assessment process; and decision making.

My interest in collecting data concerning these particular areas developed through my review of the literature. Particularly, the work of Ratcliffe (2004), Peterson, Morehouse and Wright (2000), Eells (1984), and Hagen (1979) who all examine the resources and organisational framework required for implementation of intelligence functions within dedicated organisations. A summary of each category with an overview of the data I hoped to obtain in the process of collection is outlined below.

Knowledge and Awareness of Intelligence amongst Personnel:

Questions relating to the knowledge and awareness of intelligence amongst personnel were concerned with individual understanding of the concept and the organisational influences which facilitated their knowledge and awareness. Questions forming this
category included aspects such as the provision of personnel resources; education and employment history; recruitment and selection criteria as compared with intelligence requirements; the provision of adequate training; available opportunities for personnel to receive and provide feedback.

Organisational Structure:

Questions were formulated regarding the organisational structure of the Ombudsman’s Office to determine if it demonstrated the capability to sustain intelligence functions, without distracting from the organisation’s core activities. As part of gaining insight into the organisational structure, questions also focused on whether intelligence functions were in accordance with the current mission statement and legislative objectives of the Ombudsman’s Office.

Investigation and Assessment Process:

Questions regarding the investigation and assessment process applied within the Ombudsman’s Office were intended to gain an insight into current practices and procedures. Consequently, questions forming this category focused on the matters which the Ombudsman is legislated to address; the form in which investigation and assessment of complaints takes; provision for collective team investigation and assessment; access to information; identification of biases present in information; reporting of information; storage of information; and the desired outcome(s) and if necessary, evaluation of the investigative and assessment process. Participants were asked to provide examples of intelligence functions operating within the Ombudsman’s Office without proper recognition. Current procedures of investigation and assessment were one of the key components, in terms of data collection, in assessing the capacity, capability, and impact of intelligence on the Ombudsman’s Office as a non-dedicated organisation.

Decision Making Practices and Procedures:

Questions surrounding the current decision making practices and procedures within the Ombudsman’s Office were intended to determine the extent to which information obtained from the investigative and assessment process influences decision making. Therefore, questions focused on managerial requirements; the type of information gained; and the process for communicating information to the parties to a complaint, and externally to other organisations. Examining the current decision making practices and procedures applied within the Ombudsman’s Office was another key component in data collection, particularly in addressing the principle research questions of the study.
Appendix 3 sets out the structured interview template applied to selected participants within the Ombudsman's Office. This template was piloted to ensure that it was acceptable to management within the Ombudsman's Office, and to ensure that it provided particular focus on the questions and issues which needed to be addressed in the course of the research study (Sapsford & Jupp, 2006). Having piloted the structured interview with management, it seemed that it did not require much alternation prior to use with other personnel within the Ombudsman's Office, and if any, amendments mostly related to issues of clarification.

The idea to engage participants in a structured interview developed through reading the work of Sapsford & Jupp (2006) and McMurray, Pace and Scott (2004), who described the structured interview as being organised, and proceeding with coherence and unity. In conducting a structured interview, the researcher outlines the same question to each participant and records the responses (Sapsford & Jupp, 2006; and McMurray, etal, 2004). Along with the use of open questions to facilitate the provision of as much information from the participants as possible (McMurray, etal, 2004), the structured interview seemed the most appropriate instrument for data collection.

3.5 Data Collection and Analysis:
(Improving Decision Making: Intelligence in Non-Dedicated Organisations)

This section, data collection and analysis, provides an outline of action research and hermeneutic inquiry as the framework applied to these stages during the research study. This is combined with a discussion of my reflections, on the effects these frameworks had on my research. In particular, how they assisted in addressing the nominated research problem of the implementation of internal intelligence functions within non-dedicated organisations.

3.5.1 Action Research Framework

As a newly acceptable methodology to academia, action research originating from Lewin's work in 1946, seeks to develop and test a number of hypotheses concerning a particular issue then to implement change, whilst at the same time, learning from the results of such research (McMurray, Pace & Scott, 2004; Stringer, 1999; Cherry, 1999; and Dick, 1993). However, Action research is difficult to define. As a style of research, rather than a particular method, action research is about "learning by doing" (McMurray, etal, 2004; Dick, 2002; and Cunningham, 1993). Both qualitative and quantitative data can be used in support of action research, thus making the research agenda more active rather than passive (Cherry, 1999; and Blaxter, Hughes & Tight, 1996).
In many respects, action research is similar to a case study analysis as it incorporates collation of data, review of documents, recorded interviews along with personal observations (Blaxter, Hughes & Tight, 1996). As a continuous cycle of planning, activity and review, action research is participant inclusive as it is a communicative process which invites significant feedback (McMurray, Pace & Scott, 2004; Stringer, 1999; Cherry, 1999; and Dick, 1993).

Because action research is primarily a reflective and interpretive process used to study and address current practices and situations where there is an existing problem or challenge, the methodology can be used to highlight potential improvements, developments, and/or recommendations (Stringer, 1999; Cherry, 1999; Dick, 1997; and Blaxter, Hughes & Tight, 1996). Stringer (1999, p.209) best outlined the desired outcomes of action research by describing change as "not revolutionary change... but more subtle transformations brought about by the development of new programs or modifications to existing procedures". However, although change is the desired outcome, to accurately interpret the research results within a dynamic and changing research environment, the use of action research requires significantly more effort in the analysis of data (Cherry, 1999; and Blaxter, et al, 1996).

In accordance with the principles of action research as documented in the academic literature, Figure 3.3 following (adapted from Cherry, 1999, p.2; and Dick, 1997), presents a flow chart diagram which illustrates the stages associated with action research which were used as the procedure for the research methodology adopted in this study.
Identifying or defining a problem, an issue or opportunity; developing and later reframing an idea, hypothesis; asking "what else is possible and what should be done differently?"

ATTENDING, NOTICING, DIAGNOSING, FOCUSING AND RE-FOCUSING

THE ACTION RESEARCH CYCLE

Studying the consequences of action; specifying learning's; making sense of experience; describing and explaining; developing theory and knowledge; asking "so what" and then "what next?"

Developing a strategy for collecting data or solving a problem or implementing an idea

Collecting data; implementing action; problem solving; and testing ideas

OBSERVING, EVALUATING & CONCLUDING

ACTION AND EXPERIENCE

ACTION PLANNING

Figure 3.3: The action research cycle (Source – adapted from Cherry, 1999, p.2 and Dick, 1997).

The use of action research in this context of this study extended to cover a number of research facets. These included, first and foremost, the development of a continuous cycle conducive to the identification of the research problem as being the implementation of intelligence functions within non-dedicated organisations. This was followed by the development of a research methodology appropriate to the research problem. Development of methodology subsequently led to the collection of data to address the research problem; and then finally, the analysis of such data through the application of the principles of hermeneutic inquiry.

In conducting action research, it was the intent of the study to provide a holistic examination of the dynamical organisational practices and procedures currently operating within the Ombudsman’s Office. Action research proved to be the most effective methodology by which to review current practices and procedures relating to intelligence; measure resources currently allocated to intelligence; and develop an understanding of the views and attitudes of personnel towards intelligence and decision making. Further, by using action research in conjunction with the principles of
hermeneutic inquiry to achieve a more accurate analysis, it was possible to identify current deficiencies and potential improvements concerning the application of intelligence in organisational decision making.

3.5.2 Principles of Hermeneutic Inquiry

Hermeneutics is a qualitative research methodology concerned with understanding the social context and interpreting the meaning which individuals assign to phenomena (Klein & Myers, 1999). Further, as hermeneutics is used as an approach to collect and analyze research data and then to understand the meaning resulting from the researchers interpretations; Klein and Myers (1999) developed the seven principles of hermeneutic inquiry which guide this analytical methodology. These principles are outlined in more detail below.

3.5.2.1 The Fundamental Principle of the Hermeneutic Circle

The fundamental principle of the hermeneutic circle suggests that human understanding is achieved through the breaking down of interdependent parts, and by considering them both separately and in conjunction with the whole which they form. This principle cannot be removed from the process of hermeneutic inquiry, as it forms the basis for all other principles (Klein & Myers, 1999).

3.5.2.2 The Principle of Contextualization

Contextualization is primarily concerned with critical reflection of both social and historical background to research, which then enables potential recipients to clearly observe and understand how the current research situation emerged for review (Klein & Myers, 1999).

3.5.2.3 The Principle of Interaction between the Researchers and the Subjects

This principle of hermeneutic inquiry demonstrates both critical and reflective focus on the interaction occurring between researcher and participants, in order to determine how the research materials (or “data”) became socially constructed (Klein & Myers, 1999).

3.5.2.4 The Principle of Abstraction and Generalization

In connection with the principle of abstraction and generalization, the idiographic details exposed through data interpretation are related back to principles one and two of the hermeneutic circle, as described above (Klein & Myers, 1999). By concentrating on the unique individual response in particular cases, the application of this hermeneutic
principle allows broad generalizations to emerge in the course of theoretical and contextual review (Klein & Myers, 1999).

3.8.2.5 The Principle of Dialogical Reasoning

Dialogical reasoning necessitates the requirement for alertness and sensitivity to potential contradictions arising between the theoretical framework which provides the guidelines for the research design; the actual data obtained during collection; and conclusions reached during periods of review and reflections as dictated by the action and reflection cycle (Klein & Myers, 1999).

3.5.2.6 The Principle of Multiple Interpretations

This principle allows the researcher to factor into consideration potential differences in participant viewpoint or interpretation concerning the exact same narrative, event or concept under study (Klein & Myers, 1999).

3.5.2.7 The Principle of Suspicion

The principle of suspicion is primarily concerned with developing an awareness and sensitivity, through the use of critical reflection, to the potential for biases and systematic distortions in the data collected from participants (Klein & Myers, 1999).

The above seven principles of hermeneutic inquiry proposed by Klein and Myers (1999) provide researchers who are, like myself, engaged in action and reflection cycles, with some basic guidelines to ensure the presence of rigour both during the collection and analysis of research data, and also in the final research findings. Furthermore, from the perspective of my research, these seven principles of hermeneutic inquiry proved to be an adaptable tool in terms of traversing the connection between the theory and practice. The following table provides a representation of the hermeneutic principles and their application to my research.
<table>
<thead>
<tr>
<th>Hermeneutic Principles</th>
<th>Hermeneutic Principles (Description)</th>
<th>Application to My Research</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. The Hermeneutic Circle:</strong></td>
<td>This is the fundamental principle - Human understanding is achieved through deconstructing interdependent parts of the whole; and considering them both individually and collectively.</td>
<td>Through an examination of the underpinning theory and available literature I applied the fundamental principle of the hermeneutic circle during the development of my research. Extensive critical analysis and interpretation culminated in my improved understanding of concepts, and the literature review presented herein.</td>
</tr>
<tr>
<td><strong>2. Contextualization:</strong></td>
<td>Critical reflection of social and historical background to research.</td>
<td>Research was conducted in the context of the Ombudsman’s Office and my understanding of the associated social and historical (organisational) aspects developed through going to the Ombudsman’s Office to interview and ask questions about individual job roles, functions and process of the Ombudsman, and then, through critical reflection on the data.</td>
</tr>
<tr>
<td><strong>3. Interaction (between researcher and participant):</strong></td>
<td>Social construction of the research resulting from researcher / participant interaction.</td>
<td>I collected data for this project using structured interviews to gain an understanding of the different perspectives and levels of knowledge of the research topic demonstrated by a range of personnel within the Ombudsman’s Office. Using this method of data collection, both myself, and the participants developed a mutual understanding of the research content and context.</td>
</tr>
<tr>
<td><strong>4. Abstraction and Generalization:</strong></td>
<td>Theoretical and contextual review of data interpretations.</td>
<td>The aim of my research was to suggest that an organisation’s decision making practices can be improved through the application of intelligence. By reviewing the literature and interpreting the data collected, I generalized intelligence as being a “good thing” and arrived at the conceptual conclusion that an organisation would benefit from intelligence. I also outlined the aspects that such a model should include (however, there was no intent to develop one specific model of intelligence).</td>
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</tbody>
</table>
### Table 3.1: Hermeneutic Principles and Application to Research (Source – adapted from Klein and Myers, 1999)

<table>
<thead>
<tr>
<th>Hermeneutic Principles</th>
<th>Hermeneutic Principles (Description)</th>
<th>Application to My Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Dialogical Reasoning:</td>
<td>Potential contradictions between research design and actual data collection resulting in the necessity for further review.</td>
<td>Contradiction between research design and reality created challenges – having established “cost/benefit” as the analytical tool, I later found that the inabilitys of this method to provide a comprehensive review of the data became evident during analysis; and I struggled to overcome my biases concerning the desired outcomes I had hoped to achieve using this method. This was cause for further review.</td>
</tr>
<tr>
<td>6. Multiple Interpretations:</td>
<td>Potential differences in participant interpretation of the same concept.</td>
<td>The research matrix developed in the course of analysis clearly identifies many similarities, but also highlights differences in participant interpretations of the same concept(s) discussed. I addressed this potential for multiple interpretations through reflection on preliminary discussions with the Ombudsman; comparison of responses with those of the pilot interview; and continued feedback through my validation group – comprised of my supervisor, other researchers, and industry professionals</td>
</tr>
<tr>
<td>7. Suspicion:</td>
<td>Potential biases and distortion in data collected from participants.</td>
<td>By maintaining a critical and analytical approach throughout the data collection and analysis phases of my research – involving an awareness of researcher and participant bias; confirmation of facts; clarification and discussion with my validation group; review of the literature; and personal reflection – I was able to apply the principle of suspicion to ensure that the resulting interpretations and conclusions were an accurate representation of reality</td>
</tr>
</tbody>
</table>
3.6 Research Limitations

Although there may be many significant benefits - there is always the potential for limitations associated with the units of analysis, participants, instruments of collection and other factors, to influence the outcomes of a research study (McMurray, Pace & Scott, 2004). My observations of the limitations which potentially biased the findings in this research study are briefly outlined below.

(a) The data sample was restricted to one non-dedicated intelligence organisation operating in a quasi-judicial environment within the WA public sector. As identified by Doi (1974) and Combe (1974), the Ombudsman's Office is an organisation which faces several operational difficulties on a daily basis including the management of resources and internal practices; case workload; case complexity; communication barriers; and adverse publicity. These factors in mind, it was necessary to be effective and efficient with the time allocated for data collection, so as to avoid further disruption to the functioning of the Ombudsman's Office.

(b) With further restrictions placed on whom could be interviewed within the organisation, it was necessary to be mindful of any internal dissent occurring in the process of data collection. Had this situation arisen, a review meeting would have been held between myself, as the researcher, my research supervisor and senior management of the Ombudsman's Office. A conflict resolution plan was also prepared and drafted during the initial development of this research study.

(c) In data collection, the structured interview questions were open and did not always lead to the same follow-up question which created the potential for differing responses. To some extent this was managed through comparison with the pilot interview as a mechanism to determine the accuracy of other responses.

(d) Individual biases, both those of myself as the researcher and those of the participants, had the potential to influence the research outcomes. These individual biases were managed through the application of the seven principles of hermeneutics in data analysis, and through regular consultation with the validation group. For example, multiple interpretation and suspicion as the sixth and seventh principles of hermeneutics, allowed me to discuss with the validation group,
differences between my interpretation as the research and those of the participants. Validation ensured that the resulting research outcomes were an accurate representation of reality, and not just the individual opinion of myself or the participants.

(e) Research definitions, both within the literature and with respect to participant understanding, had the potential to differ. To limit the potential for confusion, definitions of the concepts discussed in this research study were established in the research proposal and are again outlined in this thesis; and were referred to in the event a participant was unclear of the associated meaning.

(f) The possibility of undertaking further review in to the research area chosen for this study was, and is, constrained by the limited amount of literature available on an international scale; and finally, the availability of academically acceptable intelligence professionals for the purpose of a research validation group was, and is, somewhat restricted within both academia and the industry.

Although in many instances it was impossible to develop strategies to totally overcome these limitations as part of the research study, I was consciously aware of, and acknowledged the presence of these limitations at all stages of the research study.

3.7 Conclusion

Based on an ever-present curiosity and questioning to gain further insight and understanding, Chapter 3 – Research Methodology, has outlined how the research study came into existence and provided an overview of the research process. To examine a perceived gap existing in the current knowledge of the intelligence discipline and to quantify the contribution of intelligence in decision making, this Chapter presented three specific questions. These questions were then applied within the setting of the Ombudsman's Office, using structured interviews, to examine four particular areas: knowledge and awareness of intelligence amongst personnel; organisational structure; investigation and assessment process; and decision making.

During the construction of the research model for this study, the obvious and necessary aspects of research seemed overlayed by the "look, think and act" cycle described by Stringer (1999). This cyclic routine of repetitive observation experienced in constructing the research model, led me to consider action research. In terms of this research study, action research proved to be the most effective methodology by which to review current practices and procedures relating to intelligence; measure resources
currently allocated to intelligence; and develop an understanding of the views and attitudes of personnel towards intelligence and decision making. Further, by using action research in conjunction with the principles of hermeneutic inquiry to achieve a more accurate analysis, it was possible to identify current deficiencies and potential improvements concerning the application of intelligence in organisational decision making. The use of action research combined with the principles of hermeneutic inquiry, provided this study with the necessary connection to traverse between theory and practice.

The discussion which follows in Chapter Four—Research and Learning Outcomes, would not be possible without acknowledgement of the framework of action research and the principles of hermeneutic inquiry as presented in this Chapter.
4.1 Introduction

Chapter Four – Research and Learning Outcomes, presents an overview of participant interviews and the consequential research observations. Primarily this chapter is concerned with my analysis, observations, interpretations and learning resulting from the research study. Inevitably, this Chapter is not just about the resulting research outcomes but also concerned with my research validation, learning journey and learning outcomes. Each of these aspects are important to developing an understanding the research study, and are described in full detail herein.

4.2 Data Collection – Interviewing the Participants

I collected data for this project using structured interviews to gain an understanding of the different perspectives and levels of knowledge concerning the research topic demonstrated by a range of personnel within the Ombudsman’s Office. Structured interviews were conducted with four participants selected from across the Ombudsman’s Office, with one from senior management, two from the investigations and major projects department, and one from the assessments department. Interview transcripts for each participant are included at Appendix 4. However, the data collection and analysis matrix included at Appendix 5 presents a summarised version of each participant’s responses in a format which also allows for easy comparison with other participant’s responses to the same question. This data collection and analysis matrix proved to be an invaluable tool in developing research observations and conclusions.

4.3 Research Observations

Further to the Data Collection and Analysis Matrix set out at Appendix 5, this section is concerned with describing the research observations noted from participant interviews. Research observations are presented as they were collected, in four distinct categories: knowledge and awareness of intelligence amongst personnel; organisational structure; investigation and assessment process; and decision making.
4.3.1 Data Collection Set 1: Knowledge and Awareness of Intelligence

Participant responses to Data Collection Set 1 – Knowledge and awareness of intelligence amongst Ombudsman personnel, highlighted a general perception held within the Ombudsman's Office that intelligence refers to information and/or knowledge used for a specific purpose and to influence decision making. Although participants held this view of intelligence, they demonstrated neither previous experience in a dedicated intelligence organisation nor the cogent application of intelligence to current daily work practices. Rather, participant experience was gained through service in the public sector or with another Ombudsman, with one participant completing an unrelated degree and another, the Commonwealth Ombudsman's Advanced Investigations Course. Although participants received training in aspects such as investigation, negotiation, mediation, complaints management, record keeping, and communication as part of their employment, none of the training received by participants was delivered from an intelligence perspective. If however, daily work practices such as research, collection and collation of information, analysis, and problem solving could be used as the basis for internal intelligence functions, participants saw potential benefits. These benefits could form the creation of a body of knowledge, where it would provide for general improvement in daily work practices; leading to improved decision making and recommendations. Efficiency gains may also be forthcoming.

**Data Collection Set 1**

*Knowledge and Awareness of Intelligence amongst Ombudsman Personnel*

<table>
<thead>
<tr>
<th>1.1A</th>
<th>Participant Background:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Position(s) held with the Ombudsman</strong></td>
<td>To ensure a holistic approach in the research, participants were selected from across the organisation – 1 from senior management; 2 from investigations; and 1 from assessments.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>1.1B</th>
<th>Participant Background:</th>
</tr>
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<tbody>
<tr>
<td><strong>Length of service with the Ombudsman</strong></td>
<td>Participant experience ranged up to ten years, however, all participants demonstrated relevant experience gained outside the Ombudsman's Office (within the public service).</td>
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</table>

<table>
<thead>
<tr>
<th>1.2</th>
<th>Participant Background:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Qualifications / Background</strong></td>
<td>Participant professional qualifications and background varied. Three participants had lengthy experience in the public sector, one of whom had experience at a strategic level. Two participants had previously worked as investigating and inquiry officers for the Commonwealth and Tele-Communications Ombudsmen. Only one participant had completed a relevant degree; and another participant had completed the Commonwealth Ombudsman's Advanced Investigations Course.</td>
</tr>
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</table>
### Data Collection Set 1
**Knowledge and Awareness of Intelligence amongst Ombudsman Personnel**

<table>
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<tr>
<th>1.3</th>
<th>Knowledge and Awareness of Intelligence: Understanding of the term intelligence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All participants expressed their understanding of intelligence in different language, but it was clear that all participants understood intelligence as referring to information and/or knowledge. All participants explained the term intelligence as being information and/or knowledge used for a specific purpose or to influence decision making, with one participant referring to intelligence as being a specialized area of expertise.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.4A</th>
<th>Current Ombudsman Practices: Are concepts of intelligence present in Ombudsman recruitment practices?</th>
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<td></td>
<td>All participants acknowledged that concepts of intelligence are not specifically identified in recruitment practices but rather, recruitment is influenced by job description and selection criteria. However, one participant noted that concepts of intelligence such as the ability to think analytically; collate and evaluate pieces of information; find solutions to problems posed; and demonstrate strong verbal and written communication skills closely resemble the selection criteria which personnel are required to address as part of the recruitment process.</td>
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<tr>
<th>1.4B</th>
<th>Current Ombudsman Practices: Are concepts of intelligence present in Ombudsman functions and individual daily work practices of personnel?</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>All participants identified, that in general, the concepts of intelligence are demonstrated in the functions and work practices within the Ombudsman’s Office and include, for example, research; collection and collation of statistics; negotiation; and, analysis. One participant contemplated the idea that although the concepts of intelligence are demonstrated in the functions and work practices within the Ombudsman’s Office, the term intelligence is not specifically used and the more relevant concept would be information. Another participant further suggested that there may be some benefit in formally defining intelligence in connection with the functions and work practices within the Ombudsman’s Office.</td>
</tr>
</tbody>
</table>
1.4C Current Ombudsman Practices: Is there a general capacity and capability of personnel and resources to support the implementation of internal intelligence functions?

The capacity and capability of personnel and resources within the Ombudsman’s Office to support the implementation of internal intelligence functions was validated by all participants. This was done using various examples which outlined the potential benefits to functions and work practices within the Ombudsman’s Office arising from such implementation. For instance, participants identified the possibility that the implementation of intelligence functions could assist to achieve the overall mission of ‘agency improvement’; to create a body of knowledge with respect to complaints; refine current unrecognized intelligence functions; and, where relevant, assist personnel to carry out functions and work practices within the Ombudsman’s Office.

1.5 Current Ombudsman Practices: What training is available to personnel with respect to practical and theoretical aspects of intelligence, and other more generic forms of training?

Participants described current training in terms of job description, rather than the practical and theoretical aspects of intelligence. Participants received training in modules adapted from the Commonwealth Ombudsman such as investigation; negotiation; mediation; cultural awareness; managing challenging complaints; file management; record keeping; communication; and presentation/writing skills. Personnel have access to the Commonwealth Ombudsman’s Advanced Investigations Course; are able to attend seminars in relevant areas of interest; and additional training is provided on an as needs basis or informally, through mentoring / sharing or knowledge.

Table 4.1: Knowledge and Awareness of Intelligence amongst Ombudsman Personnel

4.3.2 Data Collection Set 2: Organisational Structure

From the participant responses to Data Collection Set 2 – Organisational structure of the Ombudsman’s Office, it is possible to determine that the Ombudsman’s Office demonstrates a hierarchical structure, comprised of two main departments: an assessments team, and an investigations and major projects team. Although extensive communication and liaison occurs between these two departments, the majority of such work is conducted on an individual basis (although there is some limited scope for group work). With respect to the implementation of internal intelligence functions into the current organisational structure, participants agreed that personnel have the required skills and that intelligence is already in operation (in the concept of shared
information and corporate memory) but without specific recognition. Further, in accordance with legislated objectives to assist the Parliament in maintaining administrative accountability, the Ombudsman's Office currently undertakes many aspects of intelligence storage and dissemination of information in investigations. Participants also agreed that formal recognition of intelligence functions would be of assistance in decreasing workload and improving time management; improving availability and consistency of information; tracking systemic issues and minimizing repeat complaints; preventing loss of knowledge; aiding decision making; and improving reporting procedures. However, participants questioned the necessity of an intelligence implementation on the basis of current case load and resource allocation; current organisational priorities; and the potential for value to be added to current practice.

<table>
<thead>
<tr>
<th>Data Collection Set 2</th>
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<tbody>
<tr>
<td><strong>Organisational Structure of the Ombudsman's Office</strong></td>
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</table>

**2.1 Current Ombudsman Structure:**
*General internal structure in terms of functions; departments; and personnel.*

General internal structure of the Ombudsman's Office was described by participants as being hierarchical and separated into departments or teams, with the two most commonly recognized being the assessments team and the investigations and major projects team. Three participants outlined the work undertaken by each of the assessments and investigations and major projects teams. Two participants identified the extensive communication and liaison which occurs between teams; with one participant explaining further that the reasoning behind a lack of individual specialization in complaints handling is to develop a more holistic approach.

**2.2 Potential Intelligence Implementation:**
*Is there adequate allocation of personnel and resources to support the implementation of internal intelligence functions?*

Contrary to the responses given at 1.4C; responses given in relation to 2.2 were adamant in their questioning of the necessity behind such implementation. One participant expressed the view that Ombudsman staff are too busy to implement intelligence functions; another questioned organizational resources priorities and desired outcomes; whilst still another questioned the value which would be added to current practice. However, notwithstanding the immediate negative reaction, all participants expressed the opinion that such implementation would be of assistance in improving availability and consistency of information; tracking systemic issues; preventing loss of knowledge; aiding internal decision making; and refining external reporting.
### Data Collection Set 2

**Organisational Structure of the Ombudsman’s Office**

<table>
<thead>
<tr>
<th>Section</th>
<th>Questions</th>
<th>Description</th>
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<tbody>
<tr>
<td>2.3</td>
<td><strong>Current Ombudsman Practices:</strong> Is there an individual or collective emphasis on the collection and analysis of information during assessments and investigations?</td>
<td>Participants described the assessment and investigative process as being an individual process, with some capacity for teamwork to occur through the seeking of assistance and mentoring or on ‘own motion’ investigations (larger), depending on the nature of the case.</td>
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<tr>
<td>2.4</td>
<td><strong>Potential Intelligence Implementation:</strong> Would the implementation of internal intelligence functions decrease the work currently involved in assessment and investigation (assessing the overall impact)?</td>
<td>Participant responses when assessing the overall impact of implementing internal intelligence functions varied from one extreme to another, particularly in connection with the possibility of a decreased workload. One participant suggested that internal intelligence functions would assist to decrease workloads, as they would eliminate the need to continually source information and “re-invent the wheel” with every investigation. Whilst another participant commented that implementation of intelligence functions would not be practical in such a small office, and that the current informal intelligence operates reasonably efficiently. However, this participant also acknowledged an issue with the permanency of knowledge when relying on individuals. The other two participants were more ambivalent regarding the overall impact suggesting that it may improve time management issues; reduce unnecessary sourcing of information; assist to identify repeat problems; and, reduce complaints in the long-term. However, the same two participants commented that, on a day to day basis, intelligence may not be utilized to its full potential nor directly influence improvement in the provision of recommendations and reporting.</td>
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<tr>
<td>2.5</td>
<td><strong>Potential Intelligence Implementation:</strong> Would the implementation of internal intelligence functions compliment or adversely affect current mission statements and legislated objectives of the Ombudsman?</td>
<td>All participants commented that if the implementation of intelligence functions were to be used strictly for internal purposes then neither the mission statements nor legislated objectives of the Ombudsman would be drastically compromised. The participants commented that the current objective of the Ombudsman is to assist the Parliament in maintaining administrative accountability and therefore, information is currently both released internally and externally when responding to a complaint and, stored internally to aid future investigations.</td>
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</table>
2.6A Potential Intelligence Implementation:  
*The feasibility of implementing internal intelligence functions*

Each participant responded to this question, describing their personal views of the feasibility and necessity behind implementing internal intelligence functions into the Ombudsman’s Office. As one participant positively noted that while the Ombudsman’s Office may not have the capacity in terms of resources, it most definitely has the capability in terms of skilled personnel, to implement internal intelligence functions. Another participant described current practices and procedures in relation to the necessity behind an implementation of internal intelligence functions. Finally, the remaining participants, one of whom suggest that intelligence is already in operation but without specific recognition, described the necessity of increased resource allocation to sustain the implementation of internal intelligence functions without selling out resources allocated to the current assessment and investigative processes.

2.6B Current Ombudsman Practices:  
*Examples of intelligence practices which influence decision making without recognition by personnel within the Ombudsman’s Office*

When asked to provide examples of intelligence practices operating within the Ombudsman’s Office without proper recognition, the participants immediately referred to the concept of shared information; corporate memory based intelligence; updates of manuals; circulation of correspondence and the exchange of information; and informal case review, to illustrate. However, none of the participants actually identified the intelligence cycle or similar as being in operation within the Ombudsman’s Office.

Table 4.2:  
*Organisational Structure of the Ombudsman’s Office*

4.3.3 Data Collection Set 3: The Investigation and Assessment Process

With respect to Data Collection Set 3 – The investigation and assessment process within the Ombudsman’s Office, participants outlined that numerous complaints are received each year. They further described both the assessment and investigation processes as being analytical in nature, requiring extensive research, reading, discussion and decision making. Assessment and investigation provide for a review of the decision making practices, not the final outcomes in each complaint; and as such it is sometimes difficult to prove or quantify bias, as the information may be contradictory without being either right or wrong. Because the assessment and investigation of a complaint is an administrative not a legal process, any evaluation of bias present in the
information is reviewed on the balance of probabilities, and verification occurs through a review of the documentary evidence as a whole. Often, this process relies on the analytical skills of the assessor/investigator. Information obtained from an assessment or investigation is recorded both electronically (but with limited details), and in a case file. Inconsistency with respect to case file management appeared to be present, but to what extent, is difficult to ascertain. From a managerial perspective, the recording of information is useful for the analysis of trends; improved decision making and customer service; and management of resources. Desired outcomes from the assessment and investigative process include: case closure, resolution of complaints in a fair and independent manner, and recommendations for change and improvement. Evaluation and review of poorly handled cases occurs at the complainant’s request; and although this process is both fair and reasonable, it lacks pro-activity and an alternate method of evaluation is currently in the process of development.

<table>
<thead>
<tr>
<th>Data Collection Set 3</th>
<th>The Investigation and Assessment Process within the Ombudsman’s Office</th>
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<tbody>
<tr>
<td><strong>3.1 Investigations and Assessments:</strong> The extent of public access with respect to both legislated and non-legislated matters</td>
<td>All participants referred to the extensive number of written and verbal complaints received by the Ombudsman’s Office each year. However, two of the four participants commented that some of these complaints may be duplications, relate to matters already under investigation, or be outside the Ombudsman’s jurisdiction for investigations. Two participants commented further with respect to the generic nature of complaints received, and outlined that there are many factors involved in the determination of jurisdiction.</td>
</tr>
<tr>
<td><strong>3.2A Investigations and Assessments:</strong> Summary of assessment / investigation process</td>
<td>Each participant described the assessment and investigation process in terminology according to their own interpretation and application. However, it was clear that in summary, each participant demonstrated extensive knowledge of the overall process and was able to provide a comprehensive outline. Generally, the process of assessment was described as providing the initial analysis, with the investigative process providing a framework for further analysis – as they are analytical in nature, requiring extensive reading, research, discussion, and decision making. Importantly, both assessment and investigation were described as being a review of the decision making process, not the final outcomes in a particular case.</td>
</tr>
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</table>
### 3.2B Investigations and Assessments: Desired resolution / outcomes from an assessment / investigation of a complaint

Responses regarding the desired resolution or outcome from an assessment or investigation of a complaint varied, not because any response given was more accurate than another but as per the opinion of the researcher, individual perception of appropriate resolutions or outcomes were prone to vary. However, although responses varied, it should be noted that none of the responses provided were at odds with the mission statement or legislated objectives of the Ombudsman. For example, participants noted such resolutions or outcomes as the closure of a case; formation of a preliminary view and initial recommendations handed down by the Ombudsman; resolution of complaints in a fair and independent manner and addressing any resulting detriment to complainant as a result of the agency decision; provision of a "rights of appeal" process; and improvement to complaint handling procedures / administrative efficiency within agencies.

### 3.3 Investigations and Assessments: How is biased information identified, and either verified or disputed through other sources?

The participants noted that it was difficult during an assessment or investigation process to prove and/or quantify bias present in the information, especially where information may be contradictory without being either right or wrong; and in many instances, attention to bias is reliant on the inquiry skills of personnel. Importantly, two participants raised the point that assessment and investigation is an administrative not a legal process – requiring an evaluation of complaints only on the balance of probabilities. Therefore, as further noted by all participants, when information does require verification this is done through a review of the documentary evidence as a whole rather than individually – for example, sourcing of relevant files, reports, policies and legislation.
### 3.4 Investigations and Assessments:
**How is information relating to an investigation or assessment recorded?**

The participants directly involved in assessments or investigations provided a "hands on" perspective. These participants outlined that the recording and storage of information as being dependent on that nature and complexity of the case and investigating officer. Files usually containing correspondence, agency guidelines, legislation and a preliminary report with reasonable and persuasive arguments. Only one participant identified inconsistency in case file management as being problematic. The fourth participant responded from a managerial perspective and described information recorded for strategic purposes as providing a useful analysis of trends, and for tactical purposes as assisting to improve customer services, decision making and to manage resources and case loads. This example of managerial application provides evidence to this research study that intelligence is being applied within the Ombudsman's Office without proper recognition.

### 3.5 Investigations and Assessments:
**How is information relating to an investigation or assessment stored, and how accessible is such information for future retrieval?**

Participants described the storage of information in an electronic database for the purpose of case recall and complaints management. It was also noted that "hardcopy" files are stored in a secure area with restricted access; are maintained by a records manager according to a disposal schedule; and are audited periodically to comply with the requirements of the State Records Act.

### 3.6 Investigations and Assessments:
**What is the process for evaluating an investigation or assessment?**

All participants described the current process of evaluation as examining only poorly handled cases at the request of the complainant. A review of the case is then conducted by a senior independent person within the Ombudsman's Office. The participants all acknowledge that this process is fair and reasonable but lacks pro-activity, and noted that an additional alternate method of internal performance monitoring is currently being developed. One participant also saw the "green pack" of correspondence as a preliminary quality check of assessment and investigative work; and another participant described the transition from assessment to investigation as subjecting the contents of the case to further review, thus a mechanism for evaluation.
4.3.4 Data Collection Set 4: Decision Making Practices

Participant responses to Data Collection Set 4 — Decision making practices within the Ombudsman’s Office, identified the presence of both investigative and managerial decision making. Within the Ombudsman’s Office decision making is a statutory function which is provided for in legislation. Decisions are made at all levels of the Ombudsman’s Office, and are generally communicated downwards in the hierarchical structure, through the internal circulation of correspondence and staff meetings, for example; and participants described an environment of ample opportunity for personnel to provide feedback in connection with investigative decision making. With respect to the disclosure of decision making externally, the Ombudsman’s work is confidential with strict disclosure guidelines regulated by legislation. Decision making communicated externally, is generally done so through the exchange of written correspondence which is then documented through notes and copies placed on the file. The most important point to arise from this data collection set is that within the Ombudsman’s Office decision making is a legalistic, and by deductive reasoning, could be an intelligence process. In forming recommendation and making decisions, there must be the development of a logical argument before a conclusion can be reached. However, the research study conducted here indicates that despite this approach, decision making and learning outcomes are not generally captured and repeated within the Ombudsman’s Office.

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<tr>
<th>Data Collection Set 4</th>
<th>Current Decision Making Practices within the Ombudsman’s Office</th>
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<tr>
<td><strong>4.1A</strong> Decision Making Practices: Examples of decision making practices present within the Ombudsman’s Office</td>
<td>When asked to provide examples of current decision making practices within the Ombudsman’s Office, all participants provided either an investigative or managerial example, or both. The participants suggested that investigative decision making related to case management, case allocation and resources; whilst managerial decision making related to HR decisions, administrative matters, and at a higher level, procedural matters determined by the Ombudsman. However, only one participant noted that decision making is a statutory function provided for in legislation which affects the process of both investigative and managerial decisions.</td>
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<tr>
<td>4.1B</td>
<td>Decision Making Practices: What is the process of decision making and which personnel make decisions?</td>
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<tr>
<td>4.2</td>
<td>Decision Making Practices: What is the process for communicating decision making outcomes both internally and externally?</td>
</tr>
<tr>
<td>4.3</td>
<td>Decision Making Practices: What is the Ombudsman’s process for the disclosure of decision making outcomes (information) to Agencies and to the Public?</td>
</tr>
<tr>
<td>4.4</td>
<td>Decision Making Practices: Is there a process of documentation to record the disclosure of decision making outcomes (information) to Agencies and to the Public?</td>
</tr>
</tbody>
</table>
4.5 Decision Making Practices:

One participant commented that perception of adequate feedback may depend on a staff versus a management view. However, in general, the other participants agreed that case-related decision making outcomes were adequately communicated, with there being opportunity for feedback provided through staff meetings, discussions with management, emails, and the circulation of the "green pack" of correspondence on a weekly basis.

Table 4.4: Current Decision Making Practices within the Ombudsman's Office

4.4 Research Validation

As part of the methodology associated with this research study, I established a validation group comprised of my research supervisor and industry professionals including an intelligence expert; an investigator (as an end user of intelligence); and the Ombudsman. Validation was a key factor in guiding the research and learning outcomes, especially in the application of the hermeneutic principles applied in the analysis phase of the research study. Figure 4.1 below, illustrates the individuals included as part of my validation group, and the phases of my research study where I utilised the resources of this validation group, to facilitate feedback and reflection on the issues at hand.

Figure 4.1: Research Validation Diagram including my key learning journey stages and validation group input.
4.5 My Learning Journey

In describing the development of an appropriate research methodology, Williams and Dick (2004) outline the techniques of rich modelling as a means to illustrate the process. Rich modelling is described as being a conceptualisation of the research methodology which provides further insight and understanding, and may assist in the planning phases of a study. It is a symbolic and metaphoric illustration of the structural elements, communication flows and interpretations associated with the research methodology (Williams & Dick, 2004).

Determining that rich modelling described by Williams and Dick (2004) fitted well with the action research framework and principles of hermeneutic inquiry applied in this research study, I took inspiration. Subsequently, I decided to outline key stages of the methodology associated with this research study, the action research framework and my personal learning journey, through the use of an illustration shown at Attachment 1 to this thesis. My illustration is perhaps, somewhat less conventional than usually cited in the academic context but represents perfectly, both the methodology adopted in this research study and my personal learning journey.

Pictorially and textually describing key stages of the research methodology, aspects of the action research framework, as well as my learning undertakings and outcomes, Attachment 1 is a flow chart. Beginning with the decision to undertake honours and concluding with this thesis, each and every stage of the research methodology, from start to finish, is incorporated as a key part of my learning journey. Most stages in my learning journey were clearly obvious in the course of research and this is represented within my illustration through the use of a "pool of light" to highlight such stages. Other stages, although important in my learning journey, were not clearly illuminated and are not represented as being so within the illustration. Each stage is connected by the use of arrows and footsteps and these represent the path followed in my learning journey. All stages of my learning journey contributed to my understanding; but some stages in particular, required that I 'step back' for the purposes of review, questioning and reflection. Having done so, I was then able to progress forwards to the achievement of both research and learning outcomes.

4.6 My Learning Outcomes

When first contemplating the outcomes which might be achieved through this research study, I failed to properly account for those outcomes which would result from my own personal learning journey. I stubbornly viewed all outcomes associated with this research study in terms of its successful completion and ignored the learning achieved
along the way. With reflection, I have now come to realise that the majority of my learning occurred in stages during the research study, rather than through a sudden realisation of knowledge upon completion.

Attachment 1 to this thesis, as described in the previous section, outlines my learning journey from start to completion. Throughout this journey I sought to review; obtain meaning; contextualise and understand; validate; and reflect on the concepts associated with this research study. Occurring between and in conjunction with each stage of the research methodology (for example, data collection, data analysis, and the development of conclusions), my attempts to develop further insight and understanding culminated in my learning outcomes.

Figure 4.2 below, outlines my learning outcomes achieved during this research study. I have developed this illustration to assist in understanding.

Figure 4.2: Interaction between my learning outcomes.
My learning outcomes associated with this research study are focused on the development of my insight and understanding into the potential to improve decision making in non-dedicated intelligence organisations; the link between theory and practice; and the methodology applied herein. The achievement of my learning outcomes was about making sense of the concepts and context of the research study. Three key aspects contributed to my learning outcomes: intelligence and decision making theory; Ombudsman practices and procedures; and research methodology. Each aspect is unavoidably linked to the others, and supported through the validation and feedback process. All aspects must be present for the achievement of my learning outcomes – that being, further insight and understanding.

4.7 Conclusion

Confucius summed it up perfectly when he said “thought without learning is perilous”. Chapter Four – Research and Learning, outcomes has presented my thoughts and thus my learning associated with this research study. This Chapter discussed the collection of data through structured interviews with four participants to gain an understanding of the different perspective and levels of knowledge across the Ombudsman’s Office. This data was then collated into a matrix to allow for ease of comparison between responses, from which research observations were developed. Research observations were presented as they were collected, in four distinct categories: knowledge and awareness of intelligence amongst personnel; organisational structure; investigation and assessment process; and decision making. Ultimately, validation at all stages and my learning journey were key factors in guiding the research and learning outcomes presented in this Chapter.

My learning journey and outcomes discussed as part of this Chapter are further applied in Chapter Five – Conclusion, to facilitate further insight and understanding into the content and context of this research study.
CHAPTER FIVE – CONCLUSION

They always say time changes things, but you actually have to change them yourself.

Andy Warhol (1928 – 1987)

5.1 Introduction

Chapter Five – Conclusion, presents the final stage in my learning journey. This Chapter is about my reflections, my understanding and my contribution to change. Commencing with a discussion of the research conclusions and recommendations developed as part of this study, this Chapter facilitates further insight and understanding into the content and context of this research study. Four conclusions are drawn in relation to the implementation of intelligence within the Ombudsman’s Office. These conclusions are supported both through the literature and the data collected for analysis during this research study. What follows from these conclusions is a set of general recommendations as to the implementation of intelligence within non-dedicated organisations. Having presented the conclusions and recommendations developed as part of this research study, and to conclude this thesis; I then move to discuss the contribution my research has made to current knowledge, possible directions for future research, and my final learning reflections.

5.2 Research Conclusions

Undeniably, intelligence currently features as a prominent topic within both popular and political debate (Thompson, 2006). But through my preliminary review of the literature, I noted that the focus tended to be narrowly direct towards the application of intelligence within dedicated organisations. I found that only a limited amount of research and literature existed regarding the application of intelligence to other settings of information management and control, such as non-dedicated organisations; and even less, regarding the influence of intelligence on decision making practices.

In an attempt to address this gap in knowledge, this research study set out to identify and quantify the contribution of intelligence in decision making. What followed, became an exploration of the current facets of the Ombudsman’s Office as a non-dedicated intelligence organisation; an analysis of the possibility of implementing internal intelligence functions; and an outline of their potential to improve decision making. In this regard, three specific research questions were developed, which are critical to making the case for internal intelligence functions within non-dedicated organisations.
John Dewey (cited in Dick, 1997) can be quoted as saying that "truth is elusive but research, well conducted, can provide a warrant, an adequate assurance for the assertion we eventually offer". That is what this research study has striven to achieve. Qualitative research conducted through the use of structured interviews with personnel from the Ombudsman’s Office, combined with a review of the literature, supports what very few others have hypothesised. That being, intelligence functions can be successfully applied within the context of a non-dedicated intelligence organisation, to improve decision making (Scott, 2004; and Goffman cited in Marx, 2004). As expected, the conclusions developed through the course of this research study lend support to the propositions behind the key questions of the study. The conclusions presented herein, identify several organisational issues associated with the implementation of intelligence within the Ombudsman's Office such as capacity and capability; current practices; resource allocation; and quality of decisions.

5.2.1 Research Conclusion #1

*The Ombudsman’s Office has the capacity and capability to apply internal intelligence functions:*

Within the literature, intelligence has been described as the collection, analysis, dissemination and management of information for the immediate or future benefit of an organisation. Or, for the benefit of other individuals and organisations who may be external to the intelligence process but nonetheless, rely on such information (Lester & Koehler, 2003). Each of these functions as part of the intelligence process, forms part of an inter-related cycle (Ratcliffe, 2004). However, the most important aspect of intelligence is not just the processes which allow for collection, analysis and dissemination but, as described by Schulsky and Schmitt (2002), it’s availability in a usable form, from which decisions can be based.

Through review of the literature combined with the process of deductive reasoning it can be concluded that, in collecting, analysing and disseminating information to assist in complaint resolution, the Ombudsman’s Office, although unaware, performs specific intelligence related functions. That is to suggest, the Ombudsman’s Office unknowingly performs functions associated with the intelligence process which are later used to aid and inform both internal and external decision making practices and procedures.

The conclusion that the Ombudsman’s Office has the capacity and capability to apply internal intelligence functions is also supported through the data obtained from personnel within the Ombudsman’s Office.
Participants described the current assessment and investigation process as one which demonstrates many similarities to the intelligence process. As one participant succinctly described, "the assessment and investigation process is one which is analytical in nature – requiring extensive reading, research, discussion, and decision making" (Interview 3, Personal Communication, 21 December 2006). In general, all participants described the current assessment and investigation process as involving the collection of information through documentation and interviews; consideration and review of this information; and ultimately decision making (in the form of recommendations). Further, participants indicated that communication and liaison is strong between both the assessment and investigation departments, as it is the assessment department which collects the initial information; and in the event of more complex cases, it is the investigations department which reviews the information and develops recommendations. This description would indicate striking similarities with intelligence functions, thus supporting the conclusion that the Ombudsman’s Office demonstrates both capacity and capability of such functions.

Information obtained as part of an Ombudsman assessment or investigation may not necessarily be either entirely right or wrong, but nonetheless, may require further verification. Information verified as part of an assessment or investigation is done so within an "administrative rather than a legal context" and therefore viewed holistically (Pilot Interview, Personal Communication, 22 September 2006). Verification of information in this context is a process which is strongly reliant in the analytical skills of personnel. Analytical skills, along with others such as problem solving, that could be identified as skills necessary to perform intelligence functions, are present in the job description and selection criteria forming part of recruitment processes within the Ombudsman’s Office. Personnel within the Ombudsman’s Office appear to demonstrate a broad skills base. “In terms of personnel (but perhaps not financial resources), the Ombudsman’s Office demonstrates the capacity and capability of intelligence functions” (Interview 1, Personal Communication, 5 December 2006).

Furthermore, in response to direct questioning regarding the potential capacity and capability of personnel and resources within the Ombudsman’s Office to support the implementation of internal intelligence functions, participants commented positively. Particularly, in noting that intelligence would appear to fit well within legislative objectives of overall public sector improvement of administrative efficiency, as the majority of information is already currently shared either internally or externally when responding to a complaint. As the objective of the Ombudsman is to improve overall administration, implementation and refinement of intelligence functions could have
major success. Particularly where investigations might draw on past experience rather than continually re-inventing the wheel (Interview 3, Personal Communication, 21 December 2006).

5.2.2 Research Conclusion #2

Intelligence functions are already in limited operation within the Ombudsman's Office without proper awareness and recognition:

Throughout this research study, a non-dedicated intelligence organisation, was described as one in which intelligence is not the primary function of the organisation, but may still occur with or without recognition. That is the case for the Ombudsman's Office. The Ombudsman's Office undertakes extensive information management and decentralized information processing which subsequently results in recommendations for reparation and change amongst government departments and agencies (Katzen & Douglas, 1999). The Ombudsman's Office, as a non-dedicated intelligence organisation, does not knowingly use intelligence as described in the literature.

Interviews with participants during this research study provide further support to the conclusion that intelligence functions are already in limited operation within the Ombudsman's Office, without proper awareness and recognition.

Firstly, when asked to outline their understanding and knowledge of intelligence, participants typically described it as internal information available as a result of an investigation used to influence decision making processes. Or, as information gathered for a specific purpose and used by a select group. This explanation of intelligence received from participants, indicates a generalized understanding and knowledge of intelligence but a lack of specific application within daily practices.

Further, participants provided examples of current practices and procedures which could be classified as internal intelligence functions. These included aspects such as informal case review, and the documentation of information and statistics to provide an analysis of trends, improve customer service and decision making, and to manage resources and case loads. Further examples included the exchange of information between the Ombudsman and government departments and agencies; and internal updates of information and circulation of correspondence. Participants also noted the presence of corporate memory developed through a process of mentoring and shared information, which could be described as a form of intelligence. Concepts demonstrated in daily work practices including research, negotiation and analytical skills in obtaining and processing information were also seen to closely resemble intelligence functions. However, there was no mention of the intelligence cycle or
similar, indicating that although the Ombudsman's Office already demonstrates and applies intelligence functions, this is not a conscious effort.

5.2.3 Research Conclusion #3

*The Ombudsman's Office does not currently have sufficient resources to sustain a formal implementation of intelligence functions (but may be able to refine current practices and procedures):*

Theoretically, the Ombudsman as a non-dedicated intelligence organisation is capable of formally implementing internal intelligence functions, the present reality in terms of resources is strikingly different. This is not outside the assertions of Doi (1974) and Combe (1974) who reported on the difficulties and resource consumption sometimes associated with an assessment or investigation conducted by the Ombudsman. Further, it would seem that a lack of available resources has remained unchanged since that period of literature. As it is a conclusion of this research study that the Ombudsman’s Office does not currently have sufficient resources to sustain a formal implementation of intelligence functions (but may be able to refine current practices and procedures).

This conclusion is supported by claims of participants that a formal implementation of intelligence functions would require the allocation of significantly more resources. Resources which the Ombudsman's Office simply does not have at present, and in the unlikely event that it did, may not be able to justify in terms of current organisational priorities (Pilot Interview, Personal Communication, 22 September 2006; and Interview 1, Personal Communication, 5 December 2006). There is a strong perception amongst personnel that staff are too busy and because information is obtained on an as needs basis, value would not be added to current practice through the allocation of additional resources to implement an intelligence function (Interview 2, Personal Communication, 7 December 2006).

However, through discussion with the participants to conclude that the Ombudsman’s Office has both capacity and capability and already demonstrates limited application of intelligence functions; it may be possible to refine current practices and procedures. A holistic approach to job description within the Ombudsman’s Office is compliment by personnel whom demonstrate extensive experience and a broad skill base. Formal intelligence functions would be best undertaken by “people whom already have an understanding of the assessment and investigative roles within the Ombudsman’s Office” (Interview 3, Personal Communication, 21 December 2006).
As a further example sustained through discussion with participants, issues with consistency in case file management could be further developed as a means to improving current practices and procedures. Participants outlined that individuals responsible for the assessment or investigation are responsible for the case file which sometimes leads to variation in case file management. Further, although case files are found in both hard copy and electronically (albeit with significantly less detail) they were described by participants as sometimes being difficult to locate. Although participants identified case file management as being problematic, it was difficult to ascertain fully to what extent this was true, within this research study. But review of current practices and procedures in this area could be a means to formalising intelligence functions, without additional allocation of already stretched resources.

5.2.4 Research Conclusion #4

*The Ombudsman’s Office would positively benefit, particularly in relation to decision making, from the application of intelligence functions:*

Reliable information produces good intelligence, and in turn, good intelligence results in effective decision making. Intelligence provides information which modifies understanding, and therefore influences the decision making process (Monk, 2002; Klintworth, 2002; and Jervis, 1991). Only through access to intelligence can organisations gain understanding, evaluate options and develop clear objectives in decision making. The Ombudsman’s Office which demonstrates both capacity and capability would positively benefit, particularly in relation to decision making, from the application of intelligence functions.

Participants described decision making within the Ombudsman’s Office as a statutory function and a formal delegation of power which occurs in relation to managerial and procedural, investigative, and operational decision making. Decision making is communicated downwards in the hierarchical structure of the Ombudsman’s Office, but there also seems to be a limited amount of information which is communicated upwards, for the purpose of decision making. This flow of information could only be improved by the application of intelligence functions within the Ombudsman’s Office.

Although the practice of decision making within the Ombudsman’s Office is to “develop a logical argument before arriving at a conclusion”, the process of decision making and learning is not generally captured and repeated (Pilot Interview, Personal Communication, 22 September 2006). This is both because the process of decision making varies; and the information available in decision making lacks procedure to ensure consistency. The application of intelligence functions within the Ombudsman’s
Office would assist to introduce structure into the process and procedures of decision making, thus improving the quality of decisions.

As further examples of the benefits of intelligence to current practices and procedures, participants themselves, identified a number of important aspects. Participants outlined that as the role of the Ombudsman is to improve overall administration within the public sector, the application of intelligence could have a major successful impact, especially when drawing on documented experience as part of the assessment and investigation process. Application of intelligence was also thought by participants to provide benefits with respect to the ability of the Ombudsman’s Office to track systemic problems through formally documented knowledge; monitor performance; assist in time management and reduce case workload; reduce repetition and expedite the overall process; refine reporting procedures; and ultimately, improve decision making.

5.3 Research Recommendations

It was never the intent of this research study to develop one definitive model outlining conclusions or recommendations as to how the implementation of intelligence may be best achieved within non-dedicated organisations. However, having outlined above, the conclusions drawn from the research conducted as part of this study, it seems appropriate to provide some general recommendations as to the implementation of intelligence within non-dedicated organisations. These recommendations are of a non-specific nature, to assist further in making the case for the improvement of decision making through the application of internal intelligence functions.

Predominantly, the work of Ratcliffe (2004), Peterson, Morehouse and Wright (2000), Eells (1984), and Hagen (1979); had significant influence in the development of data collection instruments and subsequently, the generic recommendations for intelligence implementation forming part of this research study. Each of these researchers examined the resources and organisational framework required for implementation of intelligence functions within dedicated organisations. However, similar requirements as proven consistently throughout this research study are necessary for implementation within non-dedicated intelligence organisations.

The primary recommendations for the implementation of intelligence within non-dedicated organisations, developed as part of this research study include a number of important aspects. Based on research conducted herein, this study asserts that to implement intelligence within a non-dedicated organisation, there must be the presence of a basic organisational structure to sustain intelligence functions without distracting from core objectives (Peterson, Morehouse & Wright, 2000). Further, as the
implementation of intelligence may require a significant in resources, there must be a patent outline of the requirements and desired outcomes to be achieved from such implementation, and to achieve these outcomes, intelligence concepts must be clearly understood amongst personnel (Peterson, et al, 2000). Finally, without co-operative team work, managerial responsibility for intelligence functions, and continued review of requirements and desired outcomes associated with intelligence; the implementation of intelligence within non-dedicated organisations could not expect to maintain efficiency and effectiveness (Back, et al, 2005).

5.4 Contributions to Current Knowledge and Future Directions for Research

This research study commenced in an effort to address what was perceived as being a significant gap in knowledge within the intelligence discipline. That is to say, I noted a limited amount of research and literature existed regarding the application of intelligence within non-dedicated organisations; and even less, regarding the influence of intelligence on decision making practices. On this basis, the findings of the research study presented herein were intended to bridge the literary and knowledge gap between dedicated and non-dedicated organisations, and to quantify the contribution of intelligence in decision making.

Although this research study has provided greater insight into what is generally perceived as the clandestine world of dedicated intelligence organisations, it has also presented a new perspective by developing a thesis which is outside of the generic trend usually applied in the study of intelligence. The research study was not intended to diminish the importance of dedicated intelligence organisations, but rather to add another dimension through the acknowledgement of non-dedicated intelligence organisations. In reflecting on this research study, it can be said that awareness of intelligence definitions, functions, and the issues with the associated implementation within an organisation such as the Ombudsman’s Office, has been facilitated amongst participants and readers of this research. Furthermore, this research explained the interconnection between decision making and intelligence functions, as a tool to facilitating increased levels of professional development in decision making practices and procedures within non-dedicated organisations.

Whilst this research study has presented a new perspective and contributed to current literature, it has also raised further questions and developed a platform from which future research studies of a similar nature could be undertaken. Potential for further research exists in relation to other government departments and agencies which can be classified as non-dedicated intelligence organisations; intelligence within the corporate and business sector; and general research into popular beliefs regarding
intelligence and decision making, and the perceived and quantifiable benefit of intelligence in decision making. These are exciting research possibilities which are deserving of further exploration.

5.5 My Final Learning Reflections and Conclusions

Albert Einstein (1879 – 1955) is famously quoted as saying that “if we knew what we were doing, it would not be called research”. In the final stages of this research study and my learning journey, I can truly reflect upon the overall process and to arrive at the conclusion that this is how I felt most of the time. Especially in view of the fact that this research study and resulting thesis was my first attempt at post-graduate research. Most of the time, my learning journey was surrounded by complete darkness and as I muddled my way along the path of research, the subsequent stages became more clearly illuminated. This was outlined in the illustration of my learning journey at Attachment 1 to this thesis (although it must be said that developing creative ideas to represent my learning journey was somewhat time consuming).

All stages of my learning journey contributed to my understanding; but some stages in particular, required that I ‘step back’ for the purposes of review, questioning and reflection. Having done so, I was then able to progress forwards to the achievement of both research and learning outcomes. I believe this cycle of reflection followed by progression was only achievable through the application of the action research framework and the principles of hermeneutic inquiry to data collection and analysis. The use of action research for data collection enabled me to identify the research problem and develop research questions; develop a research strategy; collect the data; and then, evaluate the next stages of action. Likewise, the principles of hermeneutic inquiry facilitated some guidelines by which I could reflect upon and analyse the data. I believe it is these principles which assisted me to provide sustainable research findings as part of this study. Presenting the data in a matrix format was also a useful tool in facilitating my analysis and subsequent understanding of the data collected.

The potential for subjection in my research findings encouraged me to use an external validation group relevant to the research study, with whom it would be appropriate to share and receive feedback. This validation group proved to be a key factor in guiding the methodology adopted, and subsequently the outcomes, in this research study. Not to mention the development of my learning outcomes, which were facilitated by the validation group through a process of shared discussion, questioning and feedback.

For me, the primary learning outcome achieved as part of this research study was further insight and understanding of the associated concepts and context. This was
achieved through an analysis of the interaction between three important aspects, including intelligence and decision making theory; ombudsman practices and procedures; and research methodology (this is illustrated at Figure 4.2 of Chapter 4). My initial research highlighted a significant gap in current knowledge within the intelligence discipline. This sparked my curiosity to consider, question and investigate further. Because of my curiosity and questioning to gain further understanding and insight into the concepts and context of the research study, I now have a professional awareness of the topic, which I otherwise would not have achieved.

As with anything, the limitations experienced as part of this project are cause for consideration as to how and what one could do differently next time? Or indeed, will there be a next time? But inevitably, I would respond by saying that my engagement with this research study has ignited a definite interest for the possibility of future research.
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APPENDIX 1 - Ombudsman Procedures for Handling Complaints and Inquiries

Below is a flow chart which details the procedure for handling complaints and inquiries within the Office of Ombudsman (Hawaii). This example has been adapted from Doi (1974, p.100) to enable readers of this research study to visualise the procedures involved in handling complaints and inquiries within the Ombudsman's Office.
APPENDIX 2 – Overview of Complaints Investigation Process (Ombudsman WA)

Overview of complaints investigation process within the Ombudsman’s Office (Source – adapted from Ombudsman, 2006a).
APPENDIX 3 – A Structured Interview Template for Ombudsman Personnel

Data Collection Set 1
Knowledge and Awareness of Intelligence amongst Ombudsman Personnel

Q1.1 What position(s) have you held and what is the total length of your employment service within the Ombudsman's Office?

Q1.2 Please describe the qualifications (formal or otherwise) which you possess, particularly those which are relevant to your current position within the Ombudsman's Office.

Q1.3 What is your personal understanding of the term intelligence?

Q1.4 Intelligence is described by many researchers as being the collection, analysis, dissemination and management of information used to benefit individuals and organisations external to the process but whom, nonetheless, rely on such information (Lester & Koehler, 2003). Given this broad definition of intelligence, is such terminology ever raised during recruitment or at any stage of employment within the Ombudsman's Office? Further to this definition and given the current legislated objectives of the Ombudsman's Office, do personnel, in general, demonstrate the capability to perform intelligence functions? Indicators of capacity and capability might include the ability to think analytically; collate and evaluate pieces of information; find solutions to problems posed; and demonstrate strong verbal and written communication skills.

Q1.5 Is there provision for training of personnel with respect to both practical and theoretical aspects of intelligence? Such training might include, for example, the collection and analysis of information; problem solving; ethical and legal frameworks; and communication skills and/or report preparation. If such training is not available, are there other more generic forms of training and information seminars accessible to personnel within the Ombudsman's Office?

Data Collection Set 2
Organisational Structure of the Ombudsman’s Office

Q2.1 How is the Ombudsman's Office structured, particularly in terms of legislated functions, internal departments, and personnel?

Q2.2 How many personnel are currently employed within the Ombudsman's Office to perform legislated objectives; and is it possible that current staffing resources could be utilized if formally defined intelligence functions were implemented for the purpose of aiding and informing decision making?

Q2.3 Do personnel work individually when assigned to a complaint, or is there scope and structure available for a collective focus on particular objectives; and furthermore, if personnel work in 'teams' rather than individually is there one person who is specifically assigned to coordinate information collection and/or analysis?

Q2.4 Would the implementation of formally defined intelligence functions decrease the overall work involved in the current assessments and investigations procedures employed by the Ombudsman's Office?
Q2.5 What are the Ombudsman’s mission statement(s) and/or legislated objectives; and would either be contradicted or compromised through the implementation of formally defined intelligence functions? Furthermore, is it possible that the mission statement would need to be adapted and/or legislative restrictions removed before formally defined intelligence functions could be implemented within current practices and procedures employed by the Ombudsman’s Office?

Q2.6 Overall, does the Ombudsman’s Office demonstrate both the capacity and capability to implement formally defined intelligence functions into current internal practices and procedures? As an indicator, what informal intelligence functions and processes are currently operating within the Ombudsman’s Office without recognition; and how and when is information obtained from these functions and processes used to influence the decision making process? Please provide example(s).

Data Collection Set 3

The Investigation and Assessment Process within the Ombudsman’s Office

Q3.1 To what extent is the Ombudsman’s Office accessed by members of the public with respect to the matters which it is legislated to address, and what additional matters outside jurisdiction are brought to the attention of the Ombudsman’s Office?

Q3.2 What form does the assessment and investigation of complaints take, and how does such review assist in resolving the complaint – what is the desired outcome?

Q3.3 How is it determined if the information obtained is generally logical, accurate and reliable; and if there is bias evident how is the information obtained verified through other sources and/or organizations?

Q3.4 Does the Ombudsman’s Office currently produce reports for decision making or do case files only contain base information? If case files contain limited information, how can they be improved to produce reports which record with accuracy, brevity and completeness the details of ‘who, what, when, where, why and how’ which are relevant to a particular complaint?

Q3.5 What is the process for the organisation, accessibility and storage of information within the Ombudsman’s Office? For example, is there a filing process, a document register with review dates, a secure area with limited access and/or, checks and audits of investigation process and the storage of information?

Q3.6 Is there a process for the evaluation of assessments and investigations within the Ombudsman’s Office?

Data Collection Set 4

Current Decision Making Practices within the Ombudsman’s Office

Q4.1 Through research of the literature two types of decision making within the Ombudsman’s Office became apparent – firstly in connection with adverse reporting and, secondly, with respect to the provision of training for personnel. Are there other examples of decision making; what is the process of decision making within the Ombudsman’s Office; and who makes those decisions?
Q4.2 What is the level of coordination currently in place with respect to the practices procedures for communicating information and decision making outcomes internally and to higher levels of management; to other external organisations, agencies, and authorities; and to the parties to the particular complaint or matter concerned?

Q4.3 Are there specific criteria for the disclosure of information to the public and other organisations – particularly with respect to a right to know basis (unclassified information to which there is a legal access), a need to know basis in order to maintain confidentiality and, authority to release information?

Q4.4 Is there a documented process to record whether or not information involved in decision making has been disclosed internally, to other organisations, or to the parties to the complaint or matter concerned?

Q4.5 Are personnel are adequately informed by management with respect to decision making outcomes; and, is there opportunity for personnel to provide constructive feedback concerning decision making aspects within the Ombudsman’s Office?
Pilot Interview Transcript – Data Collection Set 1
Knowledge and Awareness of Intelligence amongst Ombudsman Personnel

1.1 The pilot participant is currently the part of senior management within the Ombudsman’s Office and has held the single position for approximately 1 - 2 years. Prior to commencing with the Ombudsman’s Office the pilot participant had completed 20 years service in the public sector, having worked for various agencies and gaining experience primarily at the strategic level. The pilot participant also responded to this question from a holistic perspective, describing the average length of service applicable to personnel currently employed within the Ombudsman’s Office. The pilot participant noted that whilst some personnel had worked with the Ombudsman for 20 years or more, at the other end of the spectrum other personnel may have only been with the Ombudsman’s Office for 5 years or less. Furthermore, the pilot participant cited figures from the 2005 annual report, noting that in that particular year the Ombudsman’s Office had experienced a high turnover of personnel. This high turnover may or may not be atypical of the personnel arrangements, however, the pilot participant felt ill-equipped to address this question from a holistic perspective in any further detail due to a relatively limited length of service within the Ombudsman’s Office, especially in comparison with other personnel.

1.2 In response to this question, the pilot participant did not describe their own personal qualifications or experience in addition to those outlined in response to question 1.1, but rather expressed a holistic view of the qualifications and experience of other personnel within the Ombudsman’s Office. The pilot participant understood that current personnel within the Ombudsman’s Office represented a mix of backgrounds in terms of qualifications, and suggested that there was a small group with a legal background but most other staff had public and/or private sector experience. The pilot participant was aware of no-one employed by the Ombudsman’s Office with a traditional intelligence background. However, it is worth noting that the pilot participant also believed that all personnel employed within the Ombudsman’s Office use and collect intelligence, or at the very least, information which is later used for decision making.

1.3 The pilot participant described their understanding of intelligence as information and feedback which is used to influence and make decisions, and then to provide a flow on effect to other people.

1.4 The pilot participant described the recruitment and selection processes within the Ombudsman’s Office as being based strongly on a job description and specific criteria. The pilot participant believed that "intelligence" was never specifically mentioned in these processes and, was of the opinion that inclusion may not add anything to the process. The pilot participant also indicated that the concept of intelligence is currently present within the Ombudsman’s Office through the use of information and statistics – for example, patterns of complaints often provide an indication as to what is happening in certain agencies. It is the overall role of the Ombudsman to improve agency functions, and therefore, complaints statistics provide a main source of information and an indicative pattern of what is occurring within agencies.
1.5 The pilot participant described training within the Ombudsman's Office as often being conducted in a group setting, and on a whole of Office basis. Much of the content and curriculum for this training is taken from the 6 unit program implemented by the NSW Ombudsman in training materials – particularly with respect to record keeping; managing information; planning investigations; writing skills; communication, cultural awareness and sensitivity; mediation; and managing challenging complaints. Some additional training for personnel is also conducted through private sector training providers on an individual needs, planning and performance monitoring basis.

Pilot Interview Transcript – Data Collection Set 2
Organisational Structure of the Ombudsman’s Office

2.1 The pilot participant described the Ombudsman’s Office as demonstrating a very hierarchical structure. Within the Ombudsman’s Office there exists a formal communication structure which includes corporate services meetings, managerial meetings and meetings of the corporate executive; and an informal communication structure between the departments. According to the pilot participant, there is often duplication in job description and, significant function overlap within the departments of the Ombudsman’s Office. However, this duplication and overlap does not by any means minimize the efficiency of the process, particularly with respect to communication. There is no specialization in complaints handling by individual personnel. The pilot participant understood that previously, case loads were assigned to certain individuals with each particular case reviewed in its final stages by the Ombudsman. However, current practice is to assign case loads to an investigation / assessment team of 15 – 20 people, without allocating cases to individuals on the basis of specialization. The pilot participant believed that the removal of a specialization approach to case loads resulted in a more holistic approach.

2.2 The pilot participant suggested that any response to adequate personnel requirements for intelligence purposes depends largely upon the organisational priorities, particularly with respect to how much is ‘enough’ of a particular resource and the desired outcome/s associated with such a resource. The pilot participant also commented that one of the current agendas within the Ombudsman’s Office is to implement meetings with agencies where repeated complaints occur frequently (e.g. prison related; CCC executive directors). This agenda requires organized intelligence. In some respects the Ombudsman’s Office already provide statistics which may assist in this regard. For example, the Ombudsman plays a key role in the integrity coordinating group where statistics are provided at a broad level. Furthermore, at an operating level within the Ombudsman’s Office, a ‘green pack’ is sent to all staff containing the letters and complaints on record for that particular week. This is done on an informal basis, to keep staff informed. The Oscar database system also provides staff with summary information such as the number of complaints and outcomes of particular matters.
2.3 The pilot participant indicated that assignment to teams depends on the nature of the case. Generally if it is a minor case, personnel work individually. In actual fact, most cases are conducted individually with some consultation (for example, through a senior staffer acting as mentor in the department). But for more significant cases (e.g. the media publicized DCD investigation) there may be a team of 3 or more personnel with other personnel and resources allocated in a supporting capacity. Where team work occurs, specific provision is made for team leaders in investigation, and a team leader may be appointed depending on several factors including for example other personnel who are in the team, and/or the nature of the case. The team leader may be allocated several functions, one of which may be producing the final report of the investigation. Generally, all formal interviews are conducted in pairs. The pilot interview also outlined that there is currently in place, a process of case review within the Ombudsman’s Office. Particularly with respect to deciding what is needed for the case in terms of investigative tools and resources, and also with respect to determining where the case is at and whether or not further investigation is required. Therefore, assignment of teams for case investigation can become a process of case review – resources / case update.

2.4 The pilot participant was of the belief that intelligence may or may not be helpful on several different levels within the Ombudsman’s Office. At the strategic level, the application of intelligence may assist to improve administration so that the identification of repeat problems might be achieved, with a view to eliminating their reoccurrence. At the tactical level, the successful application of intelligence would depend largely upon the possibility of intelligence operating in isolation from other functions within the Ombudsman Office. And, at the operational level, the application of intelligence may not be so helpful. For instance, the application of intelligence might reduce the complaints in the long term, but would such application be helpful on a day-to-day basis?

2.5 The pilot participant indicated that any change to the Ombudsman’s mission statement and or legislative objectives would depend on how intelligence was implemented and how such functions would operate in practice. Simplistically, if minor intelligence practices were to be implemented they would fit well within the mission statement of the Ombudsman. A majority of the outputs of the Ombudsman’s Office are internal, so any intelligence practices implemented may be primarily administrative and therefore the impact is both irrelevant to the public and to the current mission statement / legislative objectives. Further to this, the second reading speech of the Act provides for secrecy of investigation but also public interest, including agency awareness. Currently, the Ombudsman’s Office provides memos and correspondence and participates in exchange of non-confidential information with certain agencies. This current practice of an exchange of information between the Ombudsman and various agencies can perhaps be viewed as a component of the intelligence process operating without proper recognition of its importance.

2.6 The pilot participant commented that to some extent, intelligence may be already implemented within the mainstream operations of the Ombudsman’s Office, but without specific recognition; and suggested that perhaps these unrecognized intelligence practices need to be more specifically defined and incorporated into current practice, with more resources allocated to them.
3.1 According to the pilot participant, the Ombudsman’s Office is able to record the details of an approximate 3,000 phone calls per year through the Felix database system. In addition to phone calls, the Ombudsman’s Office receives approximately 1,400 written complaints per year. However, in total, some of these complaints received may be duplications of the same complaint, or perhaps relate to complaints of a similar nature already under investigation. Through searching both the Felix and Oscar database systems, the Ombudsman’s Office is able to match cases and provide some details concerning the particulars of each complaint. However, this is a time consuming process and a new case management system which allows personnel to view both sets of complaints would be a useful tool for the Ombudsman’s Office, particularly with respect to case comparison as part of intelligence practices.

3.2 The pilot participant provided a flow chart outlining the details of the complaints investigation process at an operational level. The process of investigation of complaints really depends on the particular case; best practice and internal process of the agency under review; available documents; interviews; relevant law; and the discretion of the Ombudsman. For instance, some agencies may be an informal board of 1-2 people, in which case direct personal contact is the most appropriate means of investigation; where as other agencies may have a more formalized process of complaint resolution which the Ombudsman would examine in the course of investigation. Royal Commission powers are rarely invoked by the Ombudsman in investigating suspected breaches by agencies. To conclude the investigation – on most occasions a preliminary view is formed which sets out the matter, the investigative process and provides initial recommendations.

3.3 The pilot participant noted that any information or intelligence obtained by the Ombudsman’s Office in the course of investigation may demonstrate conflicting views. However, these conflicting views are not necessarily an indication of who is right and wrong. The obligation of the Ombudsman is to form recommendations not decisions. The Ombudsman may exercise judgment in certain circumstances based on a common sense approach. But in some cases, the Ombudsman is not able to form a particular view, due to conflicting information. The key point to remember with respect to recommendations as compared to decisions, is that the investigative process carried out is an administrative process rather than a legal process. The Ombudsman does have significantly wide powers of investigation under the Act, and there are check and processes in place prior to the sign off of an investigation (case).

3.4 The pilot participant advised that all personnel within the Ombudsman’s Office have access to statistics and information about cases through the Oscar database system. At a strategic level information produced with respect to decision making would relate to statistics, an analysis of trends, and/or details for annual reports. At a tactical level information produced with respect to decision making would be mostly statistics related to customer services practices and particular agencies (e.g. the number of complaints with respect to corrective services) with a view to improving services. And, from an internal management perspective, information regarding the total number of cases, available resources etc. might be the most relevant to decision making.
3.5 The pilot participant outlined that information within the Ombudsman’s Office is stored in accordance with the provisions of the State Records Act (this involves both an electronic records management system and paper files); and the Ombudsman’s Office displays a high standard of competence with respect to the storage and retrieval of information, especially when compared with other agencies. High levels of sensitivity with respect to the storage and retrieval of information are also apparent.

3.6 The pilot participant described current processes within the Ombudsman’s Office for the evaluation of investigations as being directly connected with the management of complaints with respect to poorly handled cases. Simplistically, the process for complaint handling is that complainant can request a review of a particular case, and ‘said case’ is then allocated to an independent and senior person within the Ombudsman’s Office for further investigation and review. Such a process seems fair and reasonable, but lacks a proactive approach and could be significantly improved. The pilot participant also described current attempts by the Ombudsman’s Office to implement a more proactive approach to the evaluation of investigations – the Office is currently in the preliminary stages of introducing a quality assurance process, an initiative which has not previously operated to date.

Pilot Interview Transcript – Data Collection Set 4
Current Decision Making Practices within the Ombudsman’s Office

4.1 The pilot participant describe decision making within the Ombudsman’s Office is a statutory function and a formal delegation of power. Because of its importance aspects pertaining to “developing a logical argument before arriving at a conclusion” rather than “decision making” feature more strongly in the curriculum developed in conjunction with the corporate training schedule provided for personnel within the Ombudsman’s Office. Mostly, significant decision making occurs at a managerial level within the Ombudsman’s Office. For example, the Ombudsman may make a decision to conduct an “own motion investigation”. Sometimes a decision will be made collectively an investigation, but the final decision (recommendation) resides with the Ombudsman.

4.2 The pilot participant responded to this question primarily from an internal perspective, commenting on the delegation schedule which gives further insight regarding the processes and procedures for communicating information and decisions internally. After an investigation, a report containing recommendations is generally viewed as the final result of a high level of decision making. For example all investigations, involve verbal and written communication between the investigative team and management, prior to the development of a report and subsequent recommendations. Decision making tends to flow upward in these circumstances. However, decision making and learning are often nor captured or repeated within the Ombudsman’s Office. Examples provided as ways to improve internal communications and thus look for the gaps in intelligence would include updates to the operations manual which contains the authorized processes and procedures for addressing issues, including the procedures for communicating information from investigations; and circulation of the “greens pack”.

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4.3 As identified by the pilot participant, any disclosure of information to the public occurs in a formal manner, and in accordance with the provisions of the Act. Additionally, informal verbal communications may occur between the Ombudsman and a particular matter after a case is closed, with a view to improvement of processes. Information is exempt from Freedom of Information and cannot be used in court proceedings.

4.4 With respect to formal communications, the pilot participant identified that there is a structured recording system and delegation process for decision making which operates at various levels within the Ombudsman's Office, and is in response to the requirements set out under the Act. With respect to security, there is no access to the electronic databases (such as PITS) from other organisations, and the Ombudsman's Office employs electronic methods of excluding confidential information prior to disclosure to other organizations (especially where conflicts of interest exist).

4.5 The pilot participant only responded to this question by mentioning that perspectives on the provision of adequate information may well depend on a management or staff view.

### INTERVIEW ONE TRANSCRIPT (5 DECEMBER 2006)

**Interview One Transcript – Data Collection Set 1**  
*Knowledge and Awareness of Intelligence amongst Ombudsman Personnel*

1.1 Participant 1 has served between 5 – 10 years with the Ombudsman’s Office, and gained valuable experience in a number of roles including: switchboard operator on a temporary basis; Inquiry Officer; and more recently as Senior Investigating Officer with the Investigations and Major Projects Team.

1.2 Participant 1 has not completed a university degree but undertook various units unrelated to current career objectives in order to pursue personal interests and gain the experience of student life. However, pertaining to the current role of Senior Investigating Officer, Participant 1 has extensive experience within a customer service role within the public sector; not to mention 12 years spent as an Investigating Officer for the Commonwealth Ombudsman.

1.3 Participant 1 initially described intelligence as often immediately and typically viewed as referring to spy’s and espionage. Participant 1 also noted that intelligence can refer to an ‘intelligent’ person and what such person can achieve. But in the context of the research proposal as read by Participant 1, intelligence seems to refer more to the internal knowledge of an organization and the specific purpose for which such intelligence / knowledge is used.

1.4 According to Participant 1, intelligence is not a word used within the Ombudsman’s Office, but perhaps the concept is present in terms of references to information. Further noted by Participant 1, the Ombudsman’s Office does not necessarily have to find solutions to problems posed, but rather, provide suggestions to enable an agency to find the appropriate solution – this is a process which draws heavily on past experiences. Additionally, Participant 1 commented that the indicators presented within this research question are similar to and closely resemble the Ombudsman’s selection criteria to which personnel must demonstrate an ability apply skills as part of recruitment.
1.5 Participant 1 described internal training for investigations and/or investigating officers (particularly with respect to the general process and/or Job Description Requirements), as being taken and adapted from other organizations which subsequently does not always fit well within the structure of the Ombudsman's Office. However, other units adapted from the NSW Ombudsman’s Office are quite valuable in training – for example, these include communication skills and report writing; mediation; management of difficult complaints; and cultural awareness (particularly with respect to indigenous Australians).

Interview One Transcript – Data Collection Set 2
Organisational Structure of the Ombudsman’s Office

2.1 Participant 1 described the Ombudsman’s Office as being structured into three primary departments - Corporate Services (approx. 7 staff); an Assessments Team (approx. 10 staff); and an Investigations and Major Projects Team (approx. 8 staff). Participant 1 indicated that there is strong liaison between the Assessments and Investigations teams. After the Assessments team has sought a report (mostly through working with phone and file notes), it may be decided that the file needs further investigation. The Investigations team then reviews information provided by the parties to the complaint, prepares written correspondence, and seeks to find an appropriate resolution.

2.2 Further to the response given at question 2.1, Participant 1 advised that a total of approximately 30 staff are currently employed within the various departments of the Ombudsman’s Office to perform legislated objectives. In addressing this question, Participant 1 was particularly concerned with the practical issues behind the implementation of intelligence – Participant 1 indicated that in reality, staff are too busy to implement intelligence. The general perception of staff is that information required to investigate a case is usually very accessible. Currently, information is obtained on an ‘as needs’ basis (constant changing procedures, internet access). Furthermore, staff currently use internal searches of databases to find previous cases, but rely on long term staff memory of certain events/case. In discussion with Participant 1 an issue was identified with the continued reliance on staff memory – especially in connection with a loss of knowledge when there is reliance on staff memory as intelligence to identify repeat patterns, and details of an event.

2.3 When responding to this question, Participant 1 agreed that practically, allocating tasks is the most effective means by which to investigate a case as a team, especially as communication is a key factor in any investigation. Also, time management issues are easier to handle in a team environment. The option to work as a team is decided by management and the “investigations team” and largely depends on the nature of the case. Most cases are investigated on an individual basis, with staff having an awareness of the expertise of others and knowing whom to approach for a second opinion. A larger investigation may be assigned to 2 or more staff i.e. a senior and junior staff member to facilitate career mentoring and a sharing of knowledge. Further, an own motion investigation may comprise a focus group of 2-3, possibly one from each area (however, this is not always the case due to resource limitation).
2.4 It was the opinion of Participant 1 that intelligence may assist with time management issues and reduce the work associated with finding the necessary information within an investigation. However, it would not be expected that reports and recommendations be significantly improved by the implementation of intelligence – at least not directly.

2.5 Participant 1 suggested that intelligence would perhaps fit well and compliment, rather than compromise current mission statement and legislative objectives of the Ombudsman’s Office. Participant 1 noted that there appears to be nothing within the legislation to restrict the storage of information obtained, or the sharing of information internally or when responding to a complaint (Departments and Agencies are often aware of information that is given to a complainant but case review and internal working documents are never released). Information at the investigations level is documented but at the inquiry level information is often a verbal recommendation.

2.6 Participant 1 suggested that perhaps the Ombudsman’s Office does not have the capacity to implement intelligence functions given current staffing and resource limitations but it most definitely has the capability on the basis of skill and function. Examples of how intelligence operates within the Ombudsman’s Office without proper recognition include the automatic update of prison and other departmental regulations; outgoing correspondence in the “green pack” which generates discussion and creates awareness of what others are doing; and informal communication and team meetings which facilitate internal discussion of cases/investigations.

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**Interview One Transcript – Data Collection Set 3**

*The Investigation and Assessment Process within the Ombudsman’s Office*

3.1 According to participant 1, the Ombudsman’s Office receives over 1500 written complaints per year (some of which may be classified as allegations which to a similar complaint already under investigation). This includes complaints relating to a variety of matters, some of which are outside jurisdiction. Through the FELIX database, an Inquiry Officer is able to record individual contact made through phone calls and the nature of each complaint received.

3.2 Participant 1 described the investigation process as concerned with the process of decision making in a particular case, rather than a “merits” based review of the decision. A Department or Agency may have made a decision with which the investigating officer does not agree, therefore, the investigation must be focused on the correct process and the subsequent decision reasonably open to make. The Ombudsman’s overall objective is to improve complaint handling process and procedure. The Ombudsman may make recommendations that the Department or Agency to consider all circumstances (including those of a personal nature) of the complainant in reconsidering the decision made. Participant 1’s personal view is that the complainant should suffer no detriment by a decision of a Department or Agency.
3.3 Participant 1 noted that it is difficult to prove bias of information, as it is a judgment factor determined by the individual investigating officer. Complaints are evaluated on the balance of probability. A file must contain documentary evidence of the process taken, not just a verbal report from the Department or Agency under investigation. In addition, the Ombudsman also has powers to obtain evidence under Oath (similar to a Royal Commission, although these are rarely invoked). Further, it is often requested that persistent complaints be in written form, and should regard new facts.

3.4 Participant 1 described reports of findings as being based on the information available. Files never contain information without supporting documentation, unless complaints are outside the Ombudsman’s jurisdiction, in which case, files will contain limited correspondence. The individual’s who are responsible for a particular case, are also responsible for the documents in the file.

3.5 Participant 1 described the Total Recall Information Management System, a record management system which is in place to ensure the awareness of the location of files. Both open and closed files are kept for a period of time (according to disposal schedules), and files are kept in a secure area with limited access; and are compliant with the State Records Act.

3.6 This question prompted Participant 1 to ponder how, and on what basis do you independently assess an investigation? Complainants who are not happy with the outcome of their case may request a review of the investigation by an independent, senior officer within the Ombudsman’s Office. Further, there is a performance monitoring process currently in the proposal stages of development for use within the Ombudsman’s Office – it is expected that this will be a “check box” system, and might ensure appropriate procedure is followed and the correct documents / evidence is obtained during the assessment and investigative process. Random selection in the process of evaluation seems the most appropriate.

Interview One Transcript – Data Collection Set 4
Current Decision Making Practices within the Ombudsman's Office

4.1 Participant 1 described decision making in terms of the hierarchical structure that exists within the Ombudsman's Office. At the individual level decision making is primarily case related and group decision making occurs through team meeting and general staff meetings; at the managerial level, decision making might relate to the allocation of complaints; and at the Ombudsman level, decision making might relate to a change of procedure, or a more specific focus on certain areas of investigation.

4.2 According to Participant 1, the “greens pack” is one of the primary tools for communicating information internally. Further, external communication with the parties to a complaint is usually in writing, and the Ombudsman deals specifically with the parties to a complaint unless otherwise authorized. Preliminary view letters and suggestions to a Department or Agency are signed by the Deputy Ombudsman; and recommendations are signed by the Ombudsman.
4.3 Participant 1 reiterated that the work of the Ombudsman is confidential. However, the Ombudsman can publish information on cases of interest (anonymously); provide case studies in the annual report; and report to Parliament in circumstances of serious complaint. The Ombudsman may also disclose information to persons nominated by the complainant (in circumstances where an authority form has been signed).

4.4 Participant 1 described the process of recording disclosure of information as being documented in file notes, emails, and copies of correspondence. However, it is up to the individual who is responsible for the case, as to the details provided, but obviously, the more details the better.

4.5 In discussing the adequate informing of personnel and avenues for feedback, participant 1 outlined that investigators make the majority of decisions in relation to the file, and are responsible up to the point a preliminary view is formed. Further, feedback is often provided by the team manager or another senior officer from whom a second opinion is sought, or through notes and correspondence on the file. Feedback tends to flow downward, and is often informal in the lead up to staff discussion at meetings.

INTERVIEW TWO TRANSCRIPT (7 DECEMBER 2006)

Interview Two Transcript – Data Collection Set 1
Knowledge and Awareness of Intelligence amongst Ombudsman Personnel

1.1 Participant 2 has between 5 – 10 years experience as a Senior Investigating Officer within the Ombudsman's Office.

1.2 Participant 2 has an unrelated Degree, but has been trained by the Ombudsman's Office through practical experience and participation in the Commonwealth Ombudsman's Advanced Investigations Course. Prior to appointment, Participant 2 gained 18 years experience in various positions within the public sector.

1.3 Participant 2 described intelligence as having a broad definition in the political, military, and law and order sense. As a senior investigating officer, Participant 2 used intelligence in a colloquial sense to refer to the information available as a result of an investigation, which can then be used within the Ombudsman's Office for decision making (or in cases of public interest, may facilitate external disclosure of information).

1.4 Participant 2 described the attributes outlined in the question as being relevant on the assumption that particular roles within the Ombudsman's Office have an intelligence focus. Intelligence is not a term used in recruitment but it is certainly 'bandied' around the office. Further, the term intelligence does not have a strict definition and there may be some benefit in constraining and clarifying what is meant by the term, particularly when it is used in the Ombudsman’s Office.
1.5 From the perspective of Participant 2, analytical skills are important to the work of an investigating officer. There is an ad-hoc approach to training within the Ombudsman's Office. Modules are adapted from the NSW Ombudsman's program rather than developed specifically; and there is accessibility to the Commonwealth Ombudsman Advanced Investigation Course, for theoretical training at a strategic level. However, most training occurs through mentoring and corporate knowledge.

Interview Two Transcript – Data Collection Set 2
Organisational Structure of the Ombudsman's Office

2.1 Participant 2 outlined that the Investigations and Major Projects Team consists of a manager and approximately 10 staff. The primary function of this unit is to review complex matters which are not resolved quickly. The Assessments Team completes the majority of the preliminary work and the Investigations and Major Projects Team comes into effect a little way down the process.

2.2 The addition of value to current practices was a primary concern of Participant 2. From the perspective of Participant 2, to some extent intelligence is in informal operation already. For example, there is no specialization of cases but some personnel are experts in certain areas. However by way of contrast, Participant 2 believed that formal intelligence may assist in tracking systemic issues; and with respect to decision making, formal intelligence on how to proceed with an investigation would certainly aid internal process. Another part of the Ombudsman's work is passing information or findings of a case to the relevant body, or reporting to the relevant Agency / Minister or in the public interest, and Participant 2 believed that perhaps formal intelligence would assist to refine this process.

2.3 Participant 2 described tasks as being generally shared between the team, but in some circumstances, a leader may rely on another person in an administrative capacity. This support process is often seen as mentoring, and a way of training staff in intelligence collection and investigation. However, such support process or team work happens on very rare occasions, and when it does, there is a leadership role but it is also a practical 'hands on' approach to investigations. Ultimately, most investigative work occurs on an individual basis.

2.4 Participant 2 suggested that intelligence would not decrease the work as the Ombudsman's Office is too small to sustain an official intelligence unit, and that such a unit may be better suited to the Commonwealth Ombudsman's Office (staff of approximately 160) or the NSW Ombudsman's Office (staff of approximately 200). Further, Participant 2's personal belief is that the informal intelligence of staff experts in specific areas operates reasonably well; however Participant 2 also acknowledged that to the extent that information is reliant on the permanency of corporate knowledge an intelligence unit would be useful in tracking historical information.
2.5 Participant 2 suggested that any necessary changes to the mission statement or legislated objectives due to the formal implementation of intelligence would depend on what the information was to be released for – for example, to the Parliament, to Agencies, in the public interest, or kept within the internal procedures of the Ombudsman’s Office and used to aid assessment / investigative process. Further, Participant 2 believed that the implementation of intelligence may have some potential improvement but may also result in a negative trade-off of resources between intelligence and the assessment and investigation of complaints.

2.6 As an example of intelligence, Participant 2 again noted that corporate memory based intelligence is continually occurring within the Ombudsman’s Office. However, Participant 2 also again acknowledged that access to such intelligence is reliant on knowing where (and to whom) to go for information relating to a decision.

Interview Two Transcript – Data Collection Set 3
The Investigation and Assessment Process within the Ombudsman’s Office

3.1 In response to this question, Participant 2 outlined that complaints based investigations are generated by members of the public; whereas own motion investigations are initiated at the discretion of the Ombudsman to examine trends, or issues raised by members of Parliament on behalf of their constituents.

3.2 Participant 2 described the length of the assessment and investigation process as taking anywhere from 3 to 6 months, up to 2 years, as an approximate indicator. An assessment is where the initial stages of analysis occur, and a complaint is only taken further if it is deemed that investigation is required. Investigations provide a scoped framework for an analysis of “complaints and/or allegations” by reviewing information as relevant to the matter, and not necessarily the direct actions of principle officer of the Agency or the Minister. The initial process of investigation is to seek a report from the Agency, review relevant legislation, policy and procedure, conduct interviews and site visits, and examine Agency files. Steps in the overall investigation process include analysis: formation of a preliminary view: agency comment: formation of a final view: and formation of recommendations (if the complaint is sustained), with Participant 2 referring to the flow chart attached at Appendix... in order to provide further details. The number of allegations linked to a complaint does not equate to complexity, but may, nonetheless, become a very time consuming process of investigation. Participant 2 described the desired outcome of an assessment or investigation as being to resolve the complaint in a manner which is fair and independent, to close the case, to obtain redress, and to improve overall administrative efficiency of an Agency.

3.3 Participant 2 described it as often being difficult to quantify bias within information, as identification of bias is reliant on the skills of personnel to have a good inquiring mind and to be clear about the information requested. However, information obtained by the Ombudsman’s Office can be confirmed through a review of policies, procedures, and legislation; and agency reports are often sustained by they files but is rarely verified by other organizations, as this may, in some circumstances, constitute a passing of responsibility.
3.4 Participant 2 outlined that case files generally contain correspondence and a formally bound report. Such report is a formal preliminary view which stands alone and, therefore must contain reasonable and persuasive arguments. The contents of case files depend on the nature and complexity of the case and the information to report. Further, the delegated decision making schedule also influence the process of case file management, thus what is contained in case files.

3.5 Participant 2 outlined that information regarding a case is contained both within an individual case file and an internal electronic database, for the purpose of complaints management and case recall. An existing filing procedure regulates where files can be located — for example, general files, case and investigation files, and public interest disclosure files are all kept in a secure locked area. Further, the Ombudsman’s Office also maintains a record disposal schedule in accordance with the State Records Act.

3.6 At present the “greens pack” circulated on a weekly basis are read by the Ombudsman and other personnel, and are viewed, at least by some staff, including Participant 2, as a preliminary quality check of assessment and investigative work carried out within the Ombudsman’s Office. However, the Ombudsman’s Office is currently working towards the implementation of a quality assurance process.

Interview Two Transcript – Data Collection Set 4
Current Decision Making Practices within the Ombudsman’s Office

4.1 Participant 2 objected that decisions are not necessarily concerned with adverse reporting, as the question suggests because the case may not be sustained. By contrast, “investigative management decision making” occurs on all investigations e.g. the managerial allocation of cases; and “internal operational decision making” occurs in relation to internal administrative decisions e.g. updating the schedule of delegation which cross references to the Act.

4.2 Participant 2 outlined that investigative decisions are communicated through the “greens pack” and by senior managers; and external decisions are communicated to agencies, ministers and complainants through reports and letters; and internal decisions are communicated by the corporate executive to teams at staff meeting and by email.

4.3 As described by Participant 2, disclosure of information by the Ombudsman’s Office is regulated by the Parliamentary Commissioner Act and the Public Interest Disclosure Act. However, a fair amount of information is disclosed to agencies under investigation on a consultant basis with the intent of improving administrative efficiency, but it is not recommended releasing information while a matter is under investigation (especially where such disclosure could adversely affect a complainant).

4.4 Participant 2 outlined that documents that leave the Ombudsman’s Office are copied on to yellow paper in the case file. However, the placement of documents in the internal file is reliant on the personnel handling the case to competently carry out procedures.
4.5 Case related feedback, according to Participant 2, occurs through discussions with managers, the Deputy Ombudsman, and the Ombudsman; through email and informal ‘meetings’. The Corporate Executive, team meetings and staff meetings also provide personnel with valuable information. Opportunity for feedback also occurs as part of the internal performance management process.

INTERVIEW THREE TRANSCRIPT (21 DECEMBER 2006)

Interview Three Transcript – Data Collection Set 1
Knowledge and Awareness of Intelligence amongst Ombudsman Personnel

1.1 Participant commenced employment with the WA Ombudsman’s Office (General Jurisdiction) late 2004 as a Level 4 Inquiry Officer, and from thereafter, progressing to a Level 5 Inquiry Officer. Following from these appointments, Participant 3 has served as a Level 5 (and acting Level 6) Investigating Officer; and in addition, a brief appointment as Level 5 Research Officer for the Energy Ombudsman WA.

1.2 Participant 3 holds an Arts/Law degree and is a qualified lawyer and has previous experience as an Inquiry Officer for the Tele-Communications Ombudsman WA.

1.3 Participant 3 described ‘intelligence’ in terms of information which is gathered for a specific purpose (i.e. knowledge within an organization) and which has the attached connotation of use by a select group (i.e. specialist area).

1.4 Participant 3 noted that intelligence is not specifically mentioned in context with the Ombudsman’s Office, particularly as it is one of the objectives of the associated work to be open with Agencies rather than to apply “intelligence” connotations. Research, negotiation and analytical skills with respect to obtaining and processing information are applied by personnel on a daily basis.

1.5 To the recollection of Participant 3, a more focused training program for staff had been conducted over the past year, than in comparison to previous years. This training covered issues related to investigation, negotiation and mediation, file management, and presentation/writing (especially in context of an on-line environment). In addition, seminars in particular areas of interest are attended by staff at managerial request. At the ad-hoc level, staff have access to document templates; the “greens pack” are a source of feedback; staff may request assistance from other more senior staff; and new staff are mentored with respect to issues such as obtaining information and case file management. (Participant 3 indicated mentoring was a standard process for new employees, but did not give an indication of the length of time such an employee would spend being mentored throughout their employment).
2.1 Participant 3 described the Ombudsman's Office as demonstrating a hierarchical organizational structure; headed by the Ombudsman and Deputy Ombudsman at that strategy level, and who delegate certain powers to an Assessments Team; Investigations Team; and Corporate Services. Although the Ombudsman has statutory authority to delegate powers to other staff, there are certain functions which may not be delegated (likewise the Deputy Ombudsman has similar delegation powers to the Ombudsman). The role of the Assessments Team is to provide an initial assessment of complaints that are within jurisdiction, provide outreach to the community in terms of making information available, and to facilitate training/mentoring for new employees. Where as, the role of the Investigations Teams often involves a more detailed review of complex cases which the Assessments Team is unable to effectively resolve; and a review of Own Motion Investigations as directed by the Ombudsman.

2.2 With respect to personnel resources allocated to investigative work, Participant 3 commented that the Ombudsman’s Office retains a pool (full time and full time equivalent) of approximately 20 investigative staff. Although the Ombudsman’s Office retains staff to maintain a reasonably comprehensive database of case files which can be accessed by investigative staff, there are occasions where personnel are aware of particular cases which have been dealt with in the past by the Ombudsman’s Office but no record of such case can be found on the database, indicating that issues with consistency of information in the database could be improved. With respect to the implementation of intelligence functions, such functions would be best undertaken by personnel who have an understanding of the investigative roles and functions of the Ombudsman’s Office; and that access to the output of such intelligence should be accessible to all staff, as necessary.

2.3 Participant 3 outlined that within the Assessments Team the majority of case work is allocated on an individual basis, however, there is certainly the capacity for mentoring to take place through informal case discussion. At the initial stage of assessment, an assessments manager or a member of the administrative staff will send the complainant a letter of referral if the matter is outside the jurisdiction of the Ombudsman; or alternately, the case will be allocated to an inquiry officer for assessment. If the matter to be assessed is fraught with complexities, an inquiry officer may seek further assistance from colleagues, or the matter may be allocated to a more senior inquiry (assessments) officer. Failure to provide a comprehensive assessment may result in the case being forwarded to the Investigations Team for further review and analysis, however, the decision to investigate rather than purely assess, is often dependent on availability and the comprehensiveness of the information provided by the Agency.

2.4 It was the belief of Participant 3 that formalized intelligence would certainly assist to reduce a repetitive ‘re-inventing of the wheel’ in connection with each and every investigation and to expedite the overall process of assessment/investigation. Although it may be useful to have up-to-date information on agencies which are subject to Ombudsman jurisdiction, it is necessary to remember that the majority of complaints are different; and, each complaint is deserving of thorough review on its individual merits.
2.5 Participant 3 described the overarching mission of the Ombudsman as being to assist the elected Parliament of the day in maintaining accountability within the public sector, with particular emphasis on the administrative decision making process and outcomes of public sector agencies. Such a mission should not be contradicted/compromised if information obtained is used by staff to aid an assessment/investigation (particularly if such information is used internally). However, with respect to the formalization of information that is currently utilized by the Ombudsman's Office, it may be necessary to implement and upgrade checks of electronic data, and to ensure that all staff sign confidentiality agreements/oaths, as some examples of associated change stemming from the implementation of intelligence.

2.6 Participant 3 commented that the concept of shared information rather than 'intelligence' is present within the Ombudsman's Office. Information is accessible to staff through the 'greens pack'; TRIM Database (searches for case information); Oscar Database (records of allegations, assessments and decisions); T-Drive on Server (complaints documents, investigative procedures and standard letter templates); Operations Manual; Staff Knowledge (e.g. development of precedents for certain cases). However, given that the Ombudsman's Office has a significant amount of information which is available internally to personnel, there seems to be a significant lack of procedure to ensure consistency in assessment and investigation. Rather, staff become aware of information’s availability, and learn particular aspects of the job over the course of time (evidently, a flow-on effect from the mentoring structures currently in place); and a significant problem associated with this long term approach to learning is the loss of knowledge that occurs when long-term staff leave (a reduction in awareness / availability of non-documented information).

### Interview Three Transcript – Data Collection Set 3

**The Investigation and Assessment Process within the Ombudsman's Office**

3.1 Many inquiries, especially those relating to matters outside the Ombudsman's jurisdiction such as criminal, political individual, overseas or another organisation's matters are filtered and re-directed at reception, however, at the inquiry level, approximately between 10 and 30 calls may be received on a daily basis involving allegations or complaints that require further review. It is not necessarily easy to determine jurisdiction, as there are many steps in the process / factors to consider.

3.2 As outlined by Participant 3, the form of investigation really depends on the nature of the case. Generally, an investigative process is extremely analytical – the process includes aspects such as reading relevant material, research (via the relevant agency; legislative documents and the internet), discussion, and ensuring the matter is within jurisdiction and/or discretionary decision making. Investigation is much easier, and the process is shortened if the investigating officer has some knowledge of the matter or access to contacts. A desired outcome by the complainant and, even certain key aspects of a complaint can sometimes be difficult to clarify. Key factors of consideration are: does the Ombudsman have the legislated power to investigate; and should an investigation be conducted? Other secondary factors of consideration include: can relevant information be obtained; can the complainant's desired outcome be achieved; and does an effective resolution of the matter serve in the public interest? The process of investigation is often viewed as a "rights of appeal" process for many complainants, and in most circumstances a thorough and effective investigation will assist in the resolution of the allegation/complaint.
3.3 Participant 3 described an assessment or investigating officer's duties as comprised of ensuring consistency of information which they obtain from various sources. Verification to ensure consistency is a process which involves a review of the evidence as a whole; alertness to obvious contradictions in the information; and clarification with other staff and through alternative sources such as documented conversations, departmental files, policies, processes and legislation. The Ombudsman possesses coercive powers which can be used for the purpose of accessing and obtaining information. However, these powers are accessed in extreme circumstances.

3.4 Participant 3 suggested that the completeness of a case file depends on the nature of the case. Inconsistency in the case management of files is currently a problem within the Ombudsman's Office, particularly with respect to a lack of recording in relation to the analytical process involved (if possible, file notes and drafts of letters to record the "thought process" should be included in the file for future reference). Generally, a case file will contain a copy of the relevant legislation, Agency information, letter(s) to the complainant and to the Agency which state the decision and the reasons for such decision. Some of the information retained in case files (e.g. letters) is also recorded electronically on a separate database which may be accessed by staff as a reference tool, however, the database may not always be consistently updated.

3.5 Participant 3 noted that the Ombudsman's Office has information stored electronically on several computer server drives and databases. There is also a secure area for the storage of files which are maintained by a records manager, and audited periodically. Some cases are kept even more secure, with limited individual access restricted to such personnel as the Ombudsman and Deputy Ombudsman. As an additional measure, reception and administrative staff are trained not to provide information directly to either complainants or agencies under any circumstance.

3.6 Described by Participant 3, one mechanism of evaluation is the transition of a case from assessments to investigations. Although the process of transition is improving (with respect to the provision of file notes to outline the reasoning and the availability for further discussion, particularly where 2-3 people are involved in the process), when does assessment end and investigations begin? More traditionally, a complainant's request (and only then) would a senior officer within the Ombudsman's Office review the process of investigation, file management, and the final decision. Random case file checks are a recent implementation and are subject to further development.

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Interview Three Transcript – Data Collection Set 4

Current Decision Making Practices within the Ombudsman's Office

4.1 Participant 3 outlined that decisions are made on a number of levels within the Ombudsman's Office. Decisions are made at the Joint Consultative Committee level with respect to internal and HR issues, and are communicated through team meetings, internal policy and operations manuals; and at a managerial and investigative level, and then communicated downwards to staff with respect to the management of cases and inquiries, file allocation, the resources required for an investigation.
Participant 3 noted that information communicated internally to the Ombudsman's Office is generally done so via the "greens pack" which contains letters detailing the correspondence between the Ombudsman and various agencies. The Ombudsman is required to notify and report to the head of an Organisation/Agency at the outset of any investigation. In some particular cases, the Ombudsman is also required to report to the Minister and/or the Parliament to obtain consent for disclosure of information. Decisions that have resulted in an adverse investigation require agency comment.

As described by Participant 3, under legislation the Ombudsman must maintain strict confidentiality of information, and any disclosure must be authorized by the complainant. However, in some cases information may be provided to the relevant agency under the guise of public interest disclosure but this is a process which requires consultation with the Ombudsman in the first instance. The Ombudsman is not subject to Freedom of Information legislation. Any case investigated by the Ombudsman which raises issues associated with corruption / misconduct is referred directly to the CCC.

Participant 3 described the process of documenting information which has been disclosed internally and externally - for instance, letters are copied into the file on yellow paper; copies of reports are filed and/or referred to in letters; telephone conversations which contain pertinent information are recorded as a file note; and central emails are recorded in the TRIM database.

Overall case management decision making, according to Participant 3, is well informed. Although there are staff meetings to discuss what each team is working on, and information is provided through central emails circulated in the event of a large case and also through the "greens pack", some personnel still may not be totally aware of a particular case/issue. Further, although it is open to personnel to comment on a case/issue that does not directly relate to them, such feedback may be reduced dependent on the particular person's length of service within the Ombudsman's Office. Ultimately, to a certain extent case management decision making is open to interpretation, and not always a clear right or wrong process of thought, or even final decision.
## APPENDIX 5 - Data Collection and Analysis Matrix

### Data Collection Set 1:
**Knowledge and Awareness of Intelligence amongst Ombudsman Personnel**

<table>
<thead>
<tr>
<th>1.1A</th>
<th>Participant Background:</th>
<th>Pilot Interview</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
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<tr>
<td></td>
<td>Position(s) held with the Ombudsman</td>
<td>Senior Management</td>
<td>Investigations (Inquiry Officer)</td>
<td>Investigations</td>
<td>Assessments (Inquiry Officer)</td>
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| 1.1B | Participant Background: | Length of service with the Ombudsman | 0 - 5 years | 5 – 10 years | 5-10 years | 0 – 5 years |

| 1.2 | Participant Background: | Qualifications / Background | 20+ years experience in the public sector (at a strategic level) | Experience as an Investigating Officer - with the Cwlth Ombudsman; experience in the public sector (customer service); and partial completion of unrelated Degree | 15+ years experience in the public sector (various roles); completion of Degree; and trained in Cwlth Ombudsman’s Advanced Investigations Course | Experience as an Inquiry Officer - with the Tele-Communications Ombudsman (WA), and completion of Degree (qualified lawyer) |

| 1.3 | Knowledge and Awareness of Intelligence: | Understanding of the term intelligence | Information used to influence decision making processes | Internal organisational knowledge used for specific purposes | Information available as a result of investigation; applied in decision making | Information gathered for a specific purpose; used by a select group (specialization) |

| 1.4A | Current Ombudsman Practices: | Are concepts of intelligence present in Ombudsman recruitment practices? | Intelligence not identified in recruitment (job description and selection criteria) | Concepts of intelligence resemble recruitment selection criteria | "Intelligence' not specifically identified in recruitment | 'Intelligence’ not specifically identified in recruitment |

| 1.4B | Current Ombudsman Practices: | Are concepts of intelligence present in Ombudsman functions and individual daily work practices of personnel? | Concepts demonstrated in work practices e.g. collection of statistics to indicate re-occurring complaints / agency trends | Not a specific term used in the Ombudsman’s Office - rather the more relevant concept is information | Concepts applied frequently in work practices and may beneficial to define the term in connection with Ombudsman functions | Not specifically described but practiced through research, negotiation and analytical skills in obtaining and processing information |
1.4C *Current Ombudsman Practices:*
Is there a general capacity and capability of personnel and resources to support the implementation of internal intelligence functions?

Role of the Ombudsman is assisting Agencies to find appropriate solutions to problems and improve overall Agency success.

Assisting Agencies to find solutions to problems and improve overall Agency success.

If 'intelligence' is relevant to current roles within the Ombudsman's Office, an 'intelligence' focus may be achieved.

Currently occurring aspects of 'intelligence' could be refined.

1.5 *Current Ombudsman Practices:*
What training is available to personnel with respect to practical and theoretical aspects of intelligence, and other more generic forms of training?

No specific intelligence training programme exists. However, training provided in connection with investigations is generally adapted from other organisations and does not always fit the structure of the Ombudsman's Office. Additional training is provided on an individual as needs basis.

Training with respect to investigations is generally adapted from other organisations and does not always fit the structure of the Ombudsman's Office. Training generally covers communication skills, mediation, and cultural awareness in practical and theoretical aspects.

An ad-hoc approach to training – modules are adapted from the NSW Ombudsman, and accessibility to the CWth Ombudsman Investigation Course. Training also occurs informally through mentoring, and the sharing of corporate knowledge.

A focused training agenda on investigation; negotiation; mediation; file management; and presentation/writing. Seminars in relevant areas of interest; mentoring and assistance from senior staff; and the "green pack" of outgoing correspondence provide knowledge.

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**Data Collection Set 2:**
Organisational Structure of the Ombudsman's Office

| 2.1 | *Current Ombudsman Structure:*
General internal structure in terms of functions; departments; and personnel. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pilot Interview</strong></td>
<td>Hierarchical organisational structure in terms of personnel; Communication occurs between departments as there is no specialization in complaints handling in order to develop a more holistic approach; duplication in job description ensures significant overlap in function but doesn't minimize efficiency</td>
</tr>
<tr>
<td><strong>Interview 1</strong></td>
<td>3 primary departments carry out the Ombudsman's functions – assessments team; and investigations and major projects team (approx 10 staff each). Function of assessments is to complete the preliminary work; where function of investigations is to review matters which are complex or cannot be resolved quickly (secondary stage)</td>
</tr>
<tr>
<td><strong>Interview 2</strong></td>
<td>2 primary departments carry out the Ombudsman's functions – assessments team; and investigations and major projects team (approx 10 staff each). Function of assessments is to complete the preliminary work; where function of investigations is to review matters which are complex or cannot be resolved quickly (secondary stage)</td>
</tr>
<tr>
<td><strong>Interview 3</strong></td>
<td>Hierarchical organisational structure with delegation of power from the top-down: Assessments provides an initial review of complaints; makes information available to community; investigations provides a more detailed review of complex cases which are unable to be effectively resolved, and a reviews own motion case as directed by the Ombudsman</td>
</tr>
</tbody>
</table>

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### Potential Intelligence Implementation: Is there adequate allocation of personnel and resources to support the implementation of internal intelligence functions?

| Potential Intelligence Implementation: Is there adequate allocation of personnel and resources to support the implementation of internal intelligence functions? | Organisational priorities – how much is enough of a particular resource and what is the desired outcome? Projects require intelligence – e.g., published statistics; “green pack” of correspondence; data base information | Perception that staff are too busy; and information is currently accessible through the internet, internal databases and long-term staff memory (issues with loss of knowledge); obtained on an as needs basis | Value added to current practice? Intelligence is already in operation through corporate knowledge – although implementation may assist in tracking systemic issues; aid internal decision making; and refine reporting procedures | Approx 20 staff are retained for investigative purposes - intelligence best undertaken by people whom have an understanding of investigative roles. Further, issues of consistency in database case files could be improved |

### Current Ombudsman Practices: Is there an individual or collective emphasis on the collection and analysis of information during assessments and investigations?

| Current Ombudsman Practices: Is there an individual or collective emphasis on the collection and analysis of information during assessments and investigations? | Majority of case work conducted individually with some consultation necessary (mentoring) Assignment to “teams” is dependent on the nature of the case under investigation and a team leader may be appointed. There is also a current case review procedures determine the resources and extent of investigation | Majority of cases are investigated on an individual basis – staff are aware of the expertise of others; junior staff are often assisted to facilitate career mentoring and sharing of knowledge; and larger or own motion cases usually allocated to teams | Most investigative work occurs on an individual basis. Where team work does occur tasks are generally shared and the leader may rely on others, especially in an administrative capacity. Team work is often viewed as mentoring and a way of training staff in collection and investigation methods | Case work allocated on an individual basis but there is capacity for team work to occur through mentoring. A decision to assess or investigate is dependent on information available; failure to provide comprehensive assessment may lead to investigation and if a matter is complex, advice is sought from colleagues |

### Potential Intelligence Implementation: Would the implementation of internal intelligence functions decrease the work currently involved in assessment and investigation (assessing the overall impact)?

| Potential Intelligence Implementation: Would the implementation of internal intelligence functions decrease the work currently involved in assessment and investigation (assessing the overall impact)? | May or may not assist at several levels – strategically, may improve administration to identify repeat problems; tactically, it may not be possible to have the operation of intelligence in isolation from other functions; and operationally, intelligence may reduce complaints in long term but may not be fully utilized in daily application | Intelligence may assist with time management issues and reduce the overall work associated with finding information but it would not be expected that intelligence directly influence any improvement in reports and recommendations | Intelligence would not decrease work as the office is too small – intelligence would be better suited to NSW or Cwth Ombudsman where staff 150–200 plus. Currently, informal intelligence operates reasonably well, however, to the extent it is reliant on the permanency of knowledge, an intelligence unit could be useful in tracking historical information | The implementation of intelligence would assist to reduce repetition in connection with every investigation; and expedite the overall process of assessment and investigation. However, although intelligence would be useful in improving process, it must be remembered that each case may be different and deserving of review on merit |
| 2.5 | Potential Intelligence Implementation: Would the implementation of internal intelligence functions compliment or adversely affect current mission statements and legislated objectives of the Ombudsman? | Amendments to legislated objectives would depend on how intelligence functions operated in practice – e.g., internal or external. Generally, intelligence would seem to fit well within current legislated objectives as the majority of information is used internally or to assist agency improvement. Intelligence would seem to compliment legislated objectives – current legislation allows for sharing of information internally or externally when responding to a complaint; and the storage of information. Legislative changes would be dependent on purpose behind releasing information – currently information is released in the public interest; to the parliament; to relevant agencies; and kept internally to aid future assessments and investigations. The Ombudsman’s mission to assist the Parliament in maintaining administrative accountability within the public sector would not be compromised if information was used to aid an investigation internally. However, it may be necessary to implement / upgrade the security of information. |
| 2.6A | Potential Intelligence Implementation: The feasibility of implementing internal intelligence functions | Intelligence is already implemented but without specific recognition (if intelligence was to operate in a defined role more resources would need to be allocated). Perhaps the Ombudsman’s Office does not demonstrate the capacity in terms of resources but it definitely demonstrates capability in terms of personnel to implement intelligence functions. Implementation of intelligence may have some potential improvements but may also result in a negative trade-off of resources between intelligence and the assessment / investigation process. Currently a lack of procedure to ensure consistency of information available in assessment / investigation – staff only aware of information over time and significant loss in knowledge occurs when staff leave the office. |
| 2.6B | Current Ombudsman Practices: Examples of intelligence practices which influence decision making without recognition by personnel within the Ombudsman’s Office | The major example of intelligence is the exchange of information which occurs between the Ombudsman and various agencies to improve administration. Internal examples of intelligence include updates of information; the circulation of correspondence; and informal case review. Corporate memory based intelligence is the primary example but access is reliant on knowing where to go (and to whom) for information relating to a decision. The concept of shared information rather than intelligence is present within the Ombudsman’s Office. |
### Data Collection Set 3:
The Investigation and Assessment Process within the Ombudsman's Office

<table>
<thead>
<tr>
<th>3.1</th>
<th>Investigations and Assessments: The extent of public access with respect to both legislated and non-legislated matters</th>
<th>Pilot Interview</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Extensive written and verbal complaints received each year – some may be duplications; relate to matters already under investigation; or be outside jurisdiction</td>
<td>Extensive written and verbal complaints received each year – some may be duplications; relate to matters already under investigation; or be outside jurisdiction</td>
<td>Complaints based on investigations generated the public; and Own Motion Investigations initiated at the discretion of the Ombudsman to examine social trends and issues</td>
<td>Extensive inquiries received each year with many factors involved in determining jurisdiction. Assessments receive up to 30 complaints per day which require further review and investigation</td>
<td></td>
</tr>
</tbody>
</table>

| 3.2A | Investigations and Assessments: Summary of assessment / investigation process | Process of investigation depends on availability of documents; interviews; the nature of the case; best practice and internal process of the agency under review; relevant law; and the discretion of the Ombudsman (but RC powers are rarely invoked) | Investigation is concerned with a review of the decision making process in a particular case, not a merits based review – is the process correct; and is the decision one which is reasonably open to the agency to have made? | An extensive process of seeking a report; reviewing legislation and procedures; conducting interviews; and examining files. Assessment provides initial analysis; and investigation provides a framework to analysis by reviewing procedure, not actions | The process of investigation depends on the individual case – but it is generally an analytical process of reading; research; discussion; and decision making. Investigation is easier if the officer has knowledge of the matter at hand and access to contacts |

| 3.2B | Investigations and Assessments: Desired resolution / outcomes from an assessment / investigation of a complaint | To form a preliminary view which sets out the matter at hand; the investigative process undertaken; and initial recommendations | To improve complaint handling procedures within agencies; ensure no detriment to complainant because of decision; and make recommendations | To resolve complaints in a manner which is fair and independent; close the case; obtain redress; and improve overall administrative efficiency of Agency | To provide a “rights of appeal” process; which in most circumstances, a thorough and effective investigation will assist in an appropriate resolution |
### Investigations and Assessments: How is biased information identified, and either verified or disputed through other sources?

| Information may contain conflicting views without being right/wrong and investigators need to have a common sense approach – access to wide powers of investigation, and checks and processes to ensure accuracy. Investigation is an administrative not a legal process, in which recommendations not decisions are formed | Difficult to prove bias of information (reliant on the judgment of the investigating officer). Although complaints are evaluated on the balance of probabilities evidence must be documentary in form; the Ombudsman also has Royal Commission powers and can take evidence under oath | Difficult to quantify bias (reliant on the inquiry skills of personnel). Information obtained by the Ombudsman’s Office is rarely verified by other organizations, but rather it is confirmed through a review of relevant policies; procedures; legislation; and agency reports which are sustained by their files | Verification involves a review of the evidence as a whole; sourcing of alternate evidence such as files, policies and legislation; alertness to obvious contradictions; clarification with other staff; and the Ombudsman’s use of coercive powers for accessing and obtaining information in extreme circumstances |

### Investigations and Assessments: How is information relating to an investigation or assessment recorded?

| Information and statistics are recorded on a number of levels – strategically, to provide an analysis of trends; tactically, to improve customer services and decision making; and, operationally to manage resources and case load | The individual responsible for a case is responsible for the contents of a file – reports of findings must be based on the information available, and with supporting documentation contained in the file | The contents of a case file will depend on the nature and complexity of the case and the information to report, but should generally contain letters and a report outlining the preliminary view and reasonable and persuasive arguments behind the decision | A case file should contain correspondence; agency procedure; and legislation – Inconsistency of case file management is problematic, particularly with a lack of recording of analytical process involved in a case |

### Investigations and Assessments: How is information relating to an investigation or assessment stored, and how accessible is such information for future retrieval?

| Ombudsman filing procedures are compliant with the requirements of the State Records Act – there are both electronic and paper based case files, both contain information with high levels of sensitivity | There is in place a records management system to assist in the location of files; both open and closed files are kept according to a disposal schedule: and all files are located in secure areas | Case information stored in individual files and electronically for the purpose of complaints management and case recall. Filing procedures regulate a disposal schedule in accordance with the State Records Act; and the locality of files is in a secure area | Files containing case information are stored electronically in a secure area (some have restricted access); are maintained by a records manager; and are audited periodically |
3.6 Investigations and Assessments: 
What is the process for evaluating an investigation or assessment?

Current process of evaluation examines only poorly handled cases where the complainant has request for review by a senior independent person. This process is fair and reasonable but lacks pro-activity, and therefore, the office is currently developing alternate methods of evaluation in addition to current process.

Complainants whom are unhappy with case outcomes may request an independent review by a senior officer; and a formal internal performance monitoring process is also under development (which is expected to involve random checks of investigating procedure and available documents and/or other evidence).

At present the “green pack” of correspondence circulated on a weekly basis are read by the Ombudsman and other personnel, and viewed, at least by some staff, as a preliminary quality check of assessment and investigative work. However, the office is progressing towards the implementation of a formal quality assurance process.

Traditionally cases are reviewed only at the complainants request; with random case file checks being a recent implementation and subject to further development. Another unrecognized mechanism for evaluation is the transition from assessment to investigation, as this subjects the contents of the case to further review.

Data Collection Set 4: 
Current Decision Making Practices within the Ombudsman’s Office

<table>
<thead>
<tr>
<th>Pilot Interview</th>
<th>Interview 1</th>
<th>Interview 2</th>
<th>Interview 3</th>
</tr>
</thead>
</table>
| **4.1A Decision Making Practices:**  
Examples of decision making practices present within the Ombudsman’s Office | Within the Ombudsman’s decision making is a statutory function, a formal delegation of power which includes both managerial and investigative decisions | Examples include case related decision making; and ombudsman level decision making (procedural matters) | Investigative management decision making occurs on all investigations; and internal operational decision making occurs in relation to administrative decisions |
| **4.1B Decision Making Practices:**  
What is the process of decision making and which personnel make decisions? | Personnel provided with decision making training which involves aspects pertaining to “developing a logical argument before arriving at a conclusion” | Decisions made by assessment / investigative staff right through to a managerial level | Decisions communicated downwards in the hierarchical structure through team meetings, internal policy and operations manuals |
| **4.2 Decision Making Practices:**  
What is the process for communicating decision making outcomes both internally and externally? | Decision making and learning are not generally captured and repeated in the Ombudsman’s Office – process for decision making often varies | Communication with external parties occurs through written correspondence; and internal communication occurs through the “green pack” of correspondence distributed weekly | External decisions are communicated through reports and letters; and internal decisions are communicated at staff meetings. Investigative decisions are communicated through the “green pack” |

Communication with external parties occurs through formal written correspondence; and internal communication occurs through the “greens pack” distributed weekly.
<table>
<thead>
<tr>
<th>4.3</th>
<th>Decision Making Practices: What is the Ombudsman's process for the disclosure of decision making outcomes (information) to Agencies and to the Public?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal disclosure occurs in accordance with provisions of the act (exempt from FOI), however, disclosure to agencies may sometimes be verbal and less formal.</td>
<td>The work of the Ombudsman is confidential but is able to publish cases of interest (anonymously); include case studies in annual reports; report to parliament; and disclose details to relevant parties.</td>
</tr>
<tr>
<td>Disclosure of information by the Ombudsman's Office is regulated by legislation, however, a fair amount of information is disclosed to agencies on a consultant basis (although this is not recommended while matter is still under investigation).</td>
<td>There is strict confidentiality of information with respect disclosure – parties external to a complaint must have authorization to receive information; although some public interest disclosure may occur at the discretion of the Ombudsman.</td>
</tr>
</tbody>
</table>

| 4.4 | Decision Making Practices: Is there a process of documentation to record the disclosure of decision making outcomes (information) to Agencies and to the Public? |
| Both the structured records system and the delegation schedule of decision making developed in accordance with the provisions of the Act cover disclosure of information. | Case file management is the individual investigating officers responsibility – disclosure documented through file notes, emails, and copies of correspondence. |
| Placement of documentation in the case file is reliant on the personnel handling the case to competently carry out procedures – disclosed documents are copied to yellow paper in the case file. | Disclosed documents are copied to yellow paper in the case file; reports are copied into files; conversations are documented as file notes; and emails are recorded on central database. |

| 4.5 | Decision Making Practices: Are personnel adequately informed of decision making outcomes; is there opportunity for internal feedback and sharing of information? |
| Perspectives of adequate information may depend on a staff / management view. | Investigators make the majority of decisions in relation to case files, feedback is then sought from their team manager or another senior officer – feedback tends to flow downwards and often takes the form of an informal discussion or case file notes / corrections. |
| Case related feedback occurs through emails and discussions with team managers, the Deputy Ombudsman / Ombudsman; and the internal performance management process. | Case management decision making is well informed by the "green pack", emails, and staff meetings, and is open to interpretation – there is not always a clear right or wrong process of thought or even an appropriate final decision. Personnel are always able to comment, but may not do so for various reasons. |
ATTACHMENT 1
MY LEARNING JOURNEY ILLUSTRATED

1. START

2. DECISION TO COMPLETE HONOURS: PERSONAL DEVELOPMENT

3. DEVELOP RESEARCH PROPOSAL & ETHICS SUBMISSION

4. APPROACH INDUSTRY AND ORGANISATIONS: CONTEXTUALISATION & UNDERSTANDING

5. APPLICATION OF THEORY TO PRACTICE: DEVELOP RESEARCH STRATEGY & METHOD

6. DATA COLLECTION

7. REVIEW & LEARNING

8. VALIDATION

9. QUESTIONING: SOUGHT MEANING DEVELOPED UNDERSTANDING

10. DATA INTERPRETATION & ANALYSIS

11. WRITE UP OBSERVATIONS / DEVELOP CONCLUSION

12. REFLECTION

13. THESIS

FINISH