



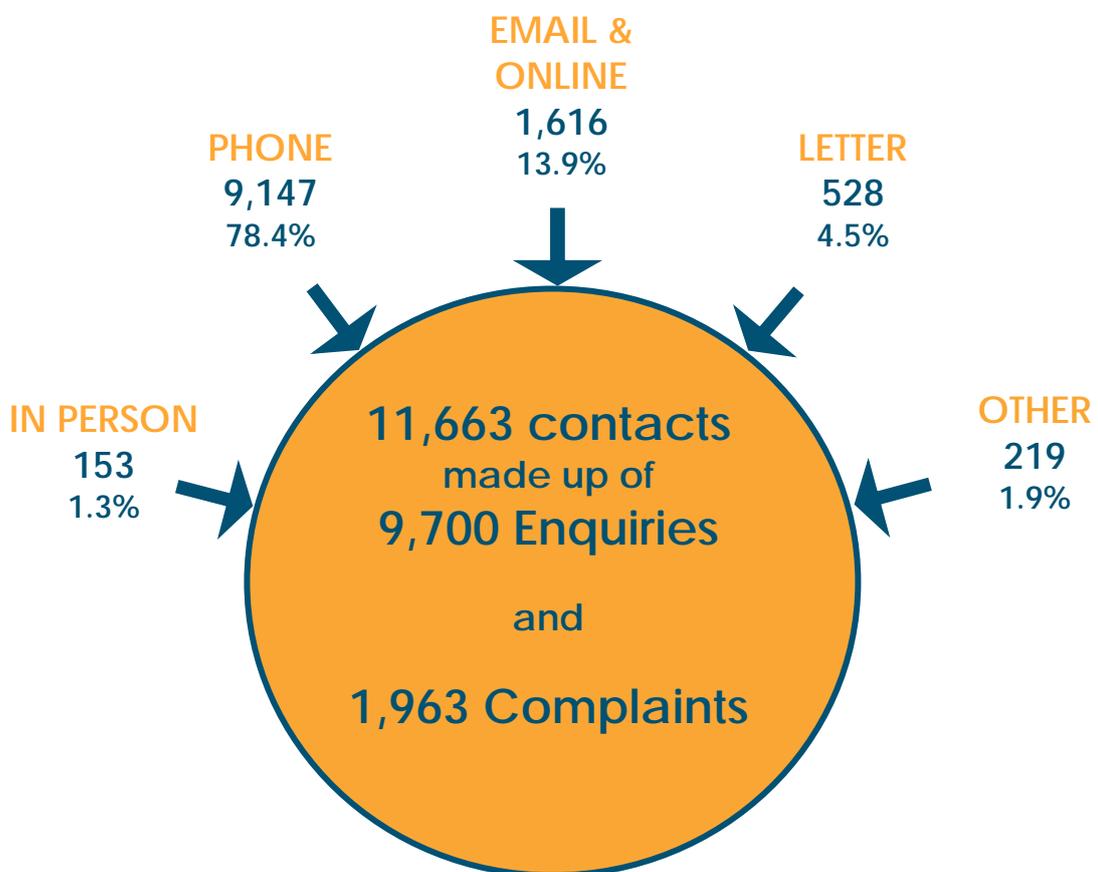
Complaint Resolution

One of the core Ombudsman functions is to resolve complaints received from the public about the decision making and practices of State Government agencies, local governments and universities (commonly referred to as public authorities). This section of the report provides information about how the Office assists the public by providing independent and timely complaint resolution and investigation services or, where appropriate, referring them to a more appropriate body to handle the issues they have raised.

Contacts

In 2015-16, the Office received 11,663 contacts from members of the public consisting of:

- 9,700 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 1,963 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

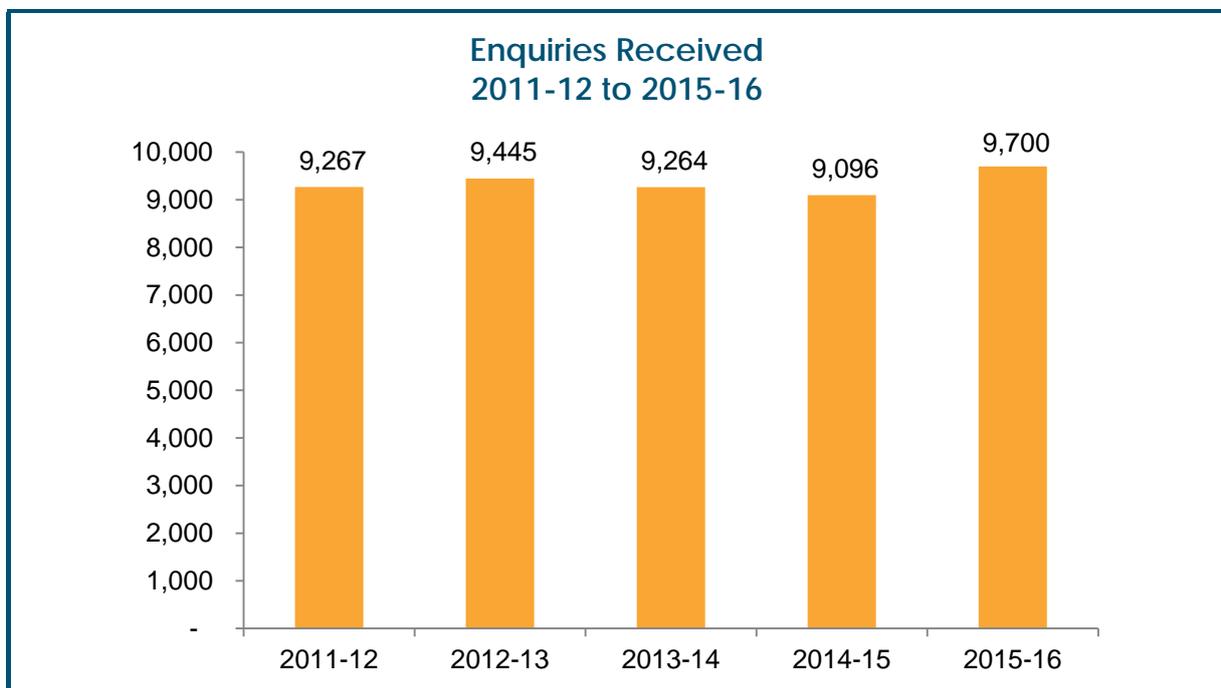


Enquiries Received

There were 9,700 enquiries received during the year.

For enquiries about matters that are within the Ombudsman's jurisdiction, staff provide information about the role of the Office and how to make a complaint. For approximately half of these enquiries, the enquirer is referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to have the issue dealt with. Enquirers are advised that if their issues are not resolved by the public authority, they can make a complaint to the Ombudsman.

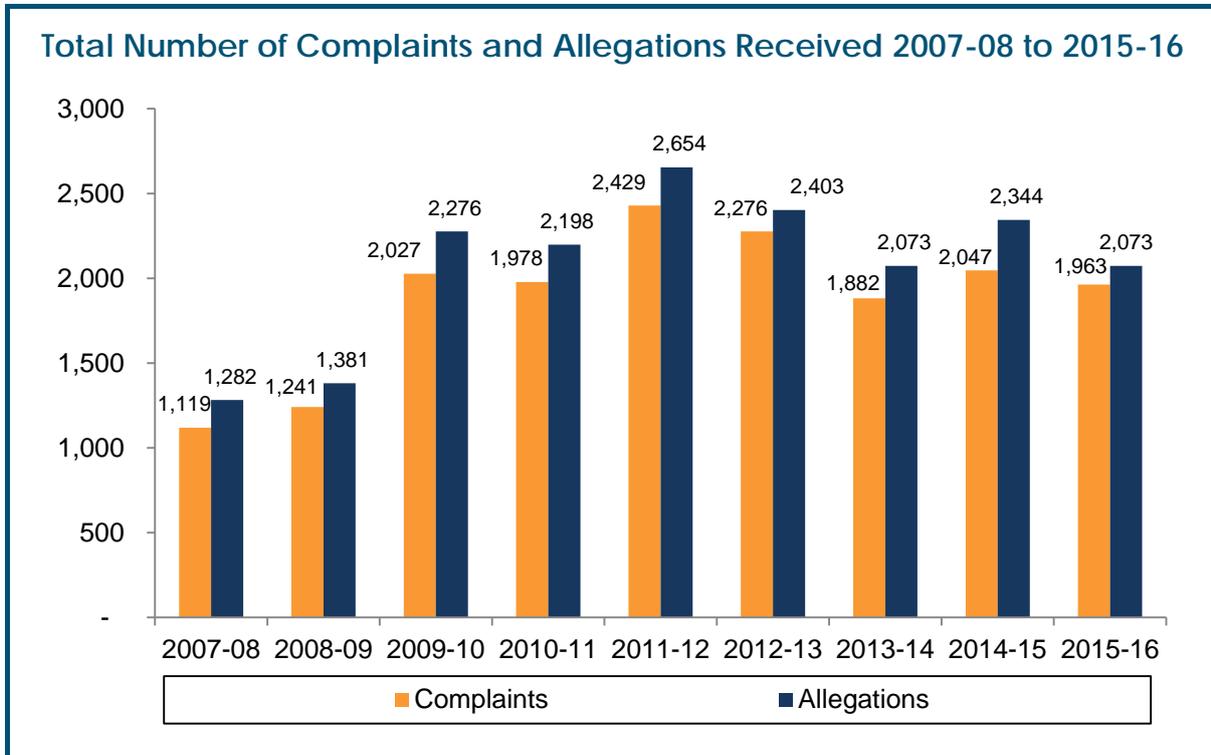
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.



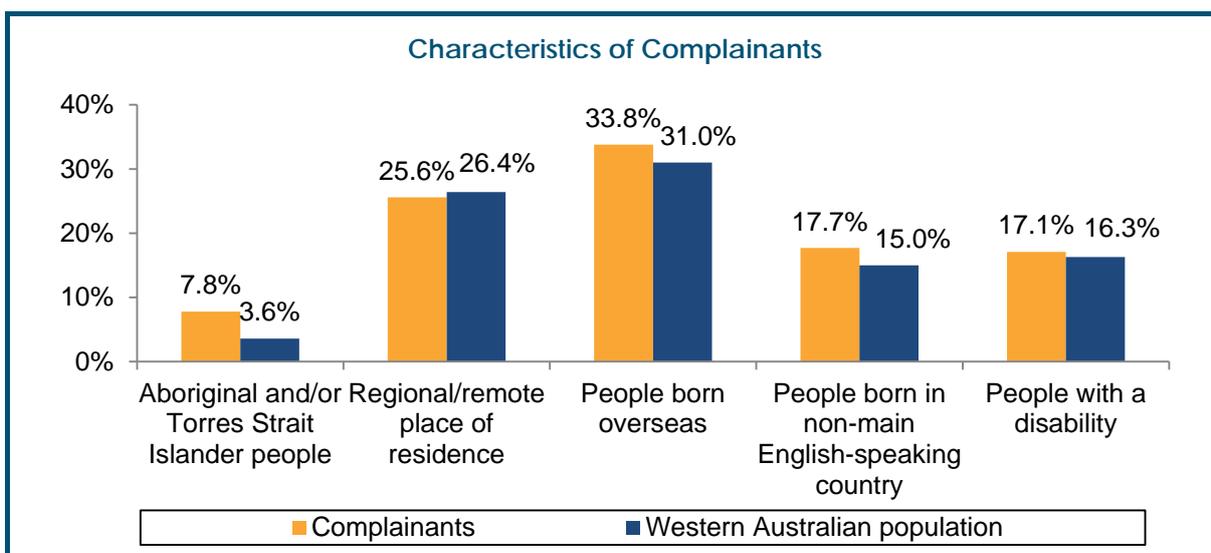
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2015-16, the Office received 1,963 complaints, with 2,073 separate allegations, and finalised 1,887 complaints. There are more allegations than complaints because one complaint may cover more than one issue.



NOTE: The number of complaints and allegations shown for a year may vary in this and other charts by a small amount from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations with a start date in a previous reporting year.

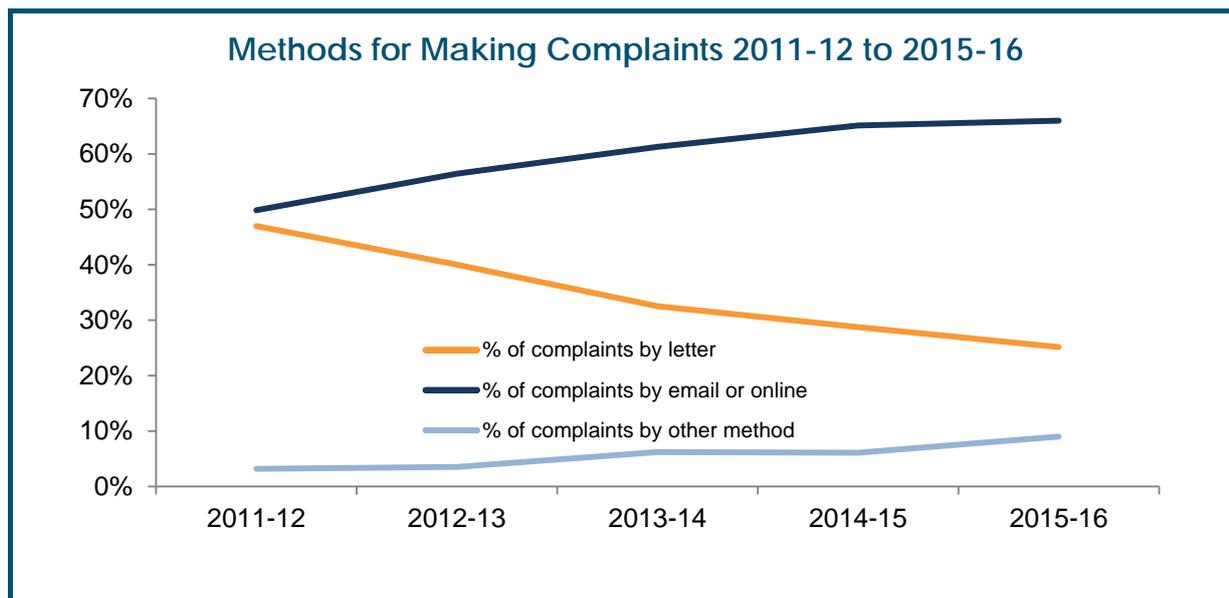


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply a lack of proficiency in English.

How Complaints Were Made

The increase in the use of email and online facilities to lodge complaints has continued in 2015-16, increasing from 65% in 2014-15 to 66% in 2015-16. The proportion of people using email and online facilities to lodge complaints has increased by 16% since 2011-12, when 50% were received in this way.

During the same period, the proportion of people who lodge complaints by letter has reduced from 47% to 25%. The remaining complaints were received by a variety of means, including by fax, during regional visits and in person.



Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to investigate and resolve complaints. This approach is highly efficient and effective and results in timely resolution of complaints. It gives public authorities the opportunity to provide a quick response to the issues raised and to undertake timely action to resolve the matter for the complainant and prevent similar complaints arising again. The outcomes of complaints may result in a remedy for the complainant or improvements to a public authority's administrative practices, or a combination of both. Complaint resolution staff also track recurring trends and issues in complaints and this information is used to inform broader administrative improvement in public authorities and investigations initiated by the Ombudsman (known as [own motion investigations](#)).

Early resolution involves facilitating a timely response and resolution of a complaint.

Time Taken to Resolve Complaints

Timely complaint handling is important, including the fact that early resolution of issues can result in more effective remedies and prompt action by public authorities to prevent similar problems occurring again. The Office's continued focus on timely complaint resolution has resulted in ongoing improvements in the time taken to handle complaints.

Timeliness and efficiency of complaint handling has substantially improved over time due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints.

Building on the program, the Office developed and commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. There have been further enhancements to complaint handling processes in 2015-16, in particular in relation to the early resolution of complaints.

Together, these initiatives have enabled the Office to maintain substantial improvements in the timeliness of complaint handling.

In 2015-16:

- The percentage of allegations finalised within 3 months was 95%; and
- The percentage of allegations on hand at 30 June less than 3 months old was 93%.

**95% of allegations
were finalised within
3 months.**

Following the introduction of the Office's complaint handling improvement program in 2007-08, very significant improvements have been achieved in timely complaint handling, including:

- The average age of complaints has decreased from 173 days to 27 days; and
- Complaints older than 6 months have decreased from 40 to 1.

Complaints Finalised in 2015-16

There were 1,887 complaints finalised during the year and, of these, 1,290 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 701 were finalised at initial assessment, 561 were finalised after an Ombudsman investigation and 28 were withdrawn.

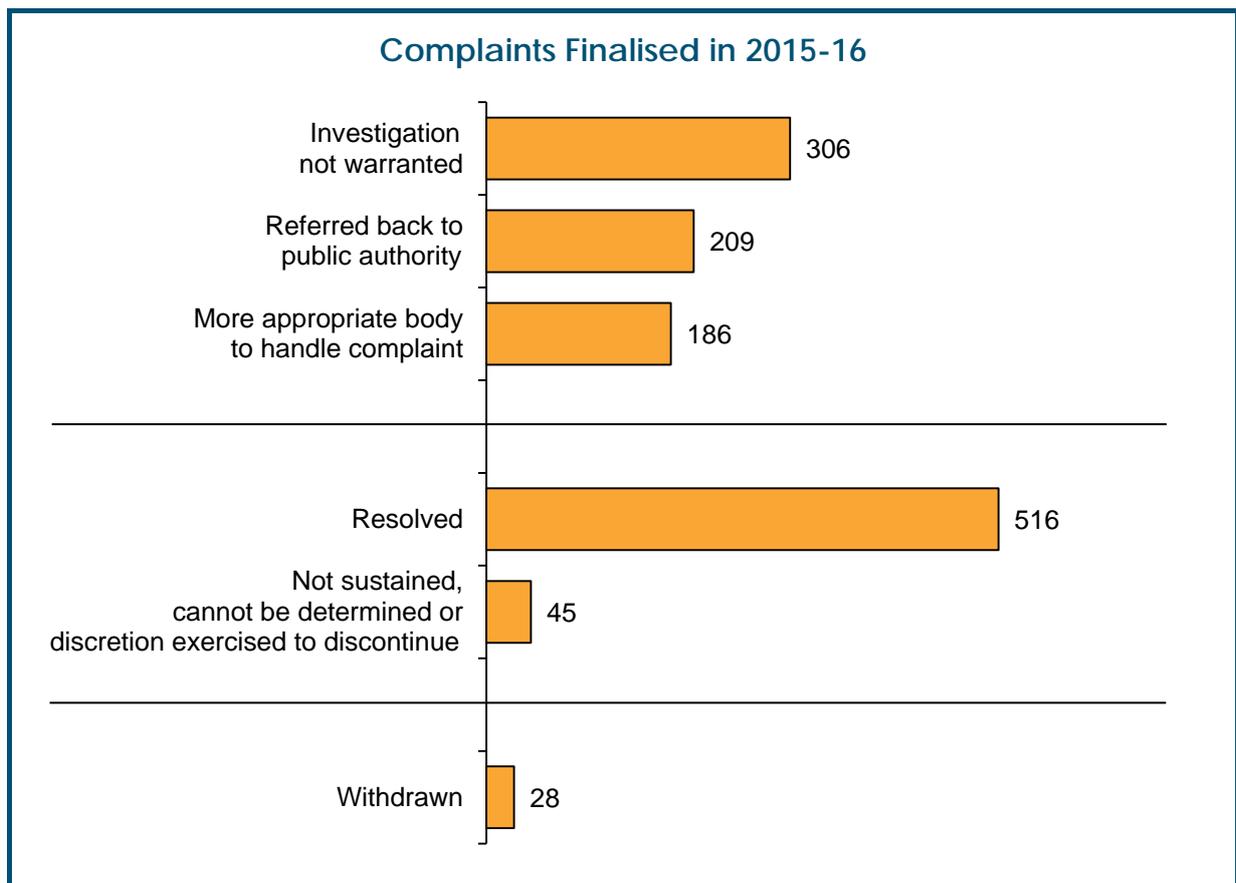
Complaints finalised at initial assessment

Nearly a third (30%) of the 701 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 186 (27%) complaints finalised at the initial assessment, it was determined that there was a more appropriate body to handle the complaint. In these cases, complainants are provided with contact details of the relevant body to assist them.

Complaints finalised after investigation

Of the 561 complaints finalised after investigation, 92% were resolved through the Office's early resolution approach. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolve complaints using this approach and frequently offer practical and timely remedies to resolve matters in dispute, together with information about administrative improvements to be put in place to avoid similar complaints in the future.

The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised.



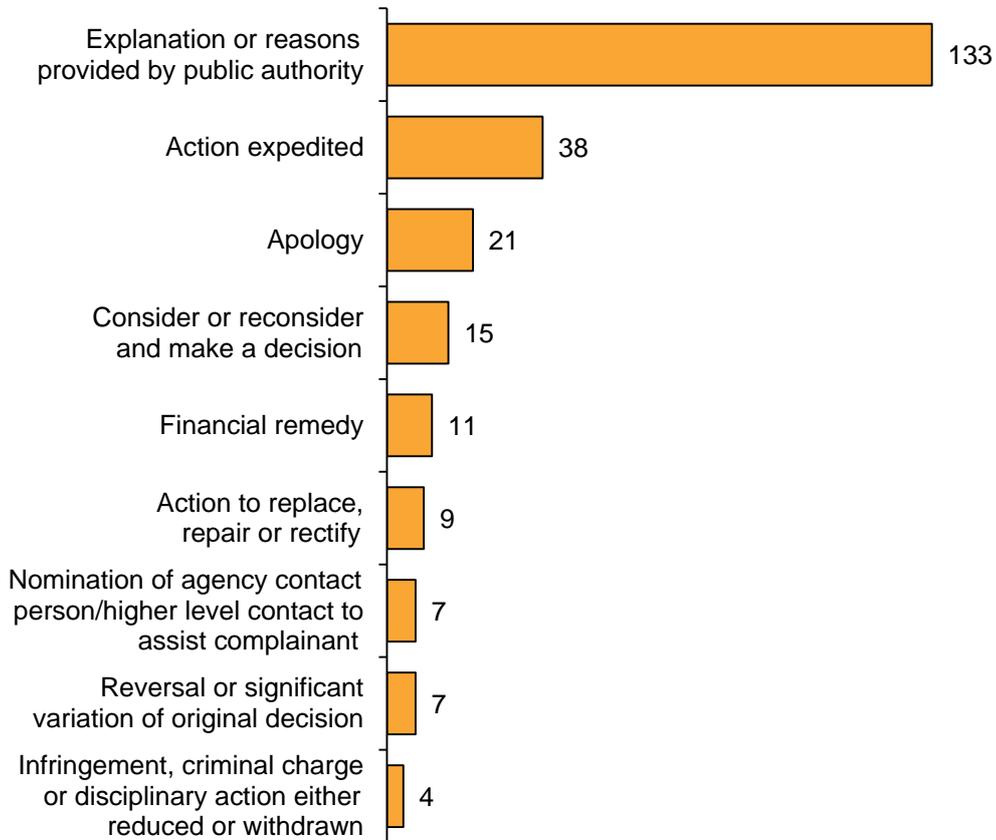
Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman's jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2015-16, there were 245 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, an increase of 16% from 211 in 2014-15. In some cases, there is more than one action to resolve a complaint. For example, the public authority may apologise and reverse their original decision. In a further 143 instances, the Office referred the complaint to the public authority following its agreement to expedite examination of the issues and to deal directly with the person to resolve their complaint. In these cases, the Office follows up with the public authority to confirm the outcome and any further action the public authority has taken to assist the individual or to improve their administrative practices.

The following chart shows the types of remedies provided to complainants.

Remedial Action to Assist the Complainant in 2015-16



Case Study

Decision reconsidered after Ombudsman involvement

A person had their licence and other identification documents stolen. They applied to a public authority to have one of their documents replaced, however, the public authority rejected their application as they were unable to provide a primary form of identification. The person complained to the Office that they needed the document quickly and they were unable to obtain the replacement primary identification in the required timeframe.

Following enquiries by the Office, the public authority agreed that it had scope for discretion to provide the document if it was satisfied of a person's identity through provision of other established documents and verification of personal information held on the public authority's database. The public authority wrote to the complainant and explained that, due to their particular circumstances, the complainant could obtain a replacement licence by providing multiple forms of secondary identification.

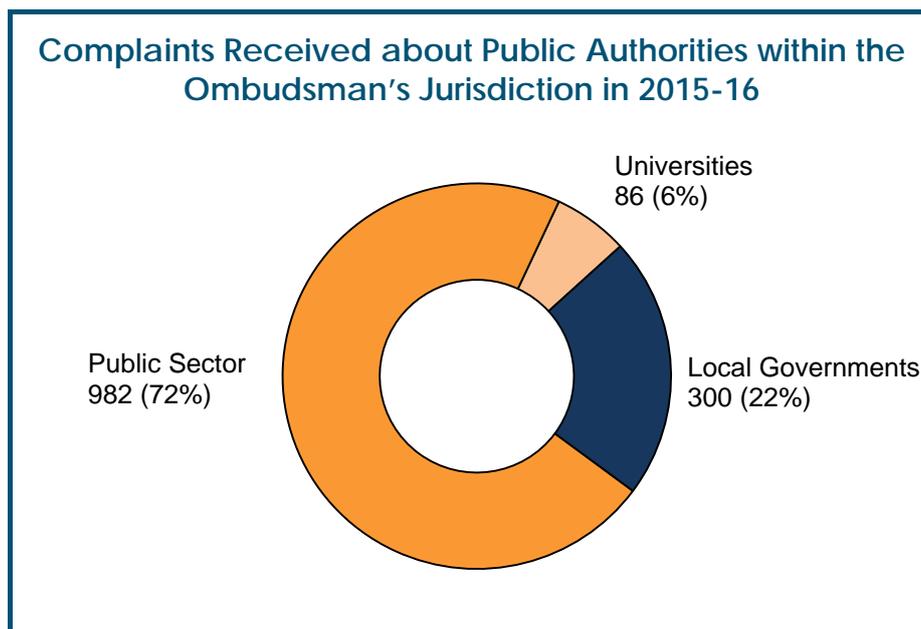
Outcomes to improve public administration

In addition to providing individual remedies, complaint resolution can also result in improved public administration. This occurs when the public authority takes action to improve its decision making and practices in order to address systemic issues and prevent similar complaints in the future. Administrative improvements include changes to policy and procedures, changes to business systems or practices and staff development and training.

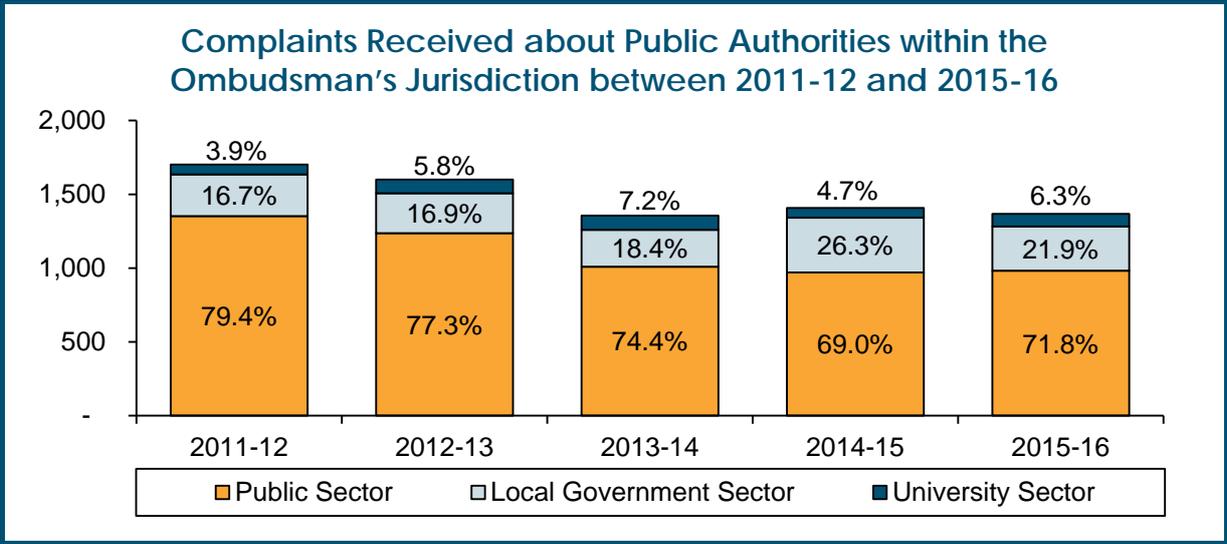
About the Complaints

Of the 1,963 complaints received, 1,368 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 595 complaints were about bodies outside the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people making the complaint to take the complaint to a more appropriate body.

Public authorities in the Ombudsman's jurisdiction fall into three sectors: the public sector (982 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (300 complaints); and the university sector (86 complaints).

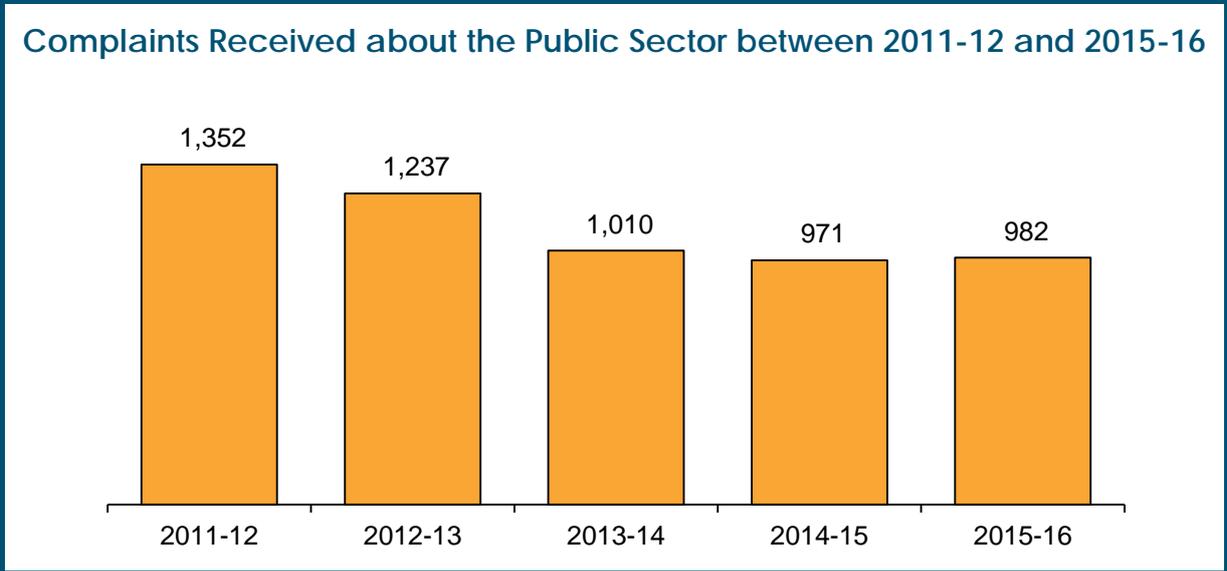


The proportion of complaints about each sector in the last five years is shown in the following chart.

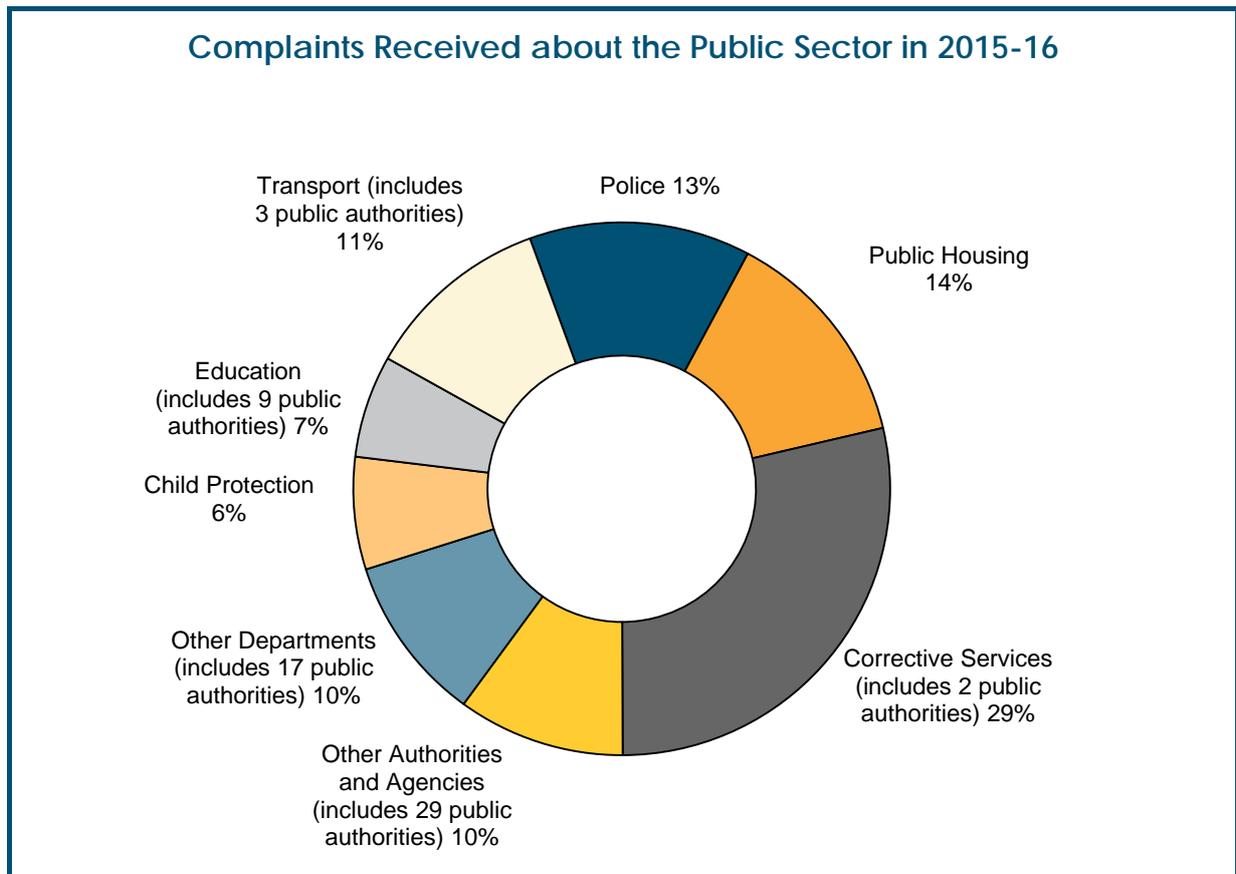


The Public Sector

In 2015-16, there were 982 complaints received about the public sector and 940 complaints were finalised. The number of complaints about the public sector as a whole since 2011-12 is shown in the chart below.



Public sector agencies are very diverse. In 2015-16, complaints were received about 63 agencies as shown in the following chart.



Of the 982 complaints received about the public sector in 2015-16, 80% were about six key areas covering:

- Corrective services, in particular prisons (281 or 29%);
- Public housing (133 or 14%);
- Police (131 or 13%);
- Transport (111 or 11%);
- Education – public schools and institutes of technology (67 or 7%). Information about universities is shown separately under the University Sector; and
- Child protection (61 or 6%).

The remaining complaints about the public sector (198) were about 46 other State Government departments, statutory authorities and boards. For 41 (89%) of these agencies, the Office received five complaints or less.

Outcomes of complaints about the public sector

There were 220 actions taken by public sector bodies as a result of complaints finalised in 2015-16. These resulted in 178 remedies being provided to complainants and 42 improvements to public sector practices.

The following case study illustrates the outcomes arising from complaints about the public sector. Further information about the issues raised in complaints and the outcomes of complaints is shown in the following tables for each of the six key areas and for the other public sector agencies as a group.



Significant remedial action to rectify processing error

A person found out their licence had been suspended without their knowledge. When they contacted the public authority, they were informed that an unrelated address had been entered against their personal details. This resulted in their licence renewal notification, registration papers, subsequent suspension notices and fines being sent to the wrong address. The person complained to the Office about the error and the costs they would have to incur for re-licencing.

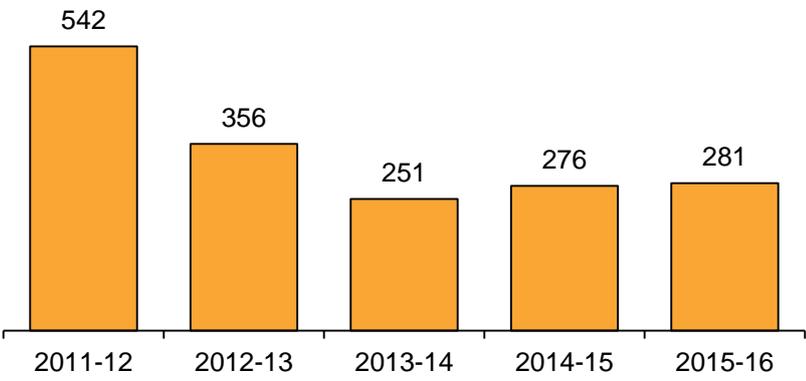
Following enquiries by the Office, the public authority undertook an investigation which revealed that the change of address was made in error when a staff member processed an unrelated person's change of details. The public authority apologised, corrected the error, withdrew the fines, offered to reimburse the person for the cost of temporary permits and re-licencing, and provided training to the staff member to prevent the mistake reoccurring.



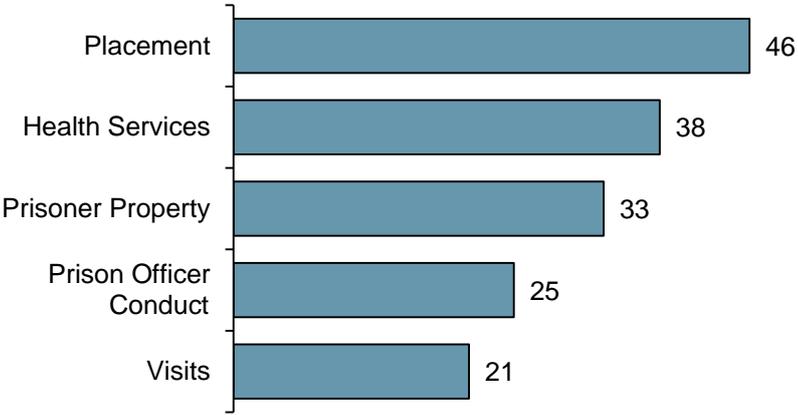
Public Sector Complaint Issues and Outcomes

Corrective Services

Complaints received



Most common allegations



Other types of allegations

- Facilities and conditions;
- Discipline;
- Communication; and
- Sentencing, parole and reintegration issues.

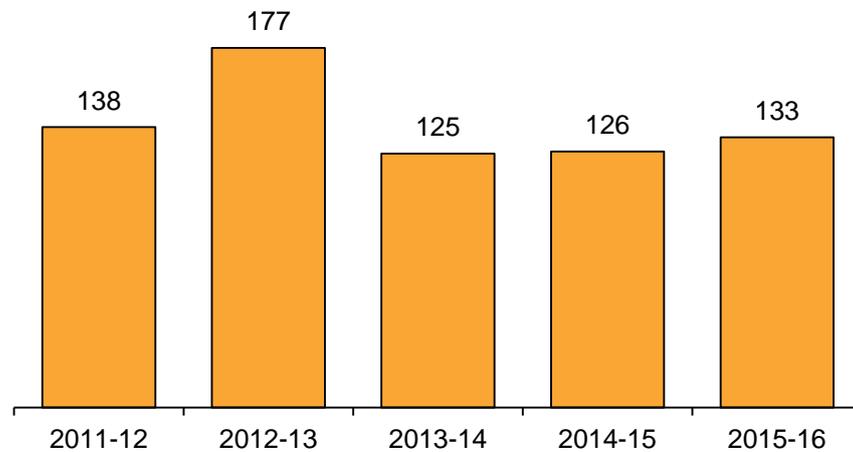
Outcomes achieved

- Action to replace, repair or rectify a matter;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices; and
- Staff training.

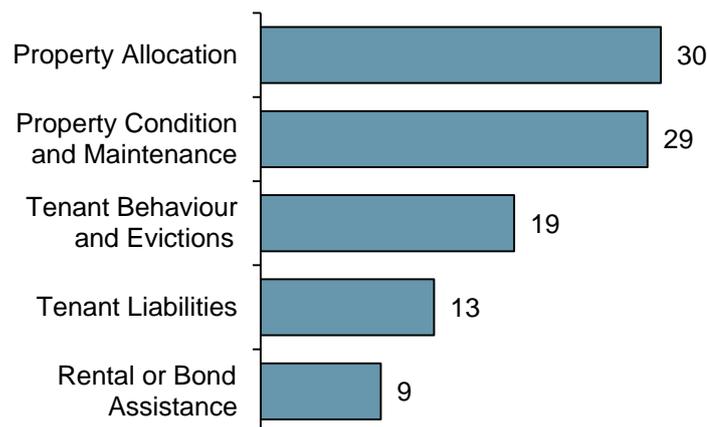


Public Housing

Complaints received



Most common allegations



Other types of allegations

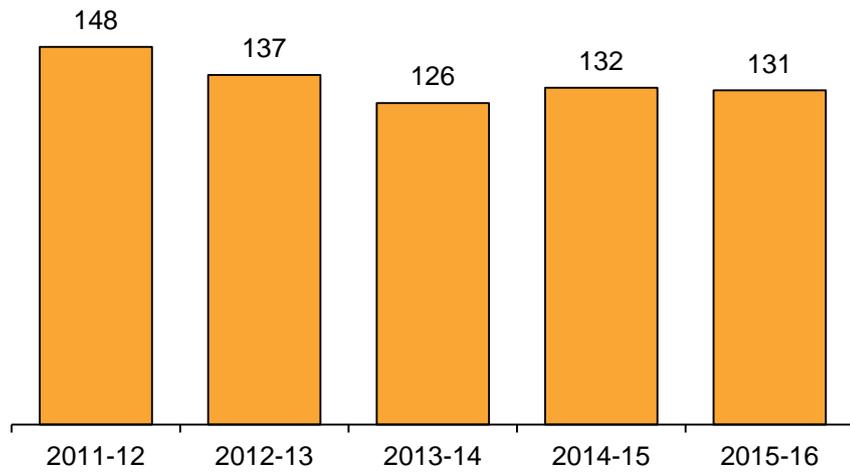
- Property transfers;
- Debt repayments;
- Personal information and privacy issues; and
- Rental sales.

Outcomes achieved

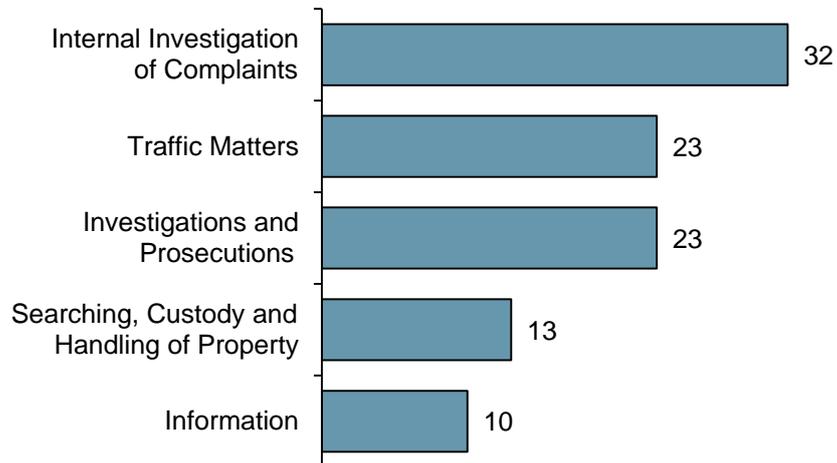
- Act of grace payment;
- Monetary charge reduced;
- Action to replace, repair or rectify a matter;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices; and
- Update to publications or website.

Police

Complaints received



Most common allegations



Other types of allegations

- Improper conduct;
- Management issues; and
- Arrest and detention issues.

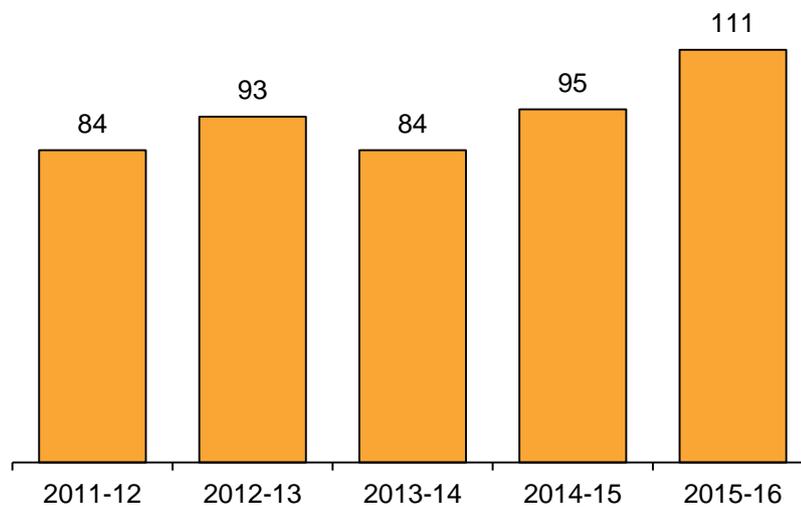
Outcomes achieved

- Infringement withdrawn;
- Action to replace, repair or rectify a matter;
- Apology given;
- Action expedited; and
- Explanation given or reasons provided.

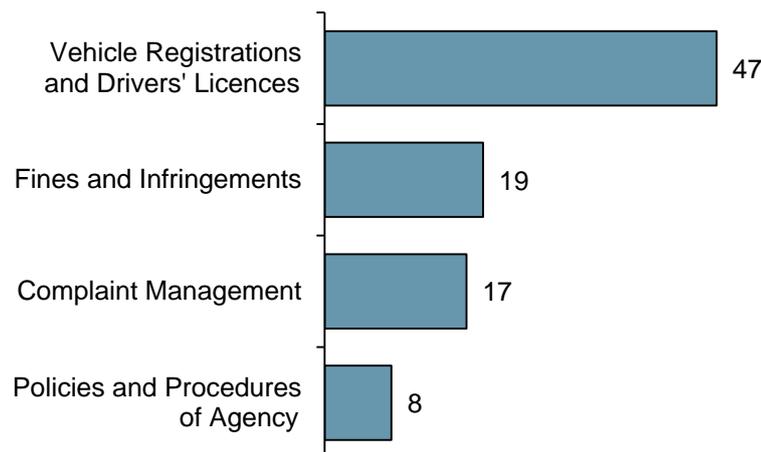


Transport

Complaints received



Most common allegations



Other types of allegations

- Other decision or action by officer or agency;
- Conduct of officer; and
- Personal information and privacy issues.

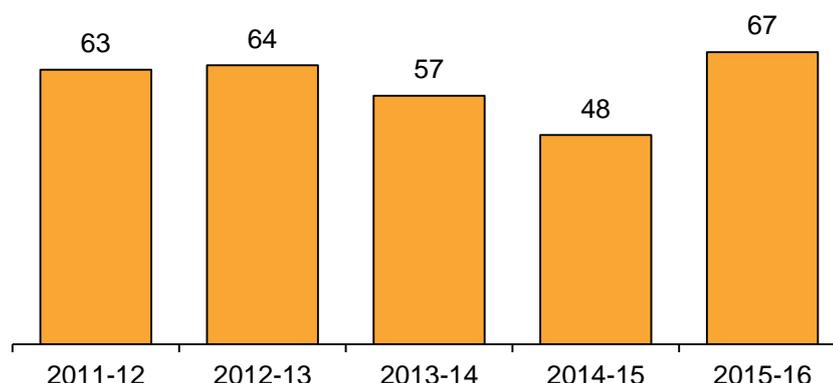
Outcomes achieved

- Monetary charge reduced, withdrawn or refunded;
- Infringement withdrawn;
- Action to replace, repair or rectify a matter;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to business systems or practices;
- Change to policy or procedure; and
- Improved recordkeeping.

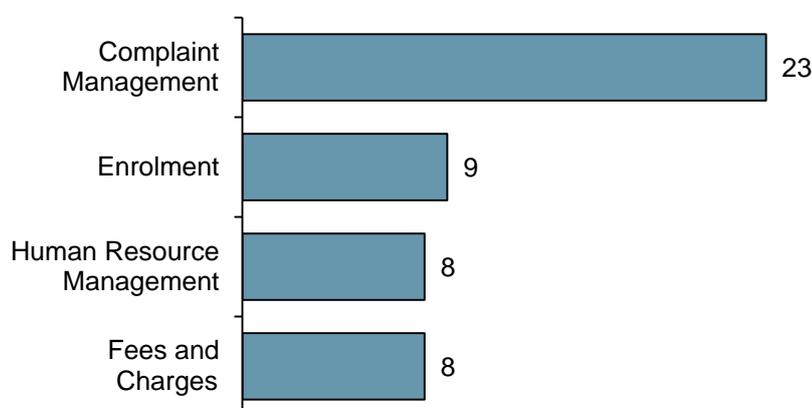


Education

Complaints received



Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Other types of allegations

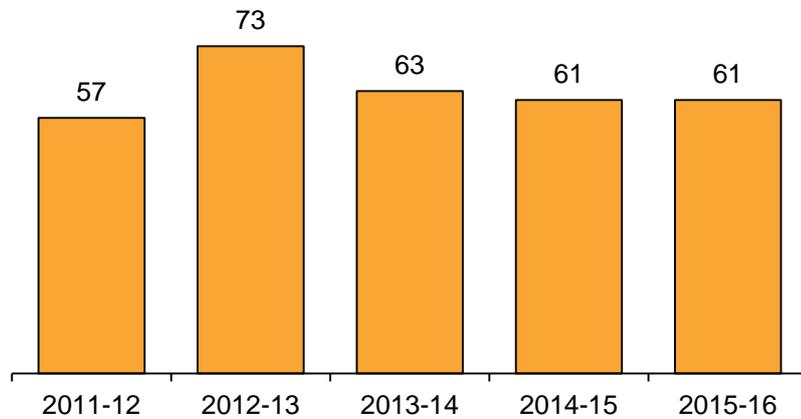
- Academic misconduct;
- Student care; and
- Personal information and privacy issues.

Outcomes achieved

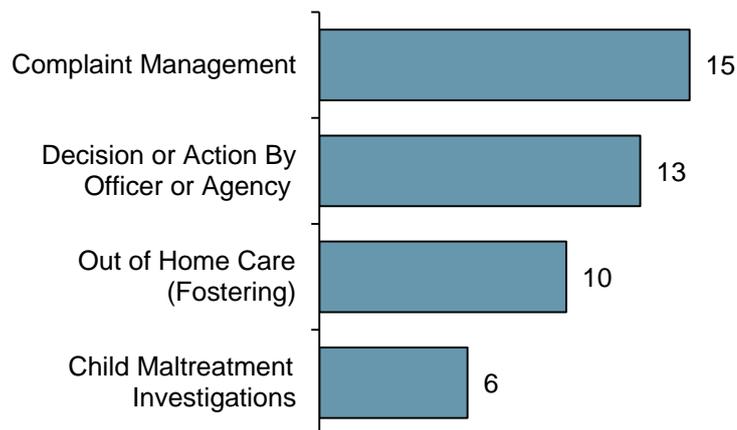
- Reversal or significant variation of original decision;
- Monetary charge reduced or withdrawn;
- Action to replace, repair or rectify a matter;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices;
- Conduct an audit or review;
- Update to publications or website; and
- Staff training.

Child Protection

Complaints received



Most common allegations



Other types of allegations

- Personal information and privacy issues;
- Human resource management issues; and
- Special assistance.

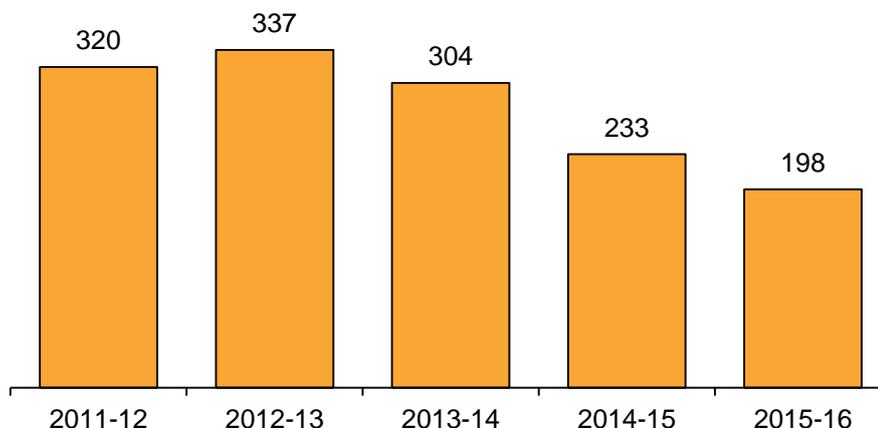
Outcomes achieved

- Reversal or significant variation of original decision;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure; and
- Change to business systems or practices.

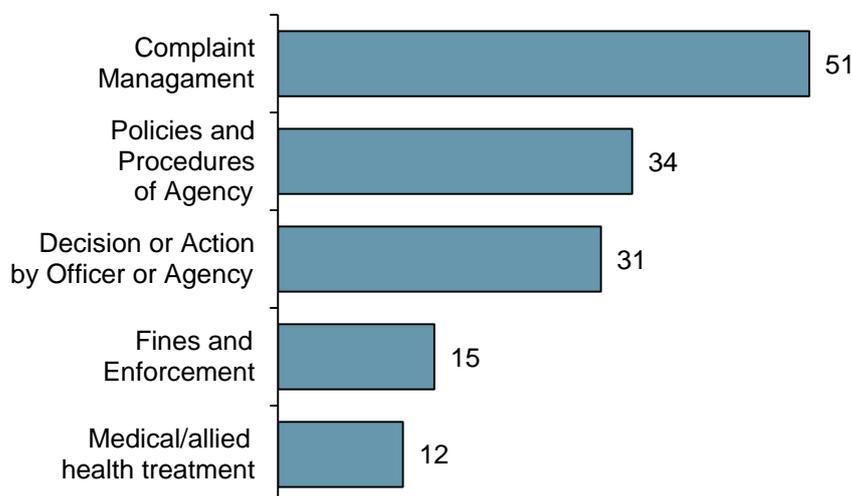


Other Public Sector Agencies

Complaints received



Most common allegations



Other types of allegations

- Conduct of officer or agency;
- Personal information and privacy issues; and
- Human resource issues.

Outcomes achieved

- Reversal or significant variation of original decision;
- Act of grace payment;
- Monetary charge refunded;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Conduct an audit or review; and
- Update to publications.

The following case study provides an example of action taken by a public sector agency as a result of the involvement of the Ombudsman.



Maintenance issues resolved

A tenant of a public authority contacted the public authority's maintenance line and lodged an urgent request for repairs to their plumbing. The tradesperson arrived a day later than expected and only temporarily fixed the problem. The tenant complained to the Office about the ongoing plumbing issues.

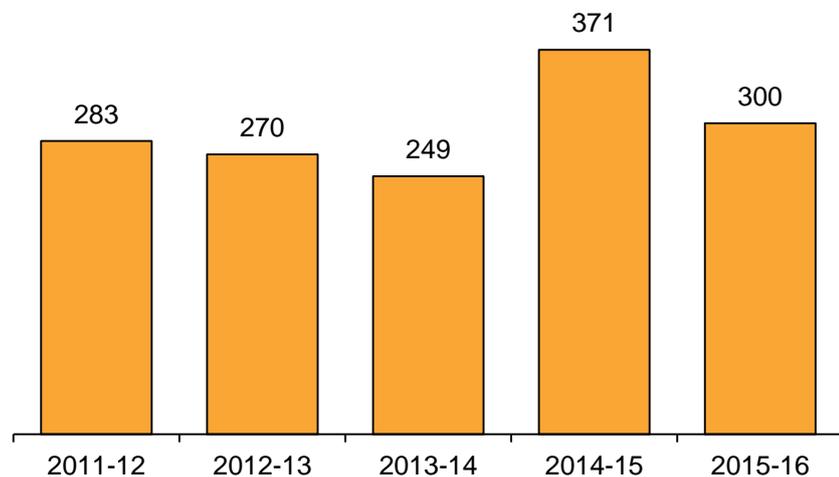
Following enquiries by the Office, the public authority made enquiries internally and agreed that the standard of maintenance service was not acceptable. It wrote to the tenant to apologise, ensured the maintenance works were resolved, and offered a two week rent concession to compensate.

The Local Government Sector

The following section provides further details about the issues and outcomes of complaints for the local government sector.

Local Government

Complaints received

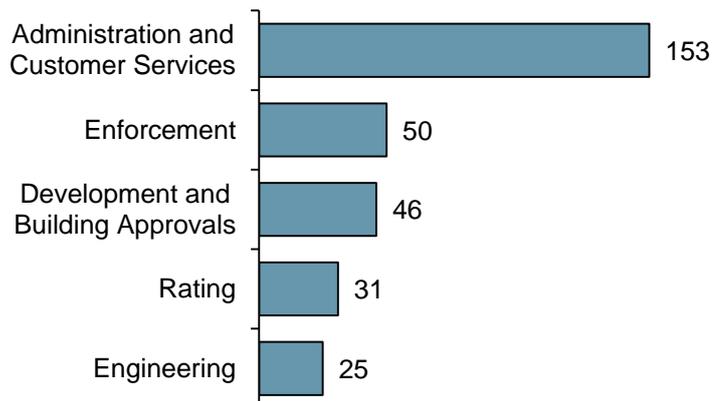


The fluctuation in the numbers in 2014-15 is partly due to complaints where identical or similar complaints were made by different people about the same issue.



Local Government

Most common allegations



Other types of allegations

- Environmental health;
- Community facilities; and
- Planning.

Outcomes achieved

- Reversal or significant variation of original decision;
- Monetary charge or infringement refunded or withdrawn;
- Apology given;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices;
- Update to website; and
- Staff training.



Case

Study



Improved procedures for feedback to residents

A resident asked their local government to repair the crossover at the front of their property. The person raised their concerns with the local government a number of times, over several months, but received no information about if, and when, the repairs would be carried out. The resident then complained to the Office.

Following enquiries by the Office, the local government explained that it had received a large number of similar requests at the time and acknowledged that, although it had recorded the requests and was taking steps to repair affected properties, there were issues with providing satisfactory feedback and information to residents.

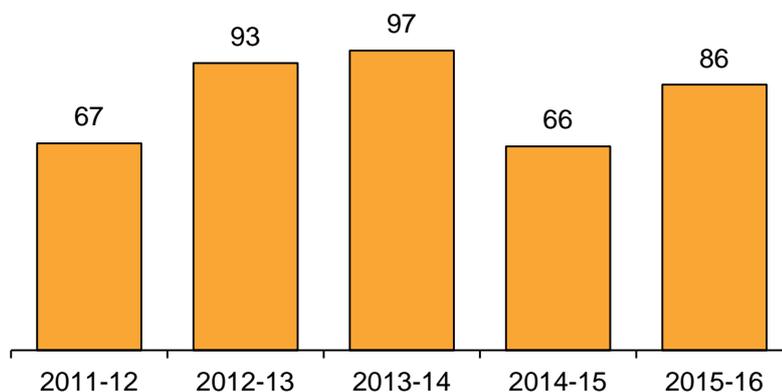
The local government undertook the repairs to the resident's crossover and informed them when the repairs were completed. It also reviewed and amended its procedures for dealing with requests from residents, in particular the level of feedback provided to residents on the progress of their requests.

The University Sector

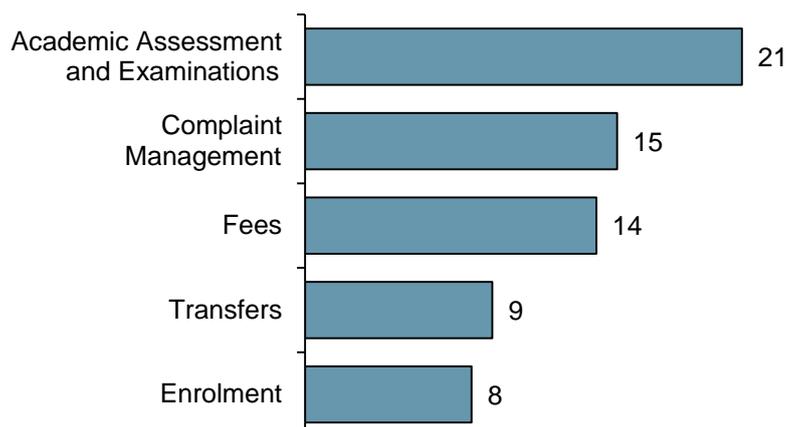
The following section provides further details about the issues and outcomes of complaints for the university sector.

Universities

Complaints received



Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#). Further details on these appeals are included later in this section.

Other types of allegations

- Termination of enrolment;
- Staff conduct; and
- Scholarships and prizes.

Outcomes Achieved

- Reversal or significant variation of original decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices; and
- Staff training.





Assistance to enable thesis to be resubmitted

An international student was studying for their PhD at a Western Australian university. Unfortunately, the student's thesis supervisor was hospitalised and then unable to return before the student was due to submit their thesis. After the thesis was submitted the university appointed a replacement supervisor and thesis panel and, subsequently, the student was required to amend and resubmit their thesis. The student could not do this as they had to return to their home overseas because their sponsorship had ended.

The student complained to the Office that the university had unreasonably delayed the appointment of a new supervisor and thesis panel which meant the student had to submit their thesis without feedback from a supervisor. The student also alleged that the thesis reviewer was not appropriate to conduct the review.

Following enquiries by the Office, the university decided that, as the thesis had not been failed by the reviewer, the most appropriate course of action would be for the student to amend and resubmit their thesis. The university provided assistance to the student to enable them to resubmit the thesis, including appointing an appropriate supervisor and providing additional sponsorship.

Other Complaint Related Functions

Reviewing appeals by overseas students

The [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#) (**the National Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australian universities, TAFE colleges and other public education agencies. It provides overseas students with rights of appeal to external, independent bodies if the student is not satisfied with the result or conduct of the internal complaint handling and appeals process.

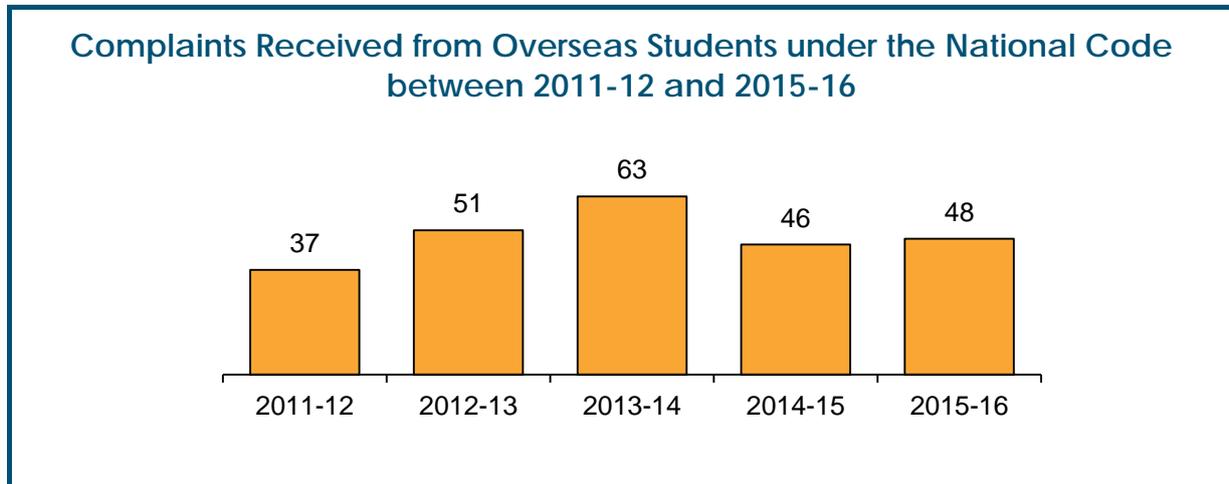
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- Provides a free complaint resolution service;
- Is independent and impartial and does not represent either the overseas students or education and training providers; and
- Can make recommendations arising out of investigations.

In Western Australia, the Ombudsman is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [Overseas Students Ombudsman](#) is the external appeals body for overseas students studying in private education and training organisations.

Complaints lodged with the Office under the National Code

Education and training providers are required to comply with 15 standards under the National Code. In dealing with these complaints, the Ombudsman considers whether the decisions or actions of the agency complained about comply with the requirements of the National Code and if they are fair and reasonable in the circumstances.



During 2015-16, the Office received 48 complaints about public education and training providers from overseas students. Twenty nine complaints were about universities, three were about TAFE colleges and eight were about other public education agencies. The Office also received eight complaints that, after initial assessment, were found to be about a private education provider. The Office referred these complainants to the Overseas Students Ombudsman.

The most common issues raised by overseas students were decisions about:

- Fees (17);
- Transfers between education and training providers (11);
- Termination of enrolment (9); and
- Academic assessment (6).

During the year, the Office finalised 45 complaints about 51 issues.



Course information corrected and costs paid

A student obtained information about a qualification from a tertiary education provider and, based on this information, travelled with their family to Perth to commence study. After the student arrived they were told that the course would not provide the qualifications they were expecting and the student and their family then returned home overseas. The student complained to the Office that they had received incorrect information from the tertiary education provider about the qualification.

Following enquiries by the Office, the tertiary education provider agreed that the information on the relevant course was not clear and would be corrected. The education provider also agreed to pay the costs of travel, accommodation and other costs incurred by the student.

Public Interest Disclosures

Section 5(3) of the [Public Interest Disclosure Act 2003](#) allows any person to make a disclosure to the Ombudsman about particular types of 'public interest information'. The information provided must relate to matters that can be investigated by the Ombudsman, such as the administrative actions and practices of public authorities, or relate to the conduct of public officers.

Key members of staff have been authorised to deal with disclosures made to the Ombudsman and have received appropriate training. They assess the information provided to determine whether the matter requires investigation, having regard to the [Public Interest Disclosure Act 2003](#), the [Parliamentary Commissioner Act 1971](#) and relevant guidelines. If a decision is made to investigate, subject to certain additional requirements regarding confidentiality, the process for investigation of a disclosure is the same as that applied to the investigation of complaints received under the [Parliamentary Commissioner Act 1971](#).

During the year, three disclosures were received.

Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints about State Government departments and authorities delivering services in the Indian Ocean Territories and about local governments in the Indian Ocean Territories. There were 15 complaints received during the year.

Terrorism

The Ombudsman can receive complaints from a person detained under the [Terrorism \(Preventative Detention\) Act 2006](#), about administrative matters connected with his or her detention. There were no complaints received during the year.

Requests for Review

Occasionally, the Ombudsman is asked to review or re-open a complaint that was investigated by the Office. The Ombudsman is committed to providing complainants with a service that reflects best practice administration and, therefore, offers complainants who are dissatisfied with a decision made by the Office an opportunity to request a review of that decision.

Eleven requests for review were received in 2015-16, representing less than one per cent of the total number of complaints received by the Office. In all cases where a review was undertaken, the original decision was upheld and, in one case, a complaint was reopened due to the provision of new information.

