



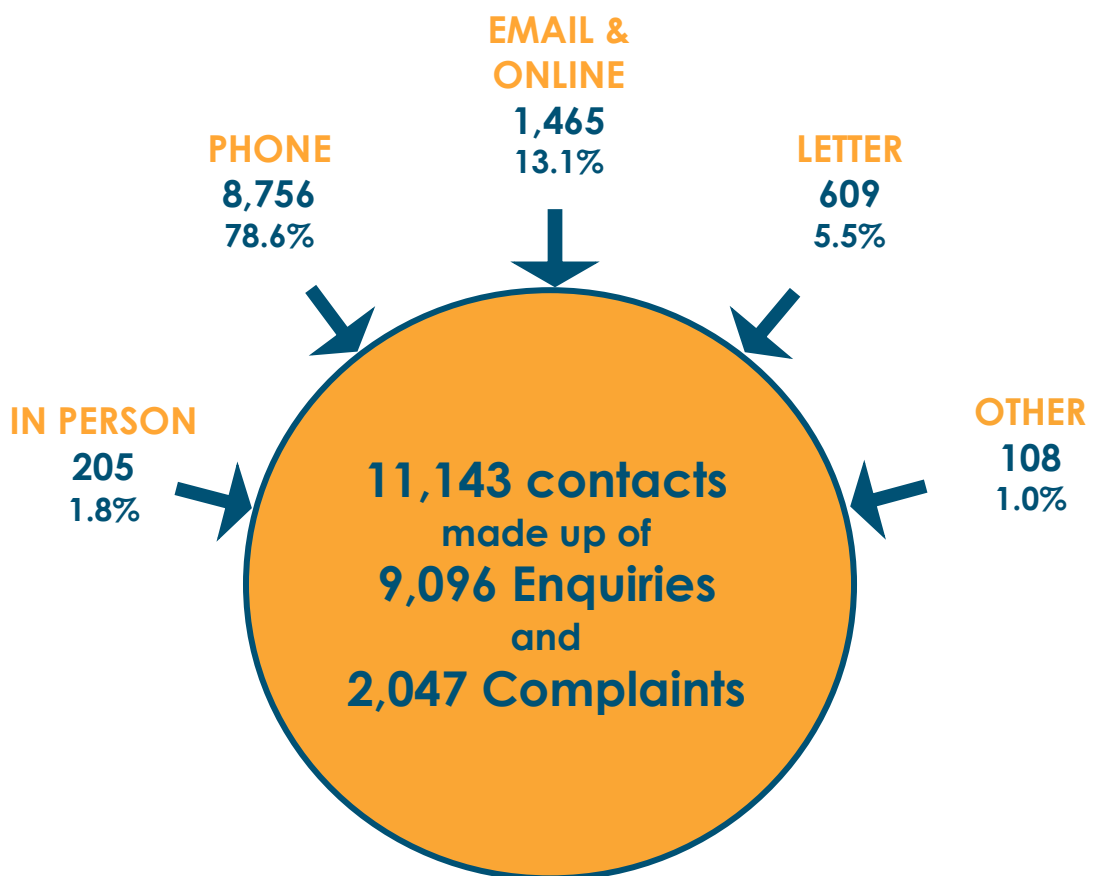
Complaint Resolution

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 2014-15, the Office received 11,143 contacts from members of the public consisting of:

- 9,096 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,047 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

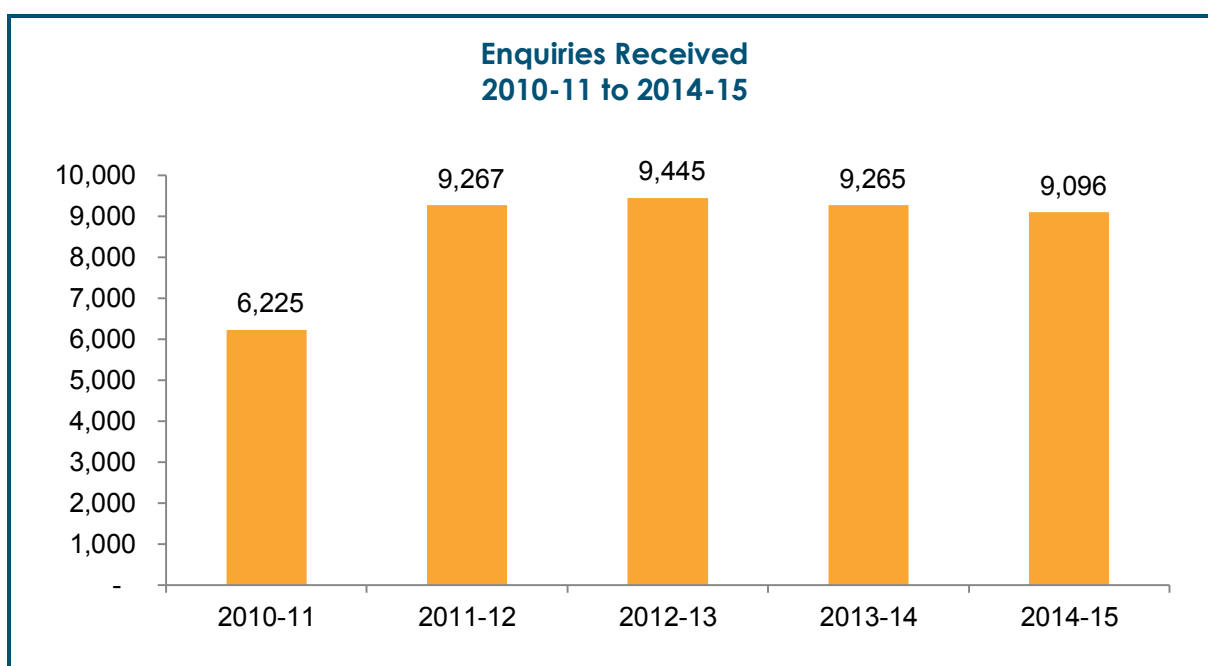


Enquiries Received

There were 9,096 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.

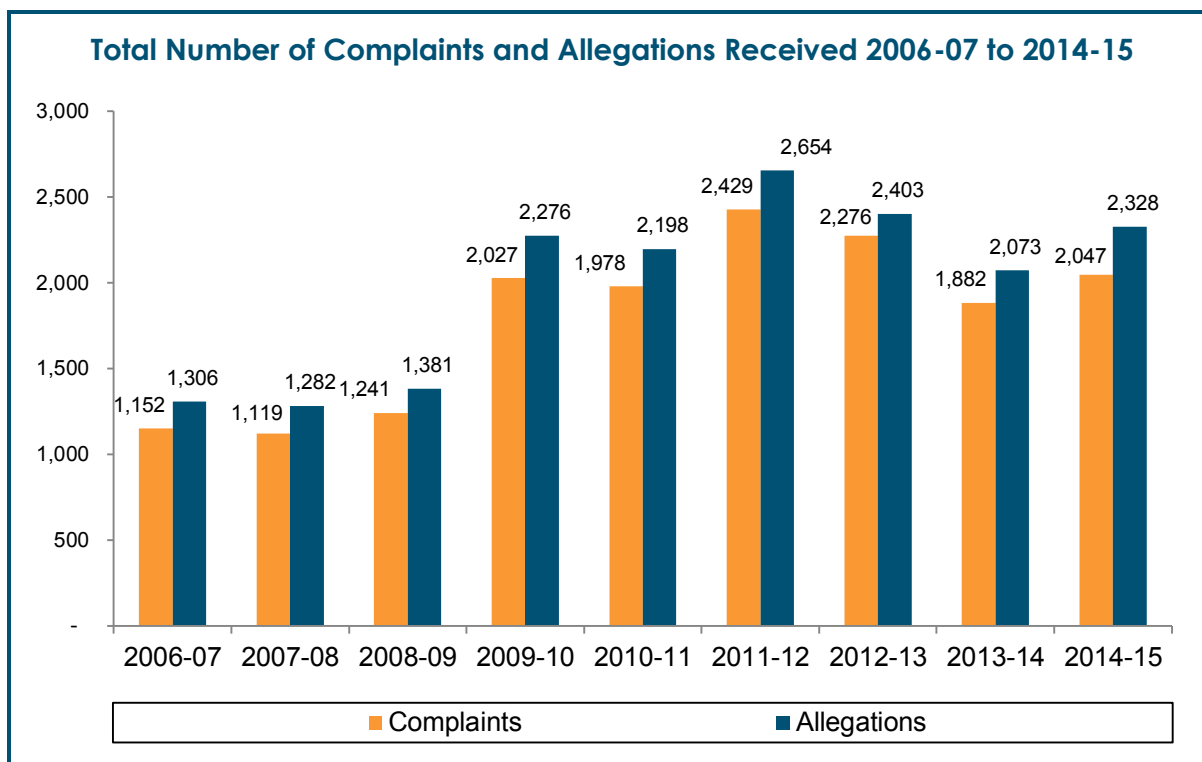
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.



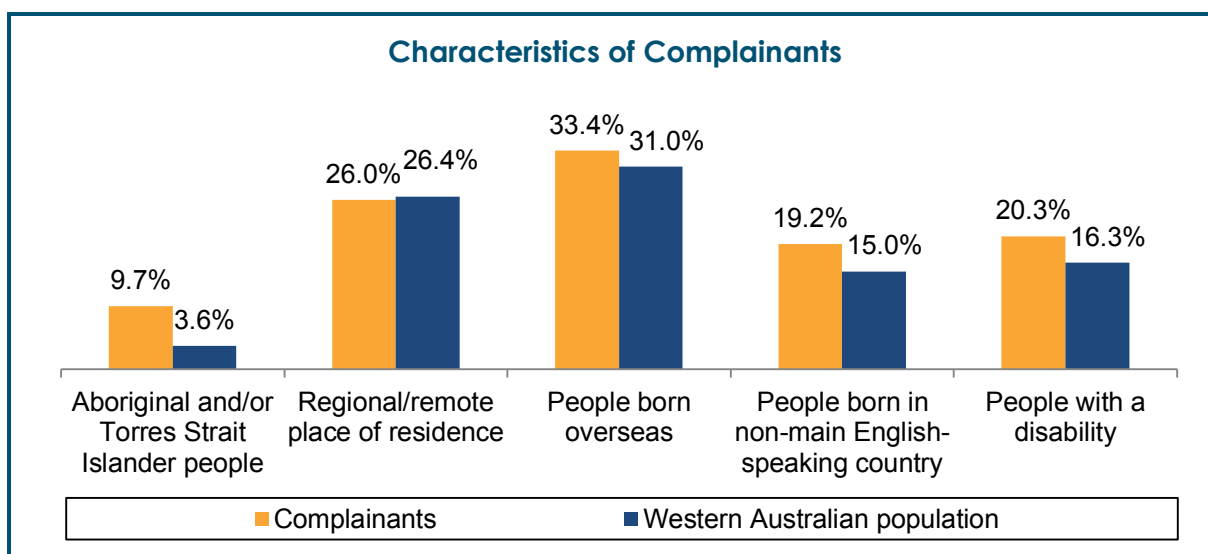
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2014-15, the Office received 2,047 complaints, with 2,328 separate allegations, and finalised 2,060 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.

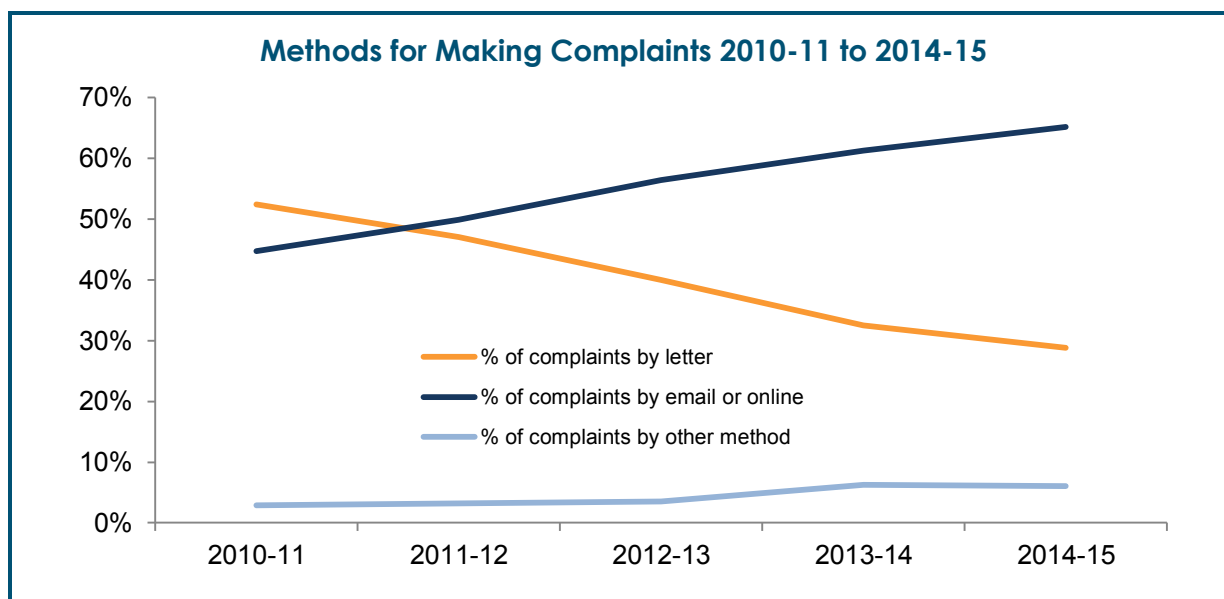


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply a 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 2014-15, increasing from 61% in 2013-14 to 65% in 2014-15. The proportion of people using email and online facilities to lodge complaints has increased by 20% since 2010-11, when 45% were received in this way.

During the same period, the proportion of people who lodge complaints by letter has reduced from 52% to 29%. 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 2014-15, 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.

Over the last year:

- The percentage of allegations finalised within 3 months was 98%; and
- We achieved a 21% reduction in the time taken to finalise complaints.

**98% 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 21 days; and
- Complaints older than 6 months have decreased from 40 to 1.

Complaints Finalised in 2014-15

There were 2,060 complaints finalised during the year and, of these, 1,423 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 869 were finalised at initial assessment, 526 were finalised after an Ombudsman investigation and 28 were withdrawn.

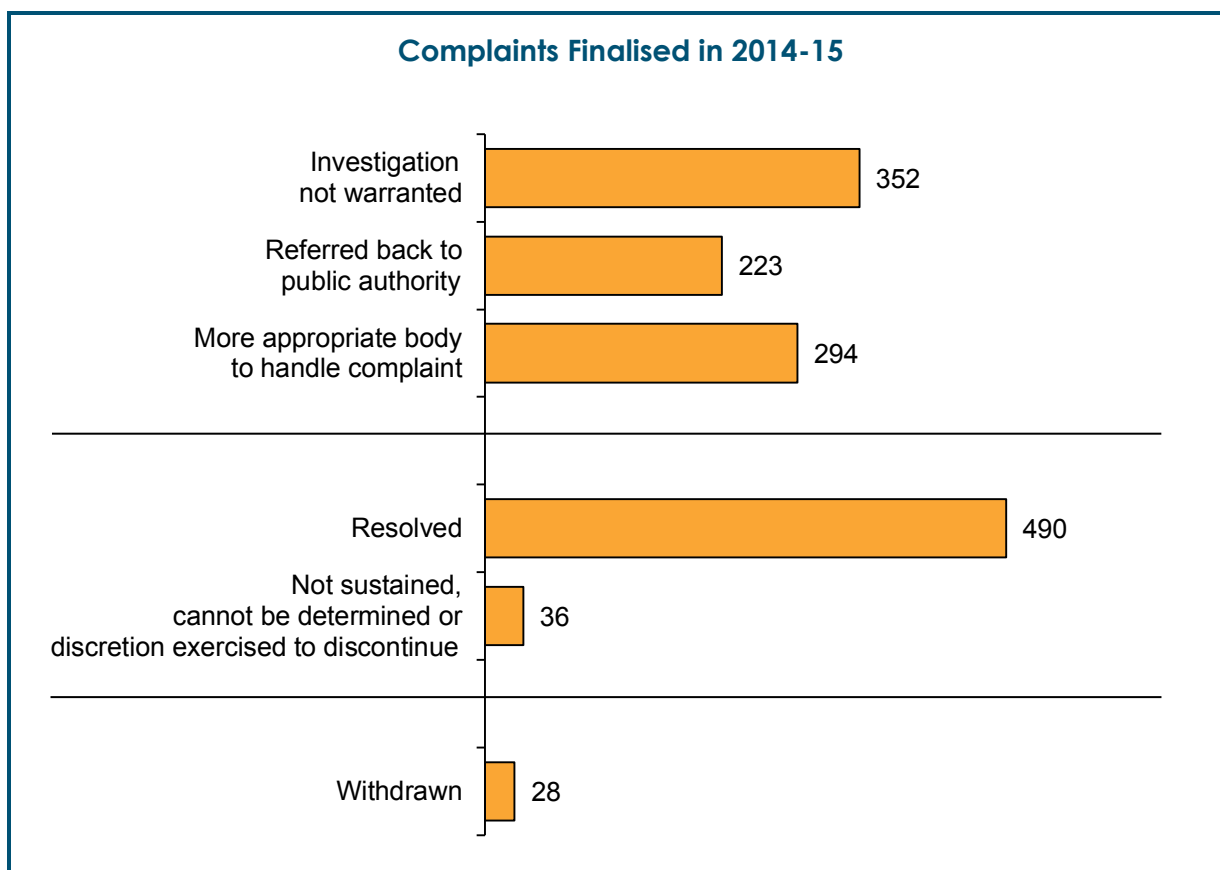
Complaints finalised at initial assessment

Over a quarter (26%) of the 869 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 294 (34%) 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 526 complaints finalised after investigation, 93% 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 2014-15, there were 211 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, an increase of 6% from 199 in 2013-14. 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 72 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 2014-15



Case Study

Response to complaint expedited and staff reminded about complaints management process

A person complained to a public authority about alleged delays in relation to their deceased partner's estate. The person then complained to the Office that they had not received a response from the public authority to their complaint.

Following enquiries by the Office, the public authority acknowledged that its policy on complaints management had not been followed. It arranged for a letter to be sent to the person which contained an apology for the time taken to deal with the complaint, an explanation about the delays in administering the estate and action the public authority was taking.

Further, as a result of the Office's enquiries, the public authority reminded staff of the definition of a complaint and the correct complaint handling procedure to be followed. Emphasis was placed on the value of the complaint handling system, with reference to the system being instrumental in improving policies, procedures and business practices.

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.

Case Study



Reversal of decision, monetary refund and website information updated

A person applied for professional registration to the Registration Board, which regulated their particular profession. The Registration Board invoiced the person for a fee to cover their requested period of registration and an additional fee for a period before they were registered. The person complained to the Office that they should not have been charged a fee for a period when they were not registered and had they realised that this fee would be charged, they would have delayed their registration until the new registration period commenced. The person also alleged that the wording of the fee structure on the Registration Board's website was not clear.

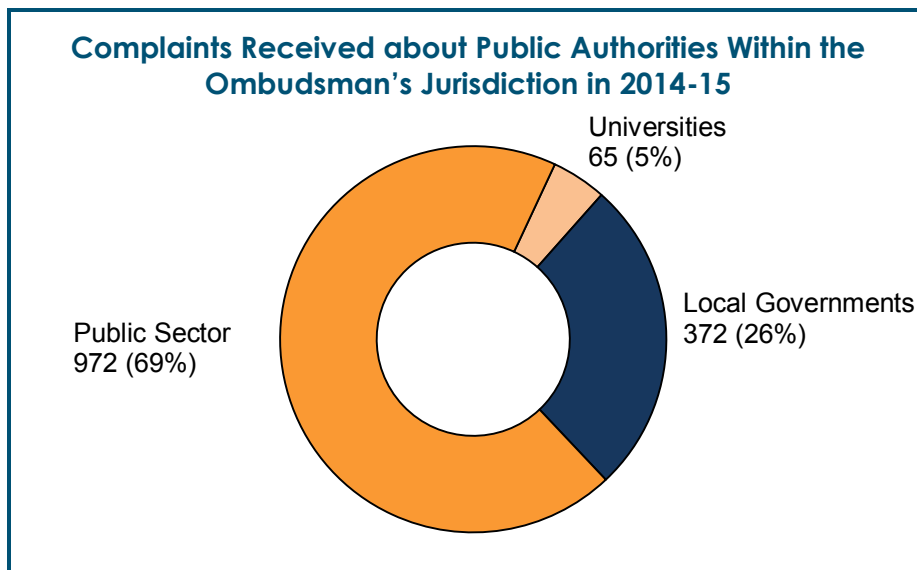
Following enquiries by the Office, the Registration Board reviewed the circumstances of the person's application, including the timing of the grant of registration. The Registration Board indicated that its decision to charge the fee was consistent with relevant regulations and that this information was reflected in the application the person had completed. However, the Registration Board took into account the information received that the person would have held off applying for the registration if they had understood an additional fee would be charged, and the person's view that information about the nature of the fee could be made clearer in the Registration Board's communications. The Registration Board decided to refund the additional fee and also undertook to improve the information available about the fees on its website and forms.



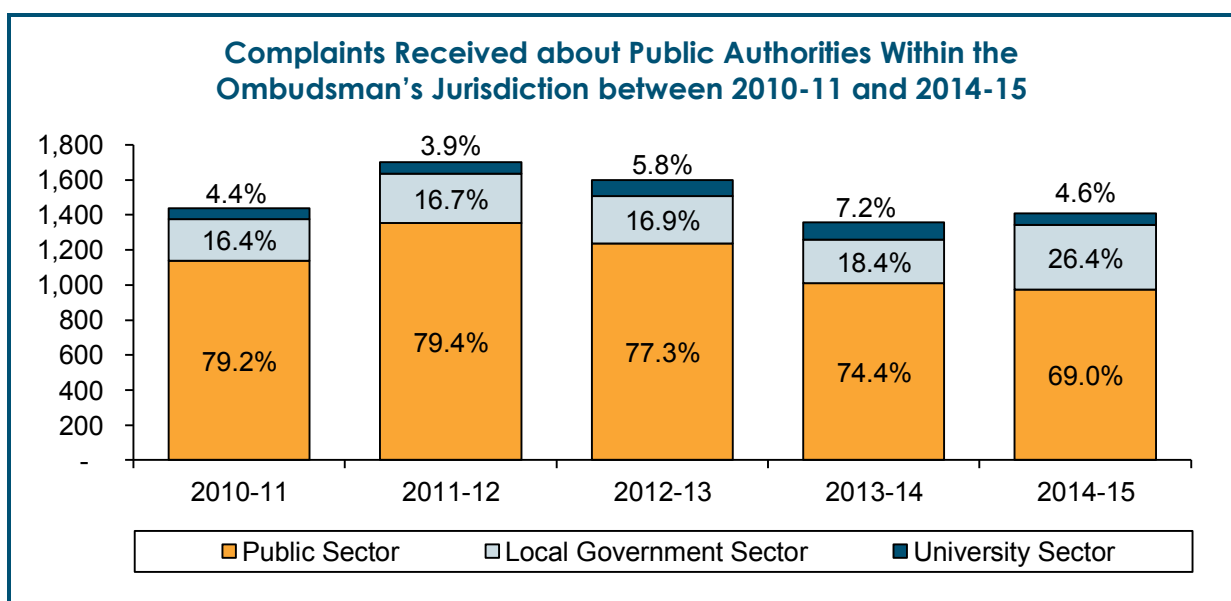
About the Complaints

Of the 2,047 complaints received, 1,409 were about public authorities that are within the Ombudsman’s jurisdiction. The remaining 638 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 (972 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (372 complaints); and the university sector (65 complaints).

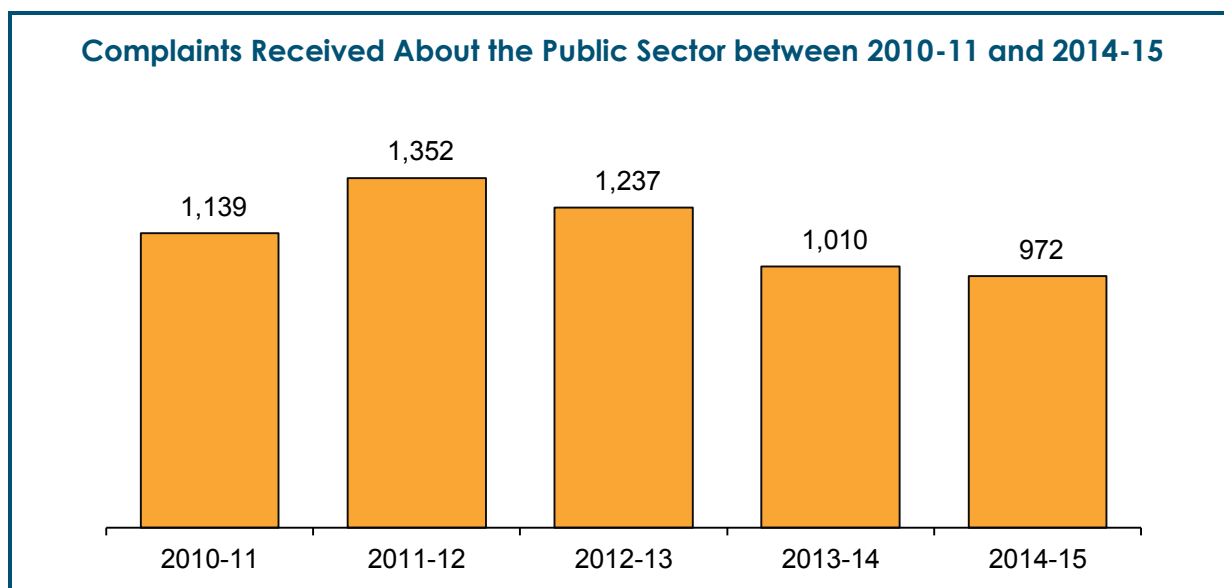


The proportion of complaints about each sector in the last five years is shown in the following chart.

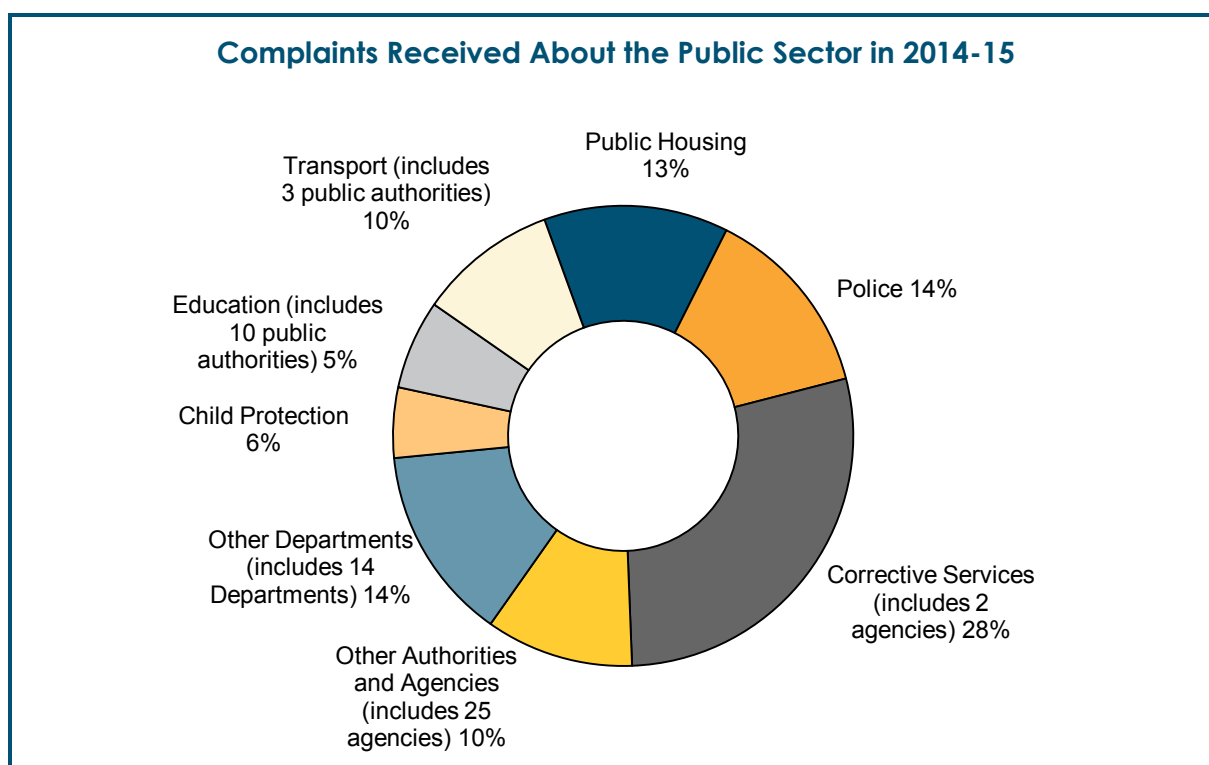


The Public Sector

In 2014-15, there were 972 complaints received about the public sector and 979 complaints were finalised. The number of complaints about the public sector as a whole since 2010-11 is shown in the chart below.



Public sector agencies are very diverse. In 2014-15, complaints were received about 57 agencies as shown in the following chart.



Of the 972 complaints received about the public sector in 2014-15, 76% were about six key areas covering:

- Corrective services, in particular prisons (276 or 28%);
- Police (132 or 14%);
- Public housing (126 or 13%);
- Transport (95 or 10%);
- Child protection (61 or 6%); and
- Education – public schools and institutes of technology (48 or 5%). Information about universities is shown separately under the University Sector.

The remaining complaints about the public sector (234) were about 39 other State Government departments, statutory authorities and boards. For 31 (79%) of these agencies, the Office received five complaints or less.

Outcomes of complaints about the public sector

There were 185 actions taken by public sector bodies as a result of complaints finalised in 2014-15. These resulted in 147 remedies being provided to complainants and 38 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.



Decision reconsidered and policy updated

A person had become eligible for an offer of public housing accommodation but the public authority was unable to make the offer because, due to the person's particular circumstances at the time, they could not take up the offer for several months. Rather than defer the offer to a later date, the applicant was withdrawn from the waiting list. The person complained to the Office about their removal from the waiting list.

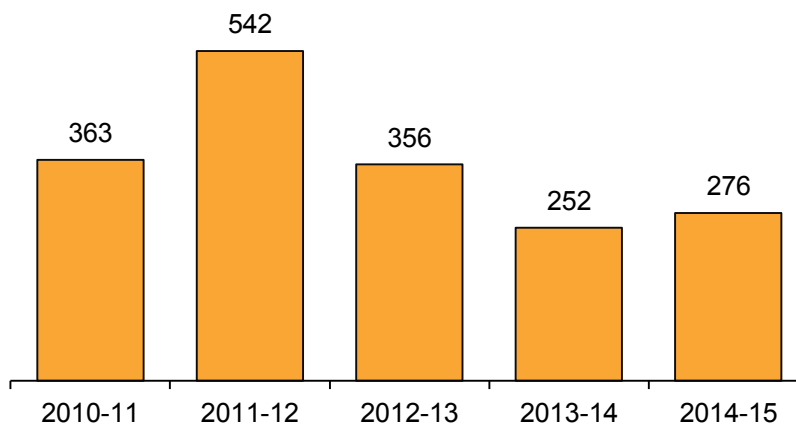
Following enquiries by the Office, the public authority agreed to reconsider its decision, including considering action to place the person back on the waiting list.

The public authority also updated its policy covering deferment of accommodation offers, to clarify that an applicant may request a one-off deferment of up to a maximum of six months due to extenuating circumstances.

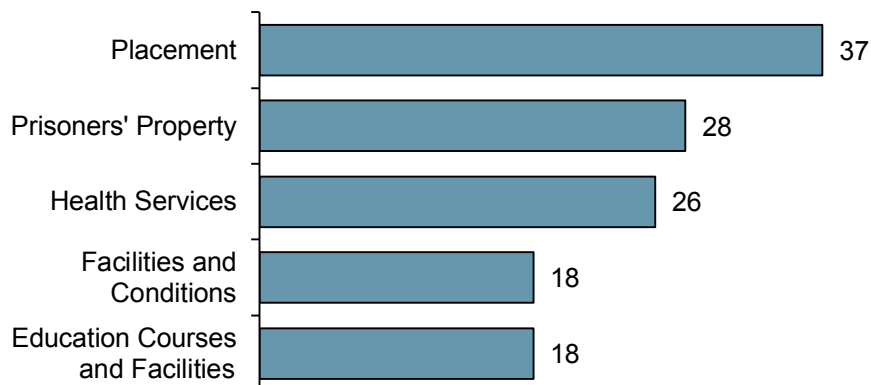
Public Sector Complaint Issues and Outcomes

Corrective Services

Complaints received



Most common allegations



Other types of allegations

- Visits;
- Discipline;
- Rehabilitation programs;
- Prison Officer conduct;
- Complaint management; and
- Canteen and other spending.

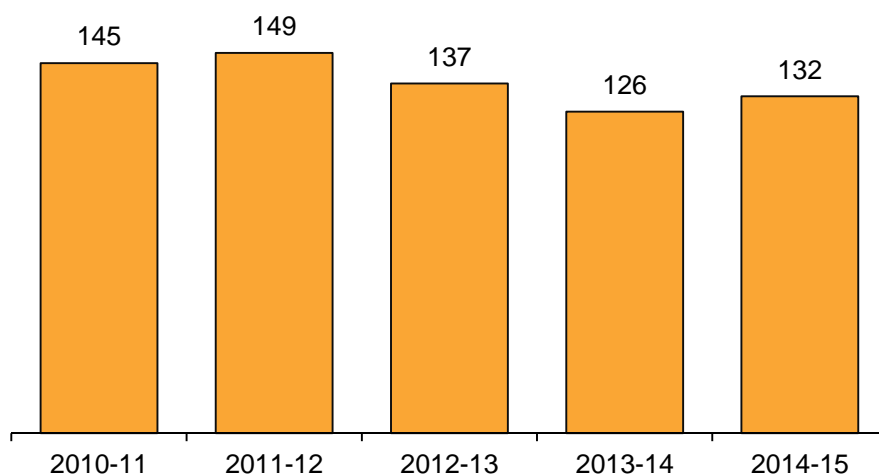
Outcomes achieved

- Act of grace payment;
- 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 system or practices;
- Conduct an audit or review;
- Improved record keeping; and
- Staff training.

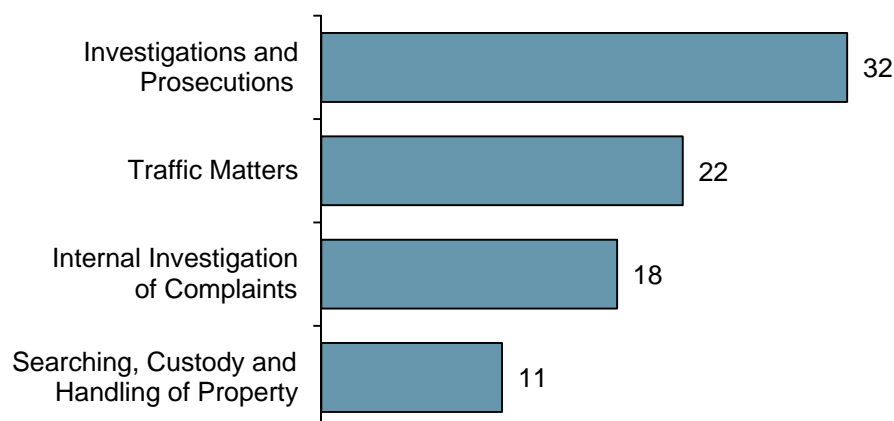


Police

Complaints received



Most common allegations



Other types of allegations

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

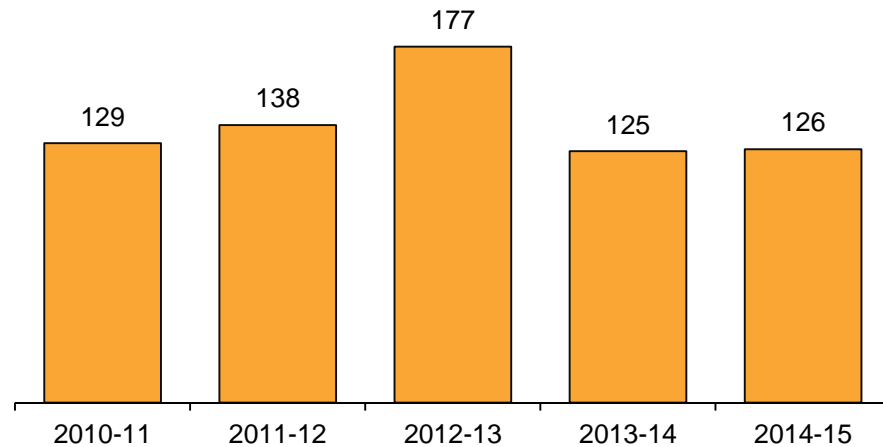
Outcomes achieved

- Infringement withdrawn;
- Action expedited;
- Consider or reconsider a matter and make a decision; and
- Explanation given or reasons provided.

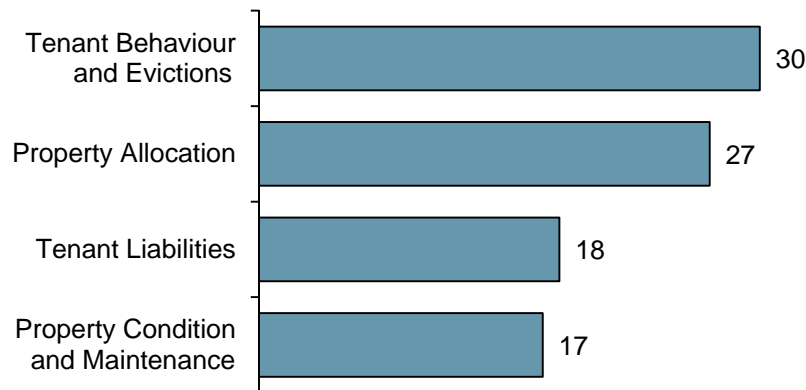


Public Housing

Complaints received



Most common allegations



Other types of allegations

- Rental or bond assistance;
- Construction and development;
- Property transfers;
- Tenant's personal property;
- Rental sales; and
- Debt repayments.

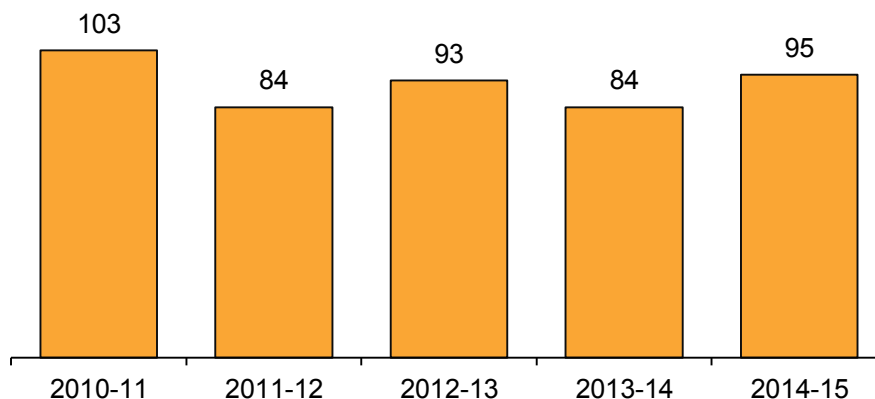
Outcomes achieved

- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Tenant liability waived or rebate given;
- 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;
- Update to publications or website; and
- Staff training.

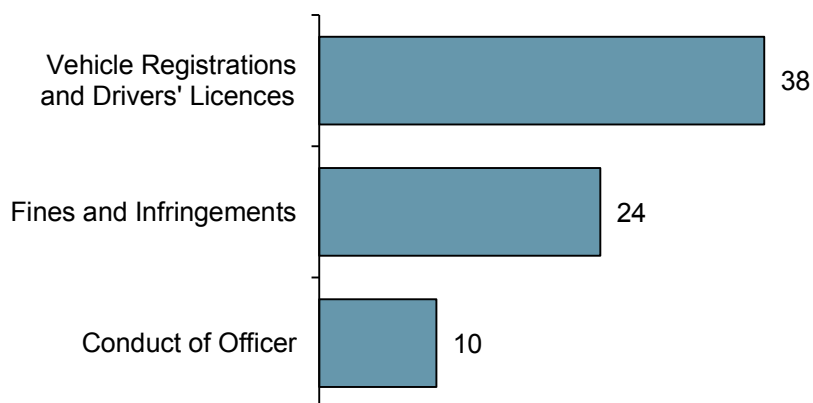


Transport

Complaints received



Most common allegations



Other types of allegations

- Other decision or action by officer or agency;
- Complaint management; and
- Policies and procedures.

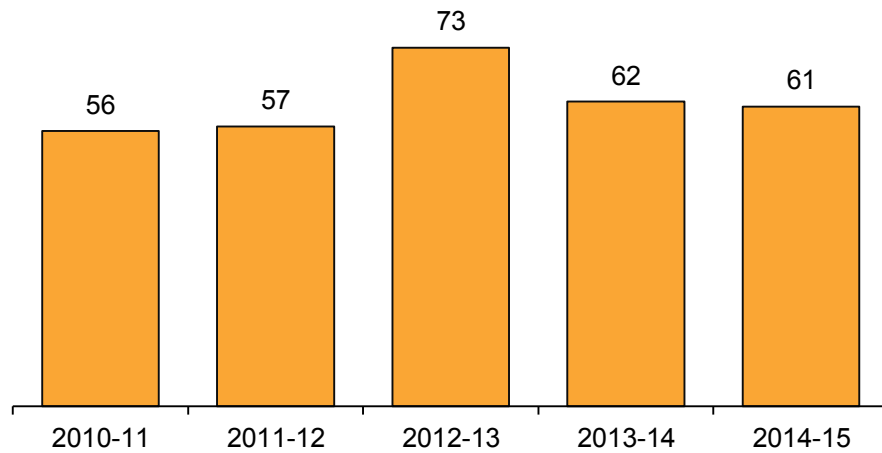
Outcomes achieved

- Reversal or significant variation of original decision;
- Monetary charge refunded;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to business system or practices;
- Conduct an audit or review;
- Update to publications or website; and
- Staff training.

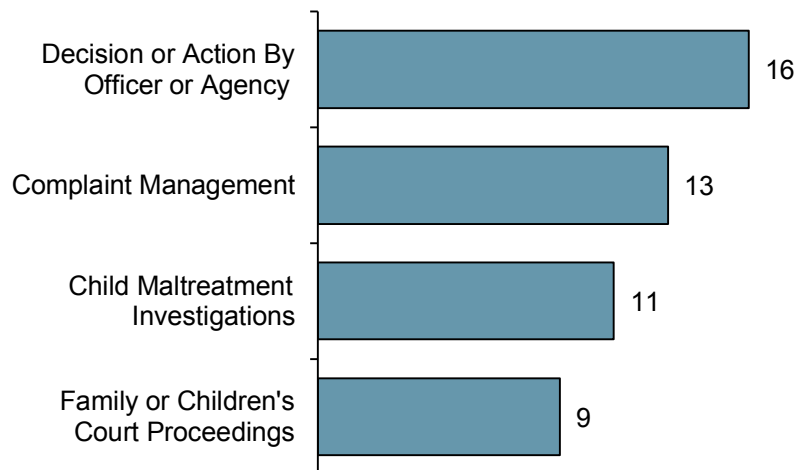


Child Protection

Complaints received



Most common allegations



Other types of allegations

- Out of home care (fostering); and
- Adoption.

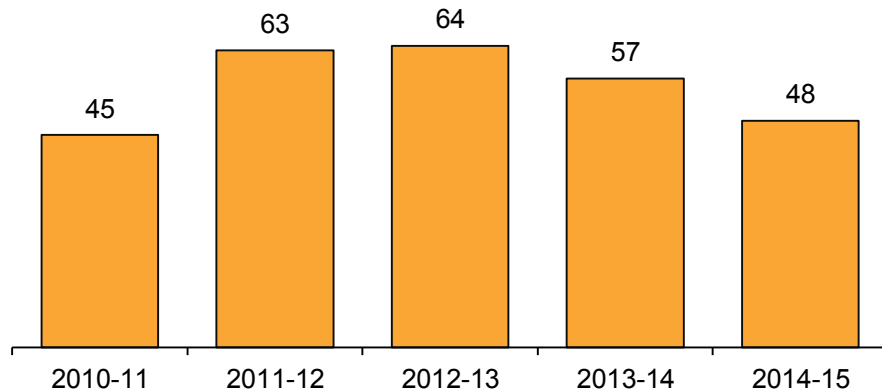
Outcomes achieved

- Monetary charge refunded;
- Action expedited; and
- Explanation given or reasons provided.

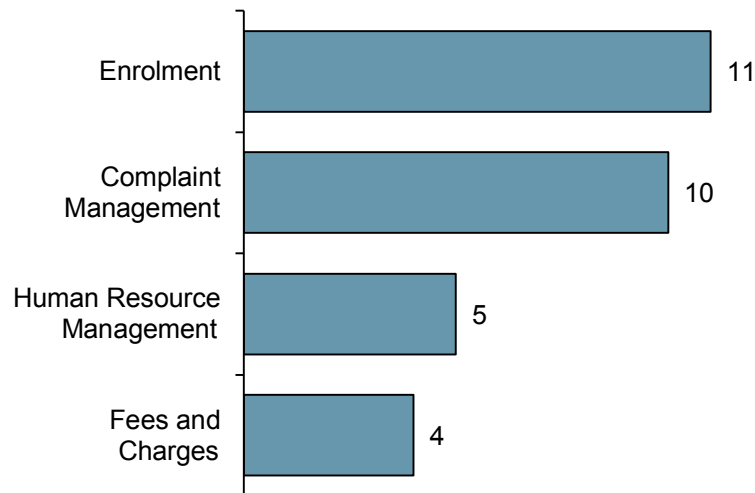


Education

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](#). Further details on these appeals are included later in this section.

Other types of allegations

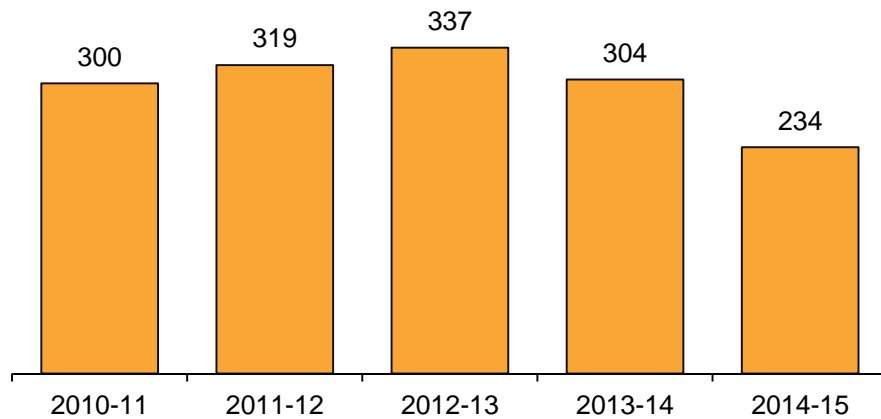
- Termination of enrolment;
- Student care;
- Staff conduct; and
- Examinations, assessments, prizes and awards.

Outcomes achieved

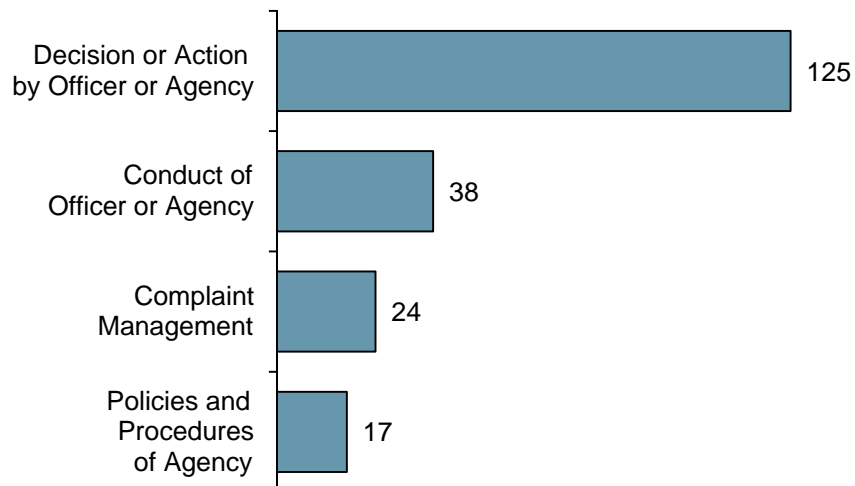
- Reversal or significant variation of original decision;
- Monetary charge withdrawn;
- Action expedited;
- Consider or reconsider a matter and make a decision;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Update to publications and websites; and
- Improved record keeping.

Other Public Sector Agencies

Complaints received



Most common allegations



Other types of allegations

- Medical or allied health treatment;
- Human resource issues; and
- Fines and enforcement.

Outcomes achieved

- Monetary charges reduced 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;
- Conduct an audit or review;
- Update publications or website; and
- Staff training.



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



Female prisoner transfer expedited to enable visits with her children

A female prisoner was in a prison located some distance from where her children lived and as a result she had not seen them for a considerable period of time. She requested a temporary transfer to a prison closer to her children to enable them to visit her. The prisoner later complained to the Office about the time taken by the prison to consider her request for the temporary transfer.

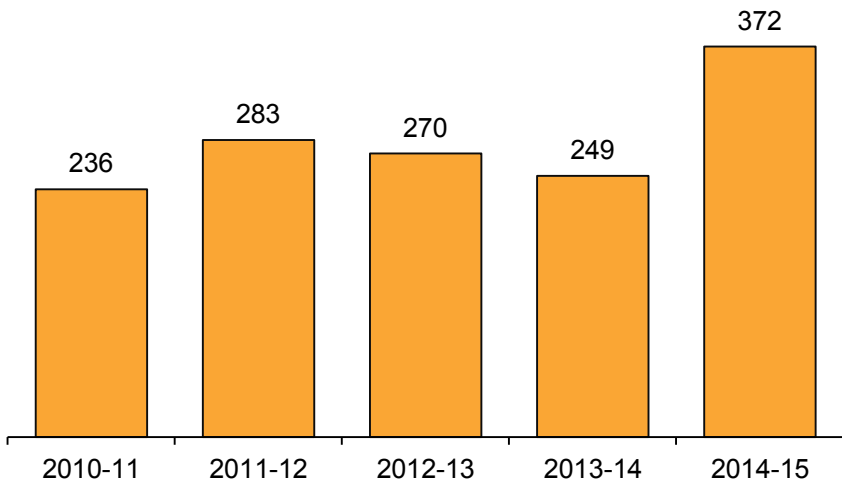
Following enquiries by the Office, the prison spoke with the prisoner and expedited arrangements for a two week temporary transfer to another prison to enable the visit. The transfer occurred within three weeks of her complaint to the Office.

The Local Government Sector

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

Local Government

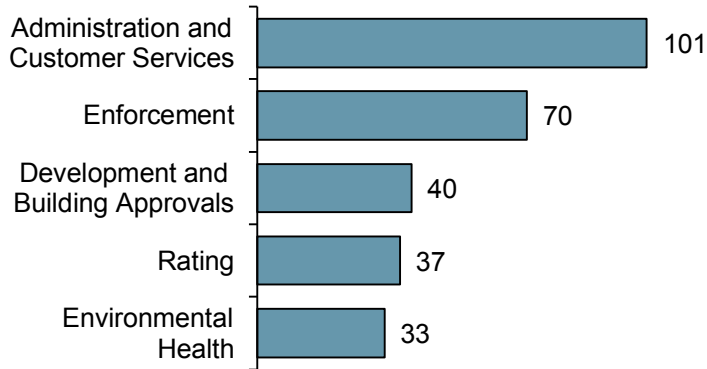
Complaints received



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

- Engineering;
- Other approvals and licences;
- Planning;
- Community facilities; and
- Contracts and property management.

Outcomes achieved

- Monetary charge or infringement reduced 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 publications or website; and
- Staff training.



Payment of damage bond supported and new bond process implemented

A person who was undertaking construction work at their property was required to pay a \$10,000 damage bond to the local government for any potential damage to the adjacent road reserve during construction, including damage to the footpath. On completion of the works, the person applied for release of the bond which was denied due to apparent footpath damage. The person complained to the Office alleging that they were not responsible for the damage and the bond should be released.

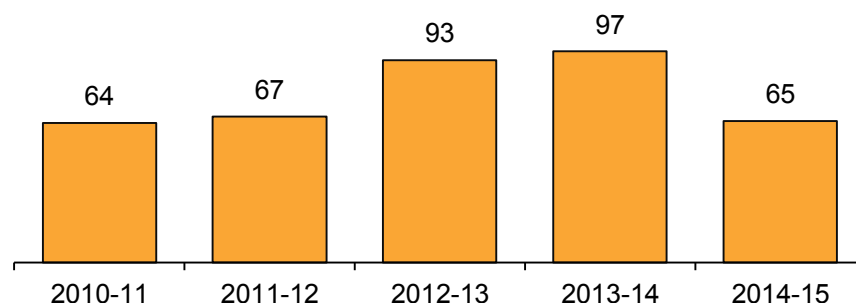
Following enquiries by the Office, the local government reviewed its decision and released the bond as there was no photographic record of the pre-construction state of the footpath. The local government also implemented a new process for managing the receipt and release of damage bonds to ensure that a site inspection occurs prior to construction commencing and a photographic record is made of the pre-construction status.

The University Sector

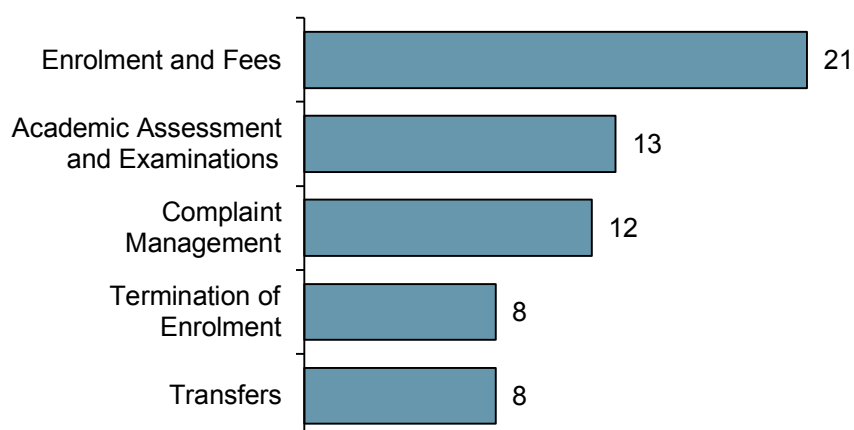
The following section provides further details about the issues and outcomes of complaints for the university sector.

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

- Staff appointments and promotions;
- Academic misconduct;
- Scholarships and prizes;
- Human resource management issues; and
- Staff conduct.

Outcomes Achieved

- Action to replace, repair or rectify;
- Reversal or significant variation of original decision;
- Monetary charge reduced or refunded;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Change to business systems or practices;
- Conduct an audit or review;
- Update publications or website; and
- Improve record keeping.



Revised system for collection of portfolios

A person complained to the Office that a university had not been able to locate their portfolio of work which had been stored at the university after it was marked.

Following enquiries by the Office, the university arranged for a letter to be sent to the person which provided an explanation about the process for the submission of portfolios, the investigation undertaken by the university into the missing work, and action being taken by the university for the storage of portfolios in the future. The university also offered to print missing images for inclusion in the student's portfolio and undertook to develop and implement a revised system for the collection of portfolios by students.

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. 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.

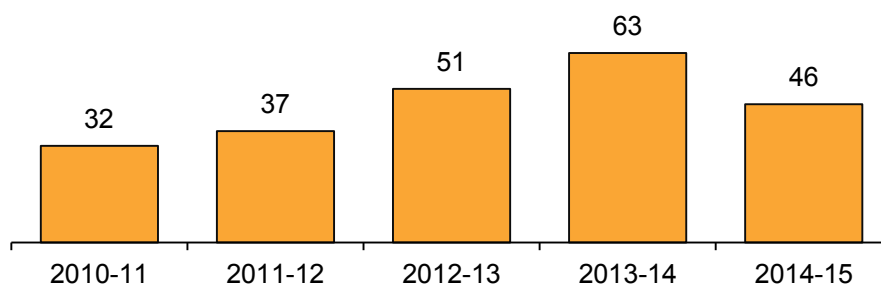
In Western Australia, the Ombudsman is the external appeals body for overseas students studying in Western Australian public education and training organisations. The *Overseas Students Ombudsman* is the external appeals body for overseas students studying in private education and training organisations.

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.



Complaints Received from Overseas Students under the National Code between 2010-11 and 2014-15



During 2014-15, the Office received 46 complaints about public education and training providers from overseas students. Thirty two complaints were about universities, four were about institutes of technology and four were about other education agencies. The Office also received six complaints that, after initial assessment, were found to be about a private education provider. The Office referred these complaints to the Overseas Students Ombudsman.

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

- Termination of enrolment (14);
- Transfers between education and training providers (9); and
- Fees (9).

During the year, the Office finalised 48 complaints about 49 issues.

Case

Study

University provides refund of tuition fees in full and improves documentation relating to refunds

An overseas university student was enrolled in a course at a Western Australian university to commence studies in February 2014 and paid the required tuition fees. When the student was unable to obtain a student visa, they requested a refund of the fees. The university refunded the student 50% of the fees, retaining the remainder of the fees as a deposit towards the next semester. The student complained to the Office that the university did not refund their fees in full.

The Office's investigation found that the university had failed to refund the fees in accordance with its refund policy. As a result, the university reviewed and updated relevant sections of its refund policy and agreed to return and release the remaining 50% of the student's fees.



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, four disclosures were received.

Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman’s jurisdiction. There were no 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.

Ten requests for review were received in 2014-15, compared to seven in 2013-14, representing less than half of 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 new information provided by the complainant.