

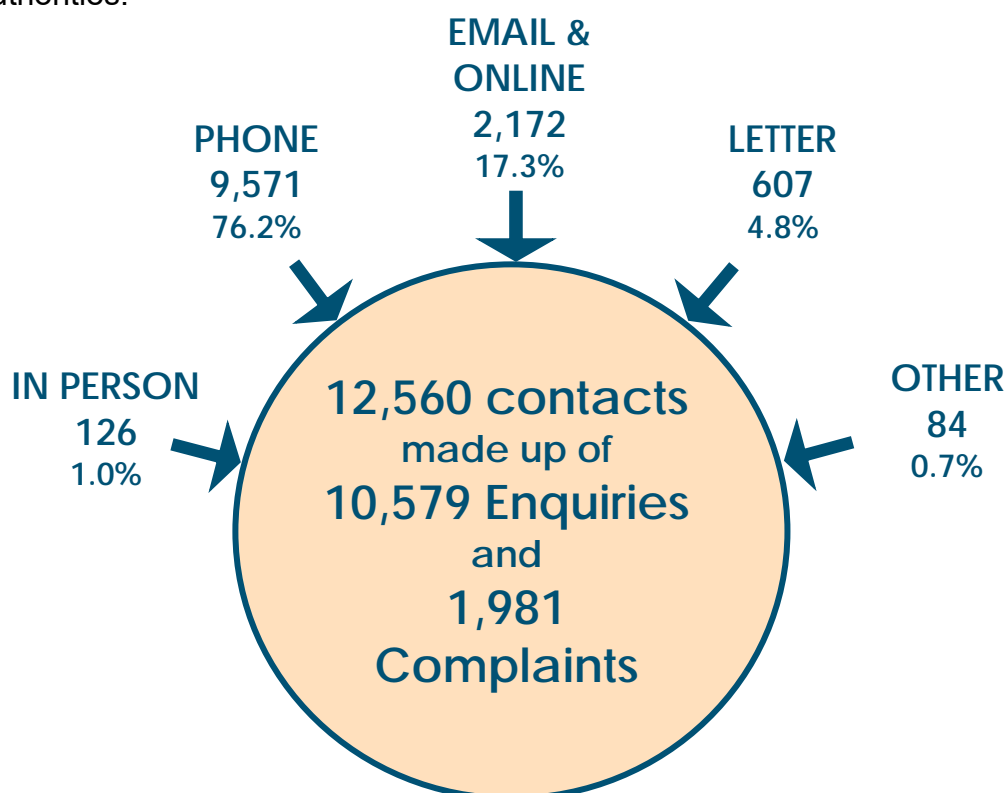
Complaint Resolution

A core function of the Ombudsman 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 2019-20, the Office received 12,560 contacts from members of the public consisting of:

- 10,579 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 1,981 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

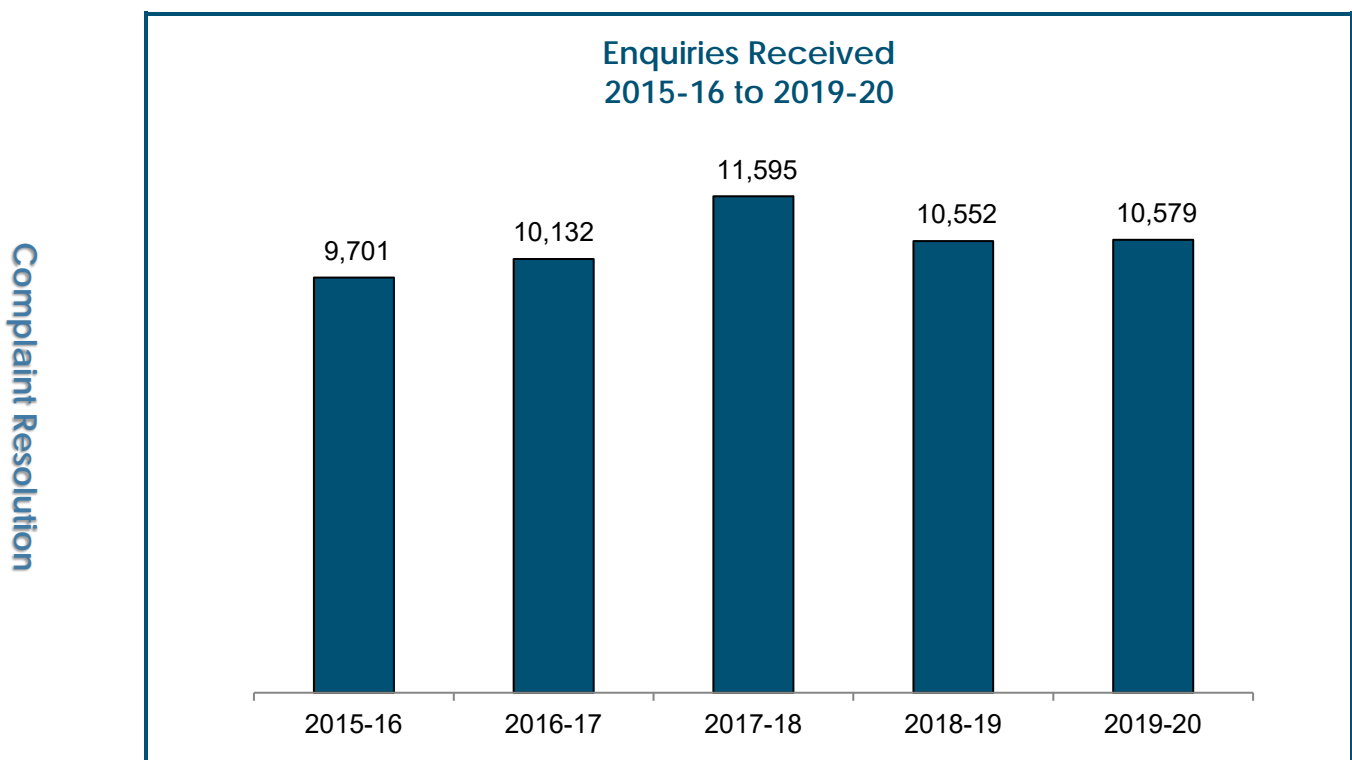


Enquiries Received

There were 10,579 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 over 40% 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 deal with the issue. Enquirers are advised that if their issues are not resolved by the public authority, they can make a complaint to the Ombudsman.

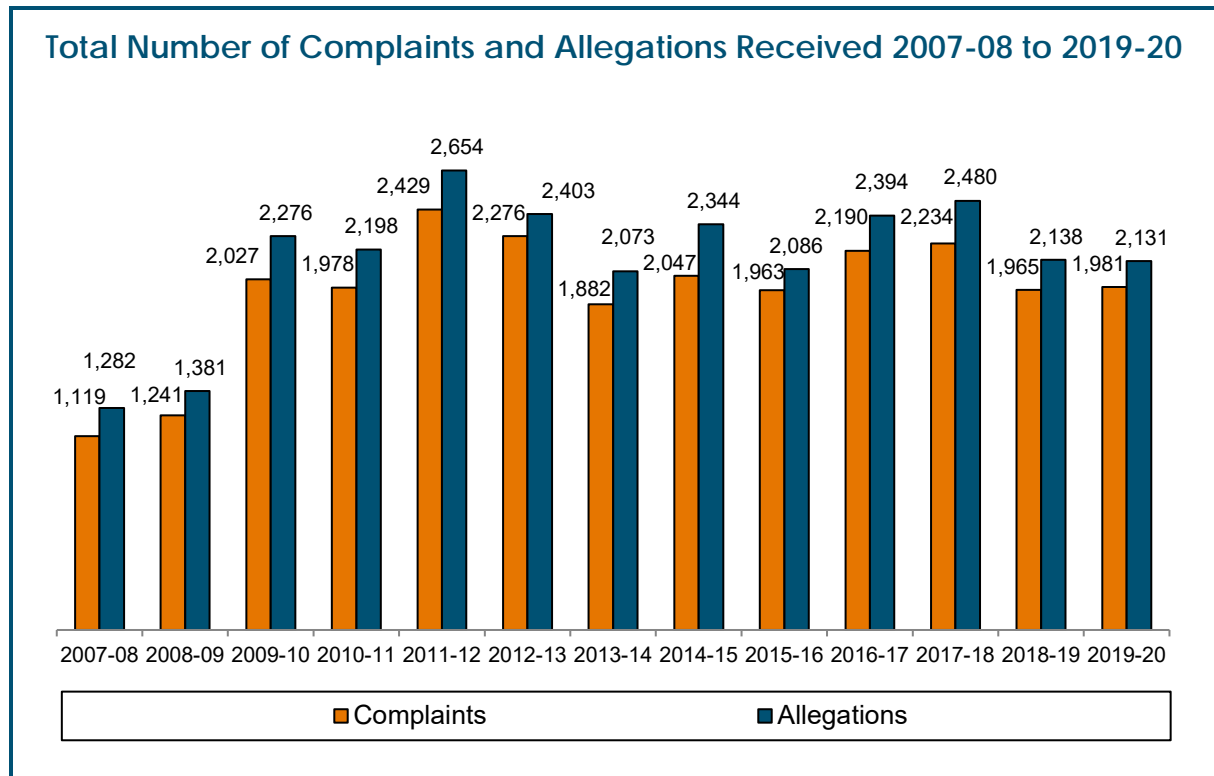
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.



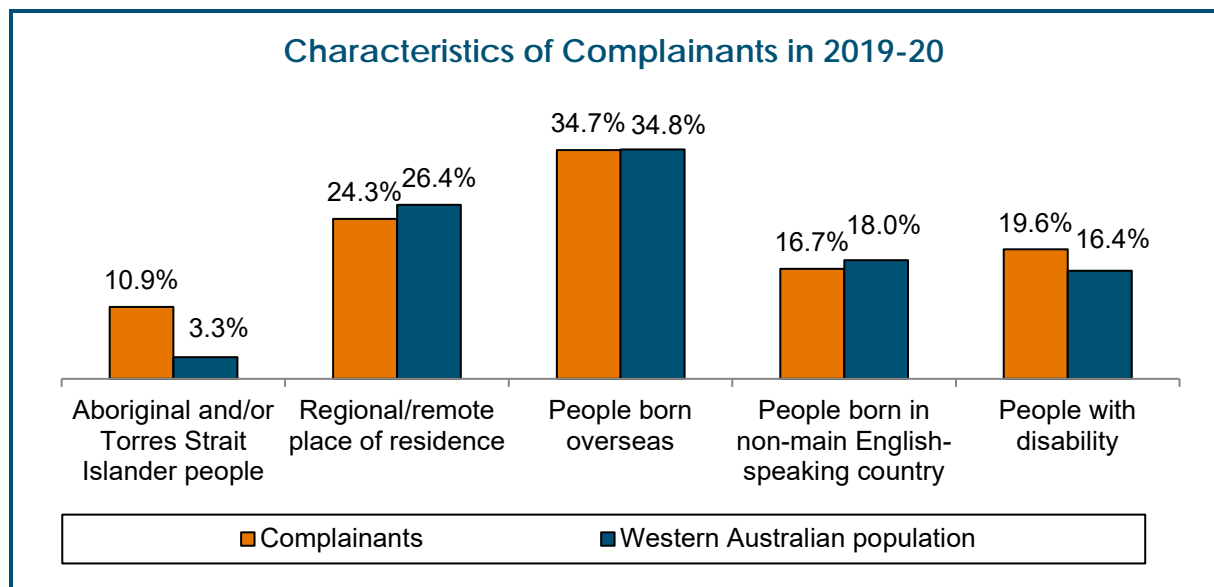
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2019-20, the Office received 1,981 complaints, with 2,131 separate allegations, and finalised 2,005 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.

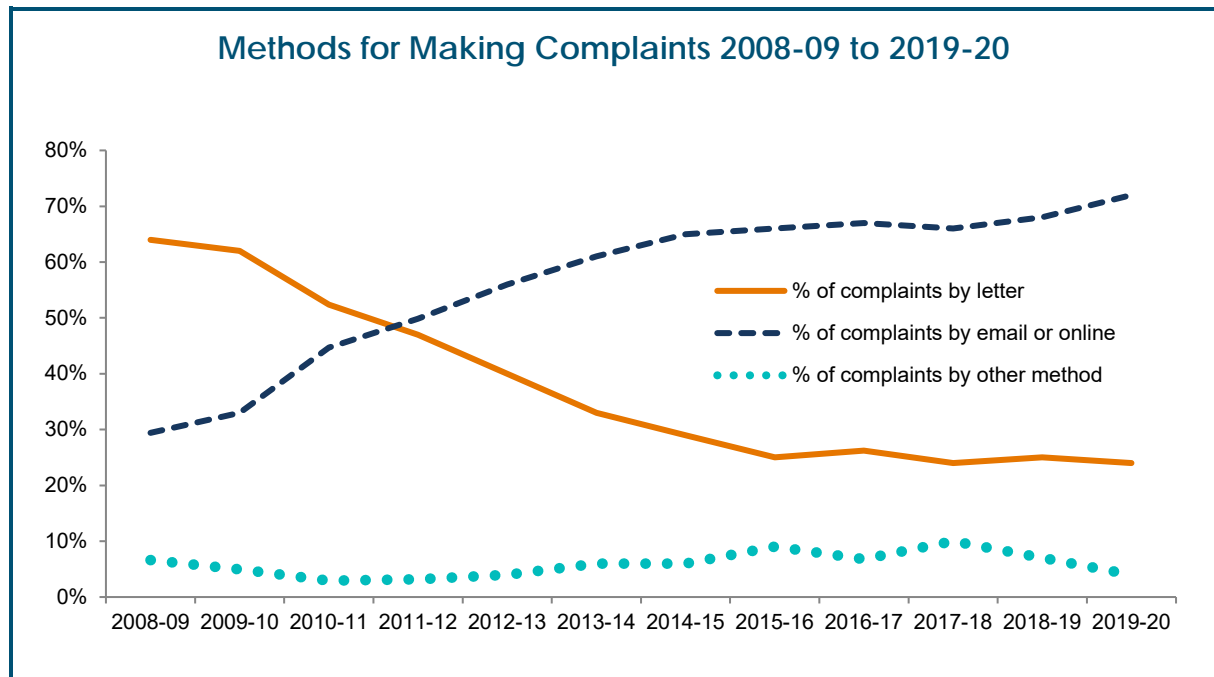


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply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

How Complaints Were Made

Over the last 12 years, the use of email and online facilities to lodge complaints has increased and the proportion of people who lodge complaints by letter has declined.

In 2019-20, 72% of complaints were lodged by email or online, compared to 24% by letter and four per cent by other methods including 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 2019-20, 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 2019-20:

- 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 92%.

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 47 days; and
- Complaints older than 6 months have decreased from 40 to 9.

Complaints Finalised in 2019-20

There were 2,005 complaints finalised during the year and, of these, 1,453 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 880 were finalised at initial assessment, 514 were finalised after an Ombudsman investigation and 59 were withdrawn.

Complaints finalised at initial assessment

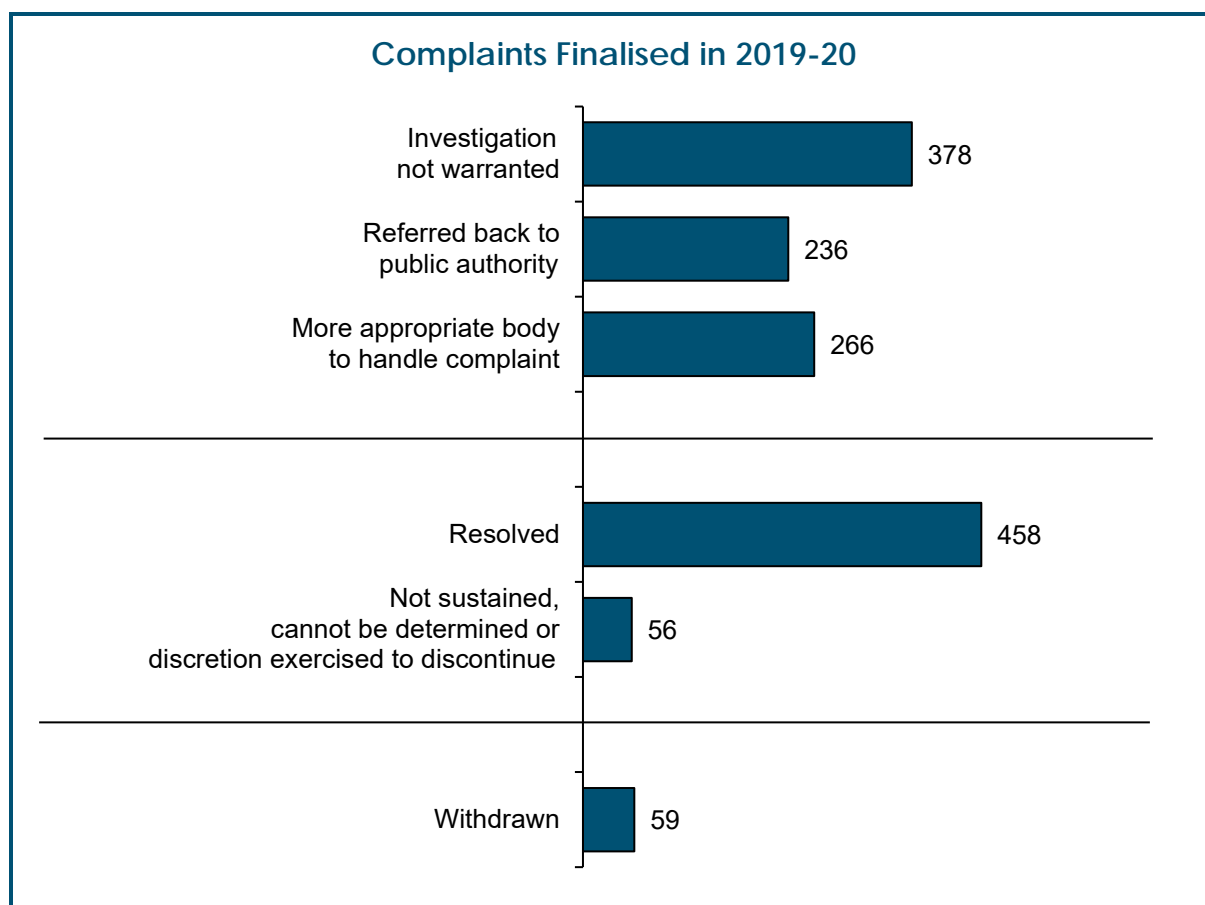
Over a quarter (27%) of the 880 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 266 (30%) of the complaints finalised at 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 514 complaints finalised after investigation, 89% 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.

Complaint Resolution

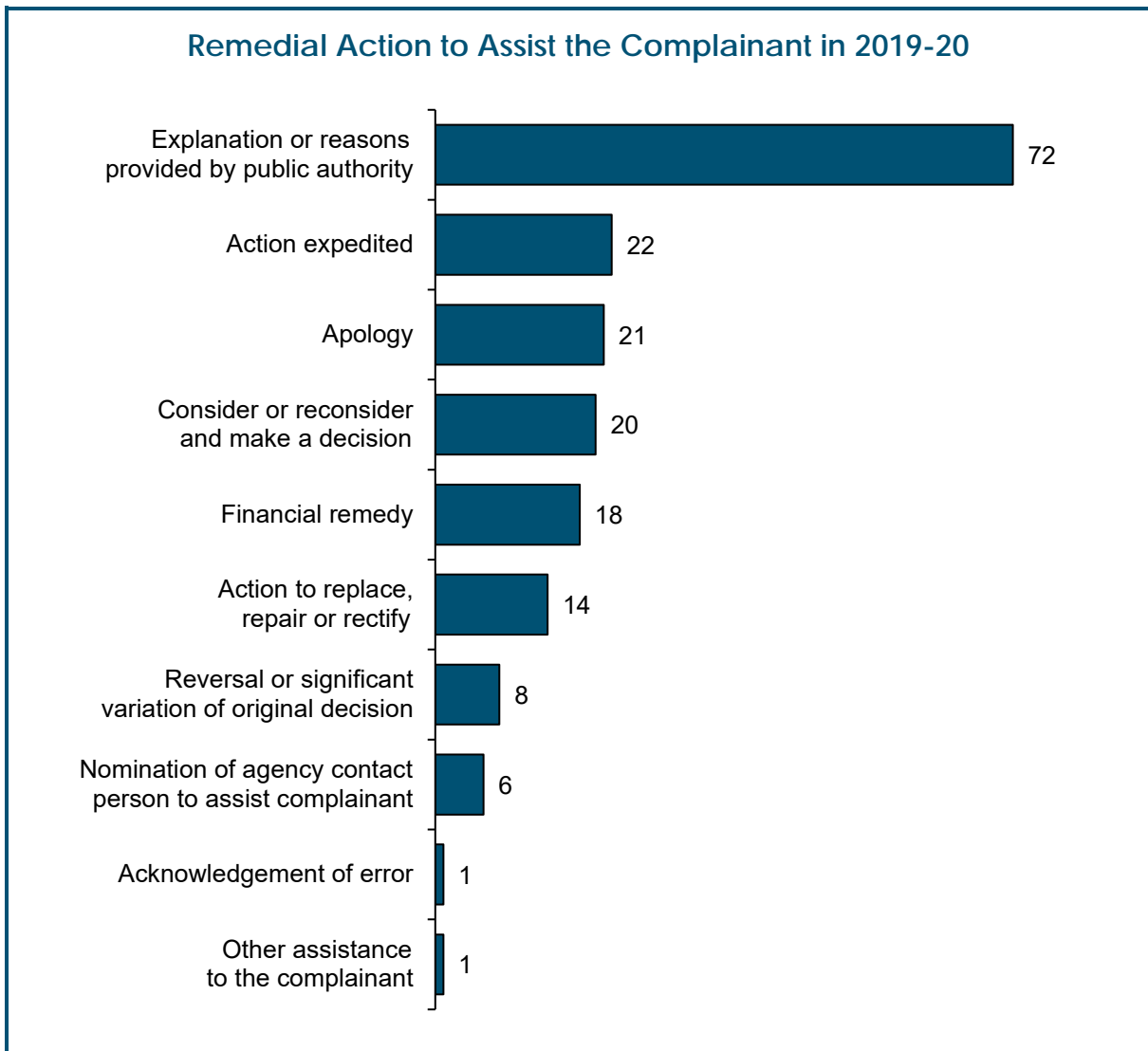


Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman's jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2019-20, there were 183 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman. 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 42 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.



Case Study

Improved cultural awareness and sensitivity

An Aboriginal Western Australian complained to the Ombudsman that a public authority was not communicating with them and members of their family in a way that was culturally appropriate and safe for Aboriginal people.

Following investigation by the Ombudsman, the public authority agreed to provide a written apology to the person, arrange for an Aboriginal staff member to speak with the person and members of their family, and provide training to staff to improve cultural awareness.

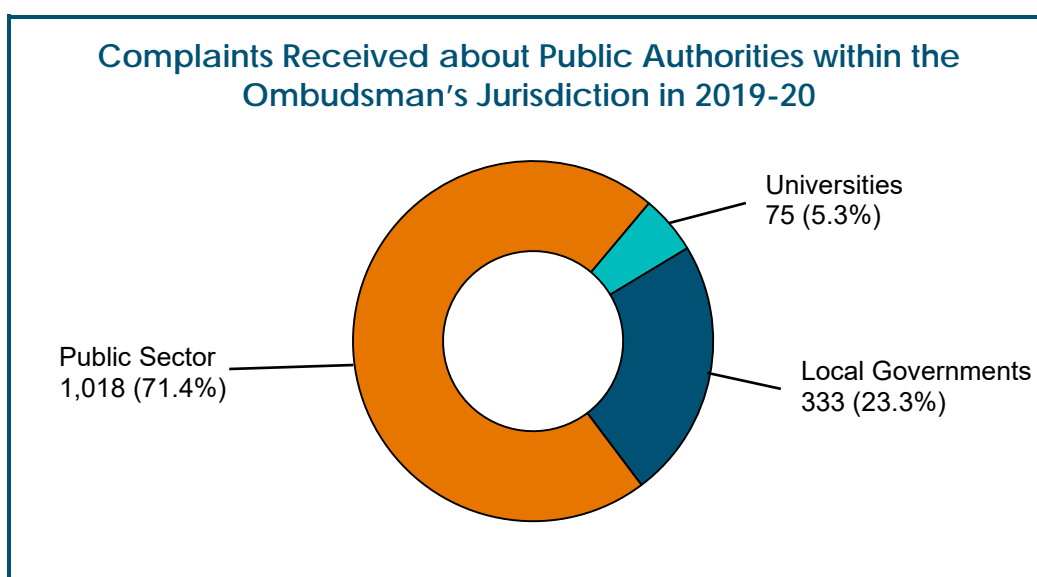
Outcomes to improve public administration

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.

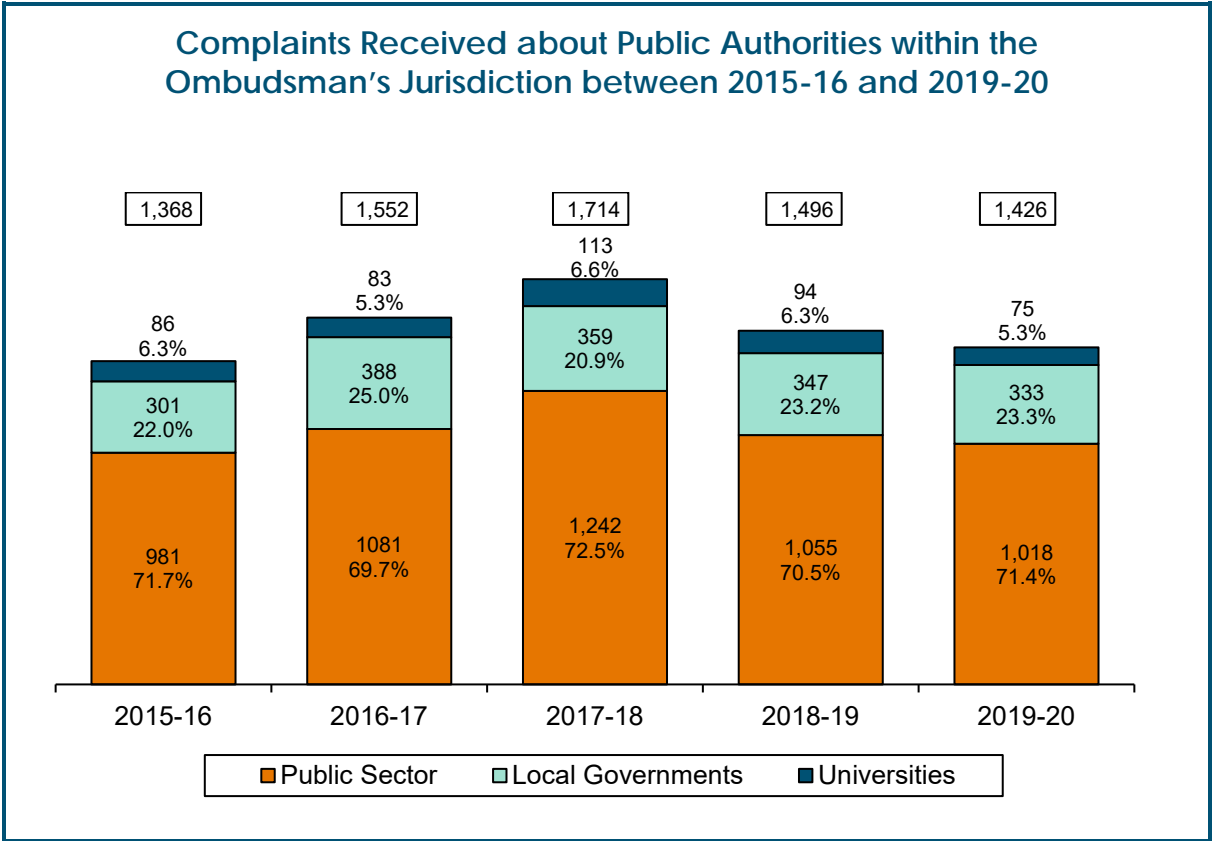
About the Complaints

Of the 1,981 complaints received, 1,426 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 555 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 (1,018 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (333 complaints); and the university sector (75 complaints).

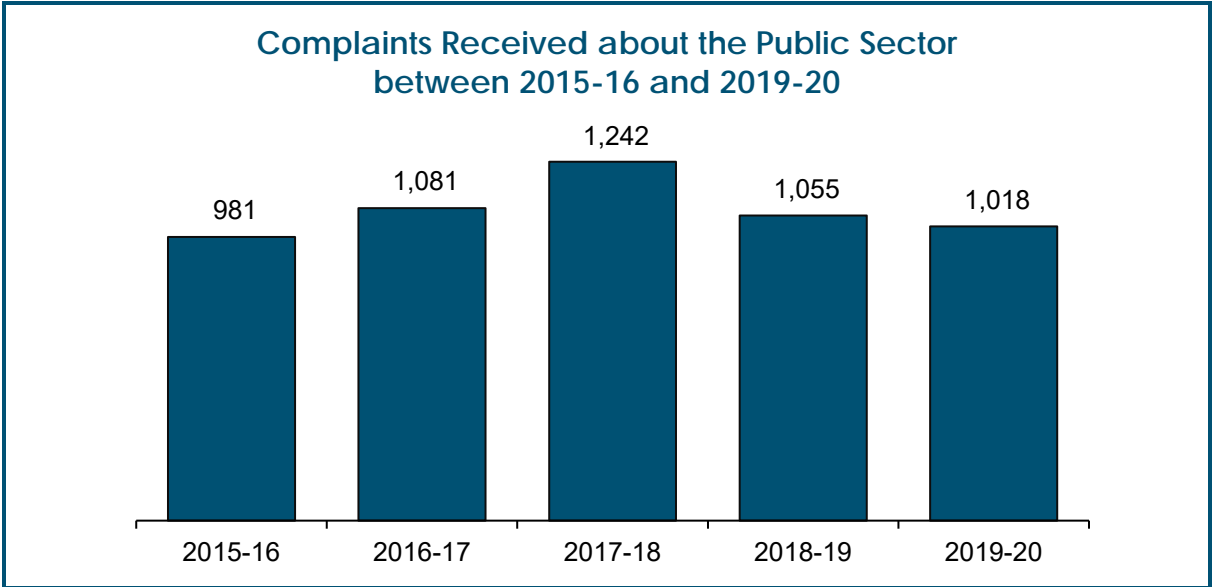


The proportion of complaints about each sector in the last five years is shown in the following chart.

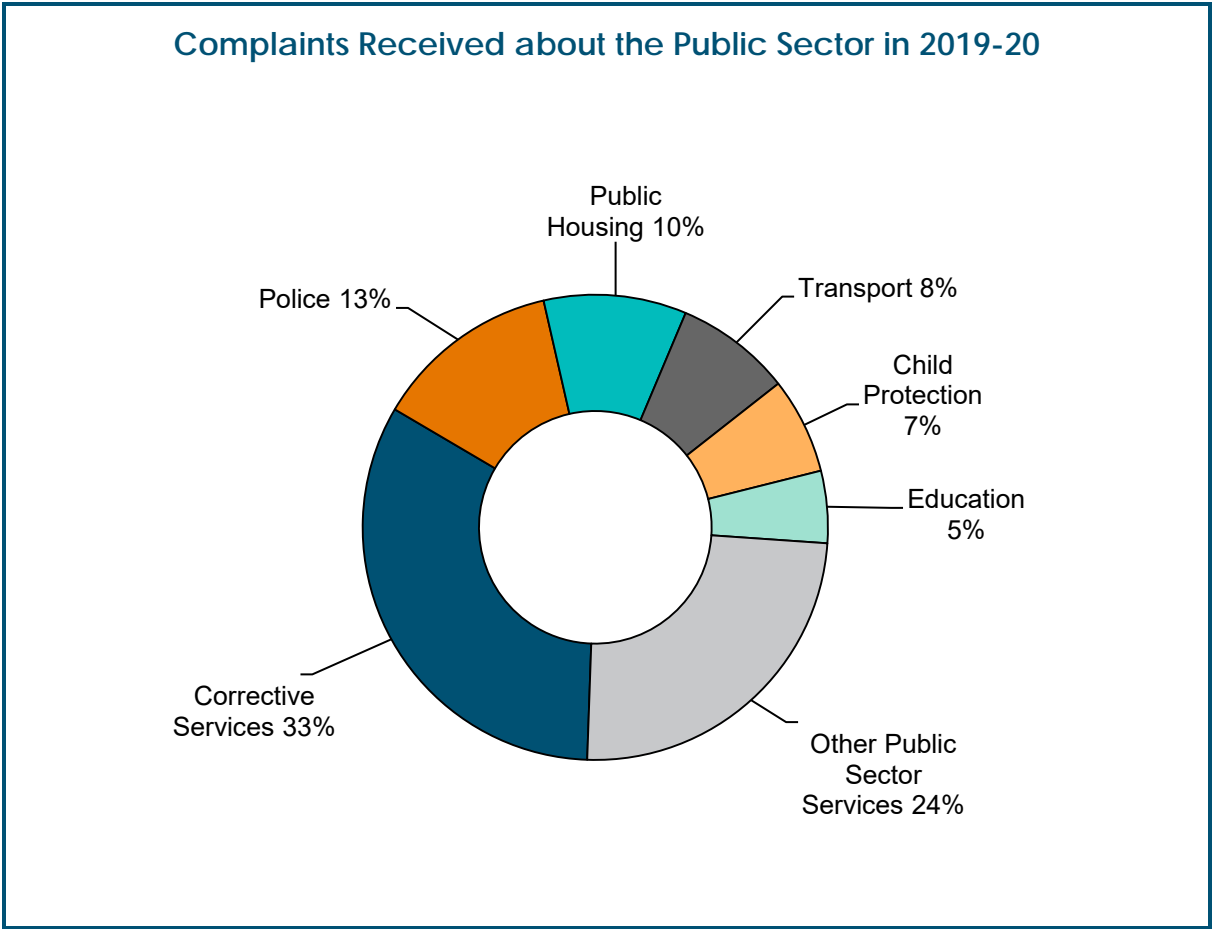


The Public Sector

In 2019-20, there were 1,018 complaints received about the public sector and 1,044 complaints were finalised. The number of complaints about the public sector as a whole since 2015-16 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2019-20, complaints were received about key services as shown in the following chart.



Complaint Resolution

Of the 1,018 complaints received about the public sector in 2019-20, 76% were about six key service areas covering:

- Corrective services, in particular prisons (335 or 33%);
- Police (132 or 13%);
- Public housing (101 or 10%);
- Transport (82 or 8%);
- Child protection (68 or 7%); and
- Education, including public schools and TAFE colleges (51 or 5%). Information about universities is shown separately under the university sector.

For further details about the number of complaints received and finalised about individual public sector agencies and authorities, see [Appendix 1](#).

Outcomes of complaints about the public sector

In 2019-20, there were 161 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 128 remedies being provided to complainants and 33 improvements to public sector practices.

The following case studies illustrate the outcomes arising from complaints about the public sector. Further information about the issues raised in complaints and the outcomes of complaints is shown on the following pages for each of the six key service areas and for the other public sector services as a group.



Case Study

Refund approved

A person complained to the Ombudsman that a public authority's decision to decline their application for a partial refund of a licence fee was unreasonable because the public authority had given them incorrect information about cancelling the licence which they had relied upon.

Following investigation by the Ombudsman, the public authority acknowledged that reference materials for staff were difficult to interpret and agreed to develop a single source document for staff to utilise to provide a clearer basis for the various policies on refunds and to improve instructions for more complex scenarios. The public authority also approved the refund to the person.



Case Study

Policy amended

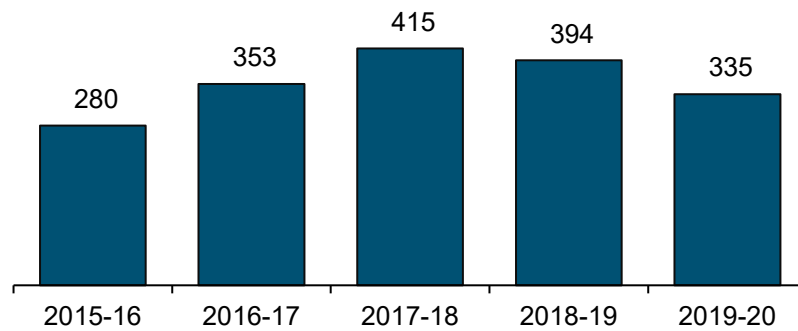
A person complained to the Ombudsman that a public authority failed to enforce a payment that was due to the person.

Following investigation by the Ombudsman, the public authority sought advice about the matter and, as a result of the advice received, reinstated the requirement for the payment to be made to the person, amended its policy and initiated system enhancements to ensure that payments due to an individual were enforced.

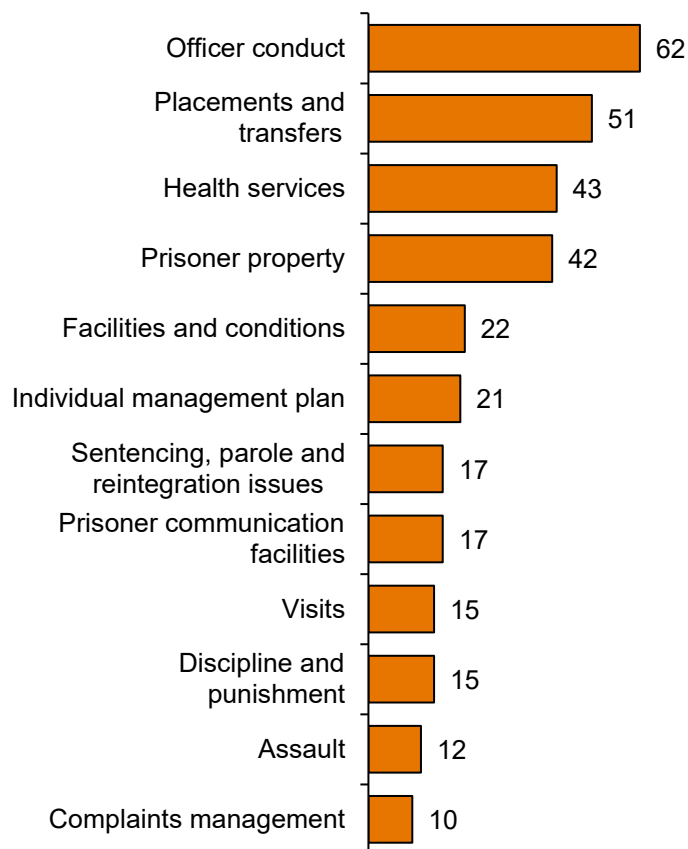
Public sector complaint issues and outcomes

Corrective Services

Complaints received



Most common allegations

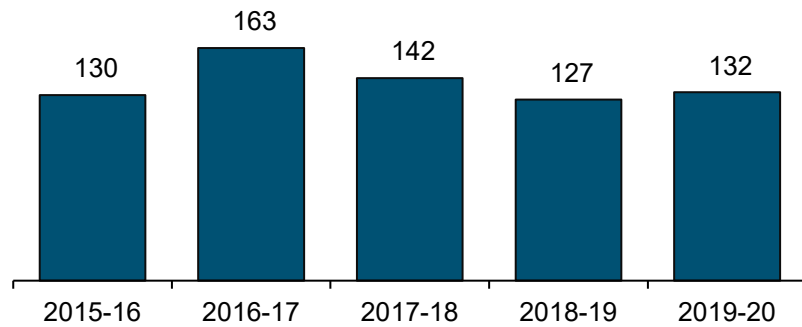


Outcomes achieved

- Financial payment, or monetary charge refunded;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and
- Staff training.

Police

Complaints received



Most common allegations

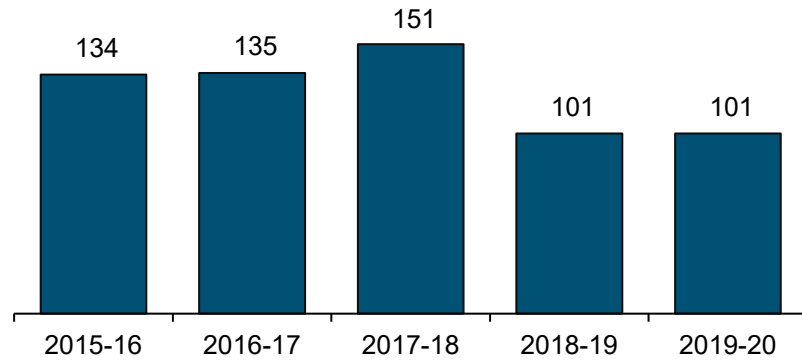


Outcomes achieved

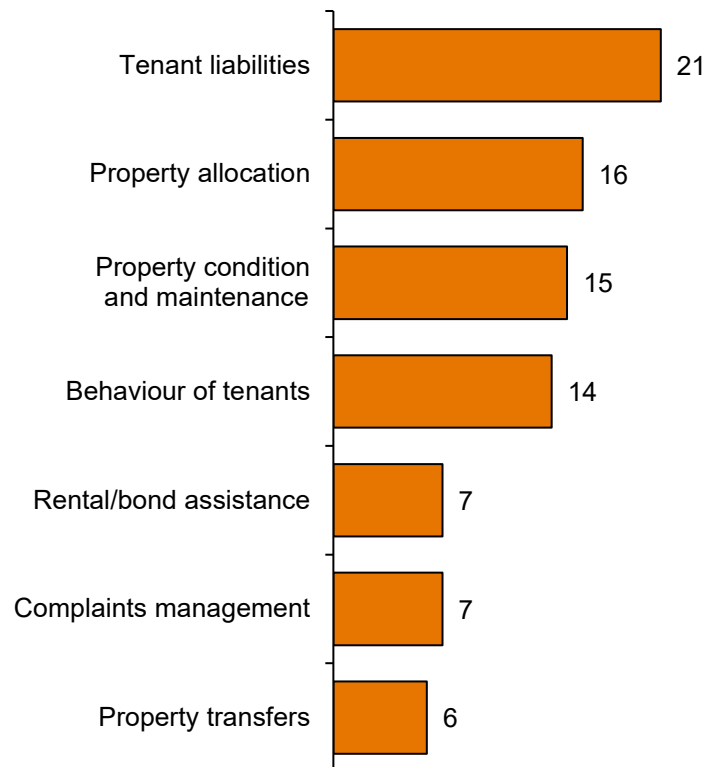
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and
- Staff training.

Public Housing

Complaints received



Most common allegations

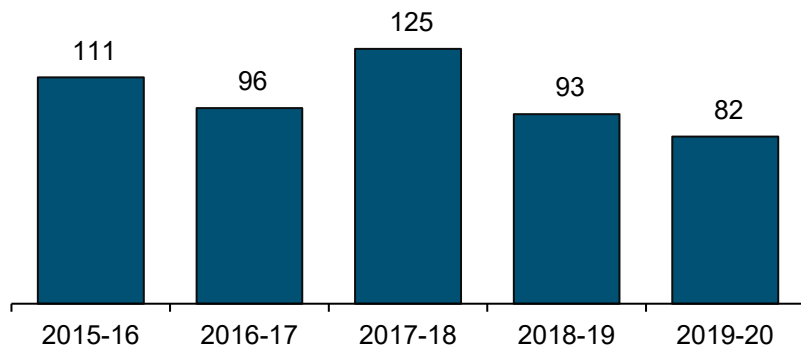


Outcomes achieved

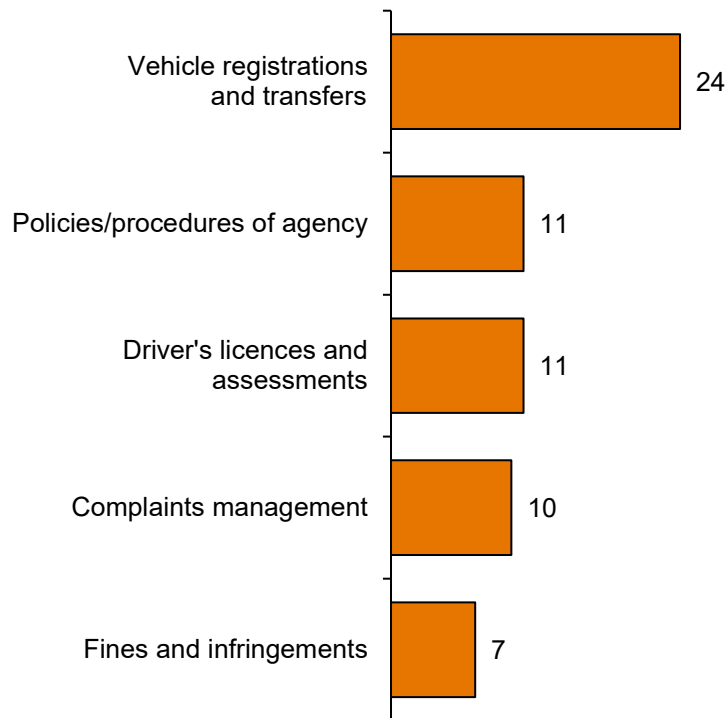
- Monetary charge reduced, refunded or rebate given;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgement of error;
- Action expedited;
- Explanation given or reasons provided;
- Conduct audit or review; and
- Staff training.

Transport

Complaints received



Most common allegations



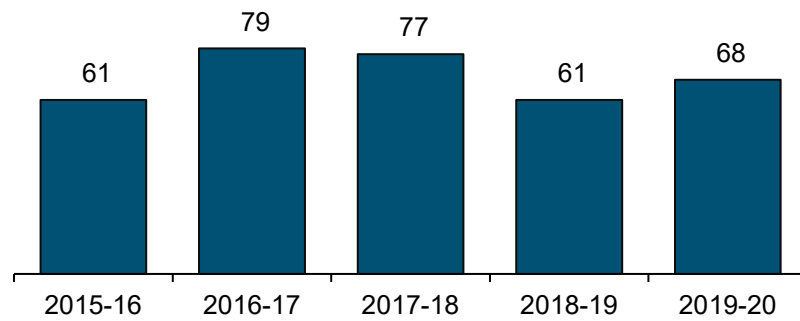
Complaint Resolution

Outcomes achieved

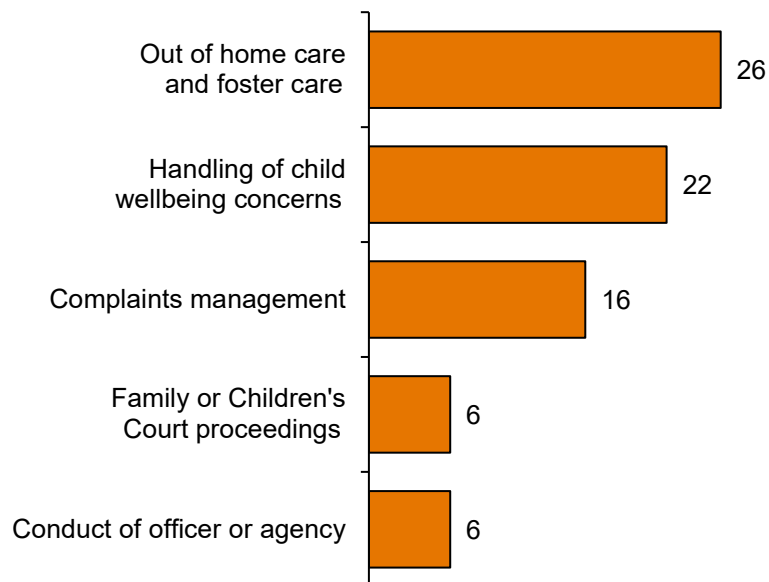
- Financial payment or monetary charge refunded;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices; and
- Conduct audit or review.

Child Protection

Complaints received



Most common allegations

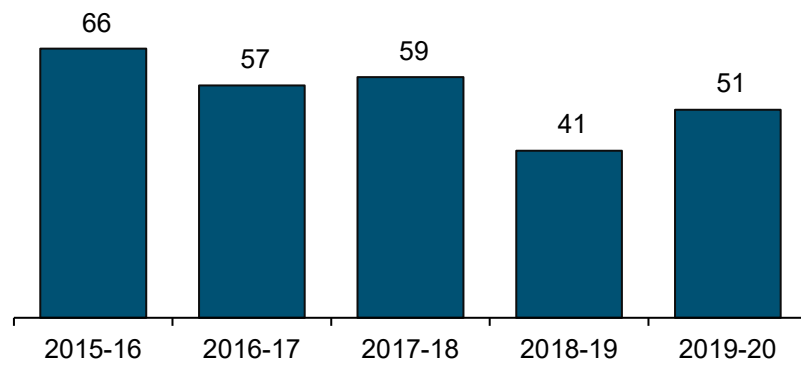


Outcomes achieved

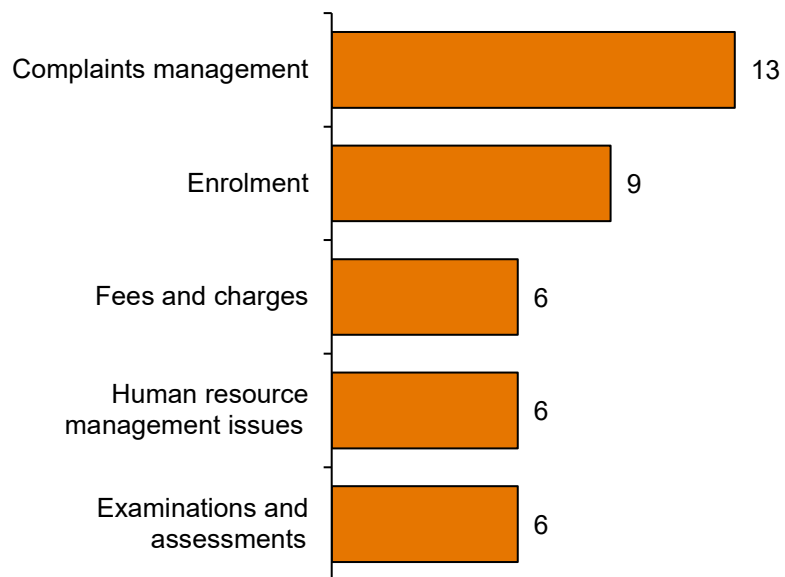
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy or procedure; and
- Staff training.

Education

Complaints received



Most common allegations



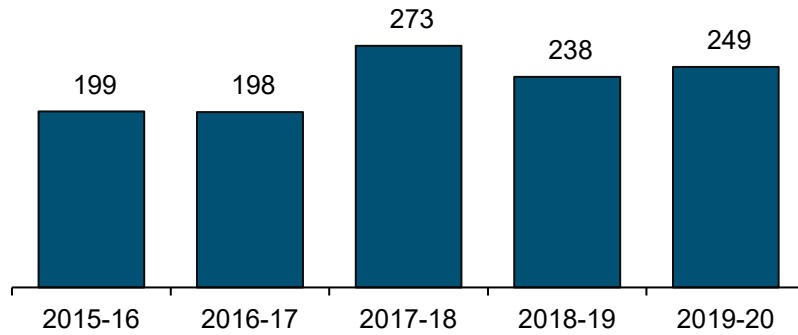
These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Outcomes achieved

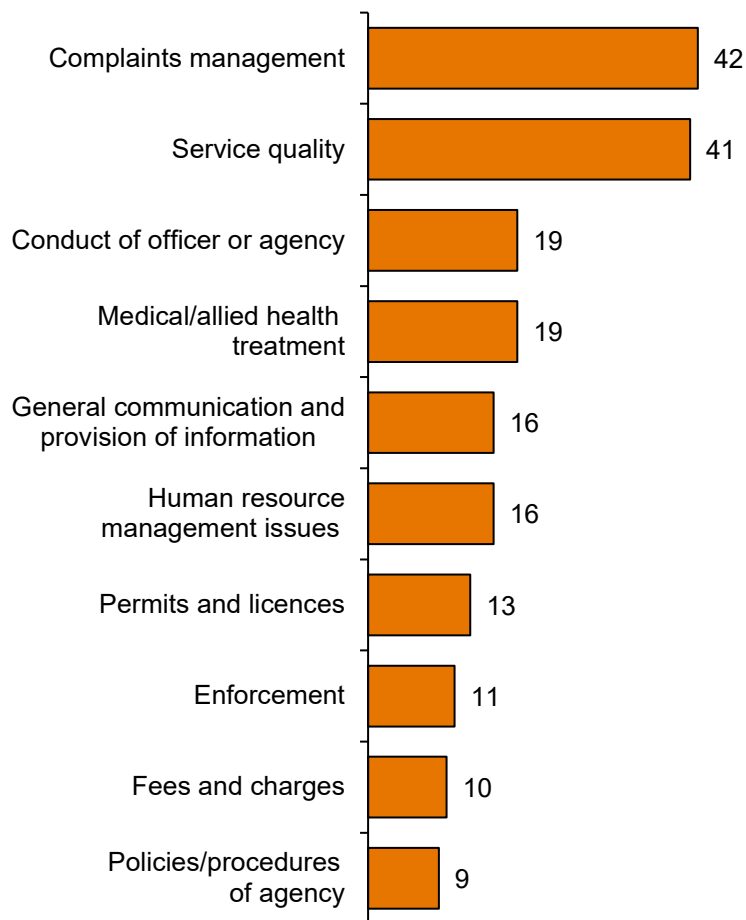
- Monetary charge refunded;
- Reversal or significant variation of original decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided; and
- Change to policy or procedure.

Other Public Sector Services

Complaints received



Most common allegations



Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy, procedure, business systems or practices;
- Update to publications or website;
- Conduct audit or review; and
- Improve recordkeeping.

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



Decision reviewed in light of new policy

A person complained to the Ombudsman that a public authority had unreasonably refused to introduce a 40km/h school zone at a local school attended by their children.

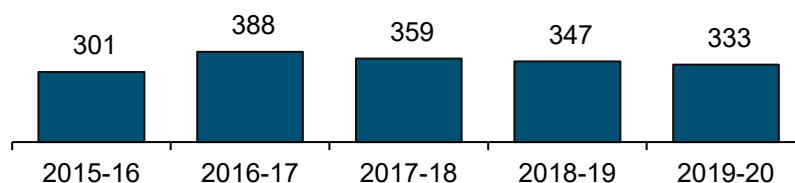
Following investigation by the Ombudsman, the public authority reviewed the matter in light of a new policy and commenced the actions required to initiate a school zone at the school frontage.

The local government sector

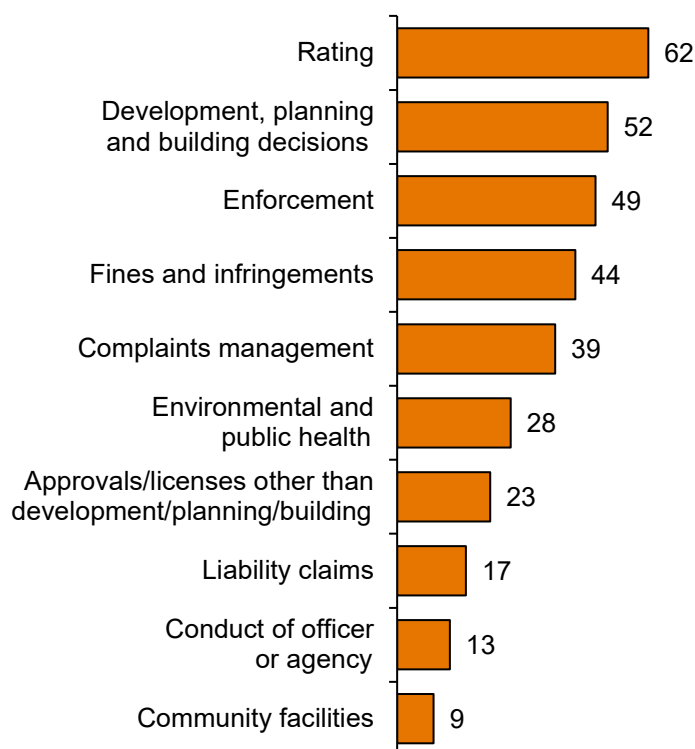
The following section provides further details about the issues and outcomes of complaints for the local government sector.

Local Government

Complaints received



Most common allegations



Outcomes achieved

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



Case Study

Action taken to address complaints about light pollution

A resident complained to the Ombudsman that a local government was not taking reasonable action to respond to complaints about a light display on a neighbouring property that was causing a nuisance.

Following investigation by the Ombudsman, the local government acknowledged that there had been a delay in responding to the resident's complaints. The local government agreed to inform the neighbour about the guidelines for light displays, proactively monitor future light displays to ensure compliance with the guidelines, develop an information sheet for the public to relay appropriate information about the guidelines and provide the resident with a designated point of contact for any future concerns.



Case Study

Overpayments refunded

A resident complained to the Ombudsman that a local government had been incorrectly charging them for two rubbish services on their rates notice instead of one.

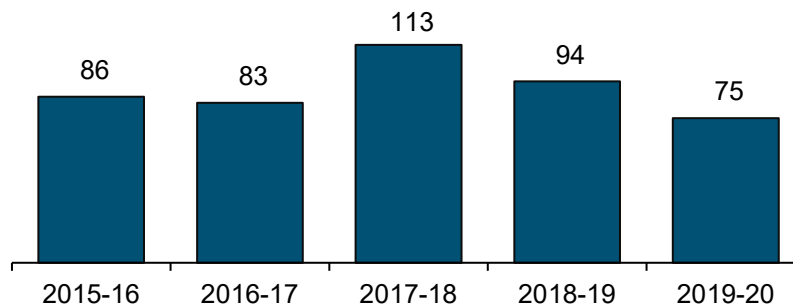
Following investigation by the Ombudsman, the local government refunded the resident for the years they had been incorrectly charged.

The university sector

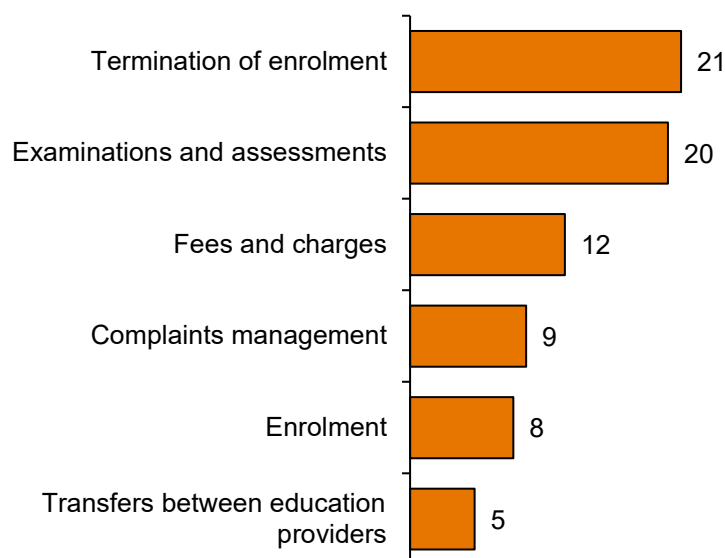
The following section provides further details about the issues and outcomes of complaints for the university sector.

Universities

Complaints received



Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#). Further details on these appeals are included later in this section.

Outcomes Achieved

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



Case Study

Student's appeal to be re-heard

A student's university enrolment was terminated for unsatisfactory academic performance. The student sought a review of the decision and subsequently appealed, stating that they had health issues which impacted on their capacity to study during the relevant period of time. The Appeals Committee decided that the student's status would remain terminated as they had not maintained contact with support services during the previous year or provided evidence that their health issues had been resolved. The student complained to the Ombudsman.

The Ombudsman's investigation found that relevant materials regarding the student's health issues were not before the Appeals Committee when it made its decision.

As a result of the Ombudsman's investigation, the university agreed to have the student's appeal heard before the Appeals Committee again, and to have the Committee consider all of the evidence, including the letter from the medical practitioner.

Other Complaint Related Functions

Reviewing appeals by overseas students

The [*National Code of Practice for Providers of Education and Training to Overseas Students 2018*](#) (**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 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.

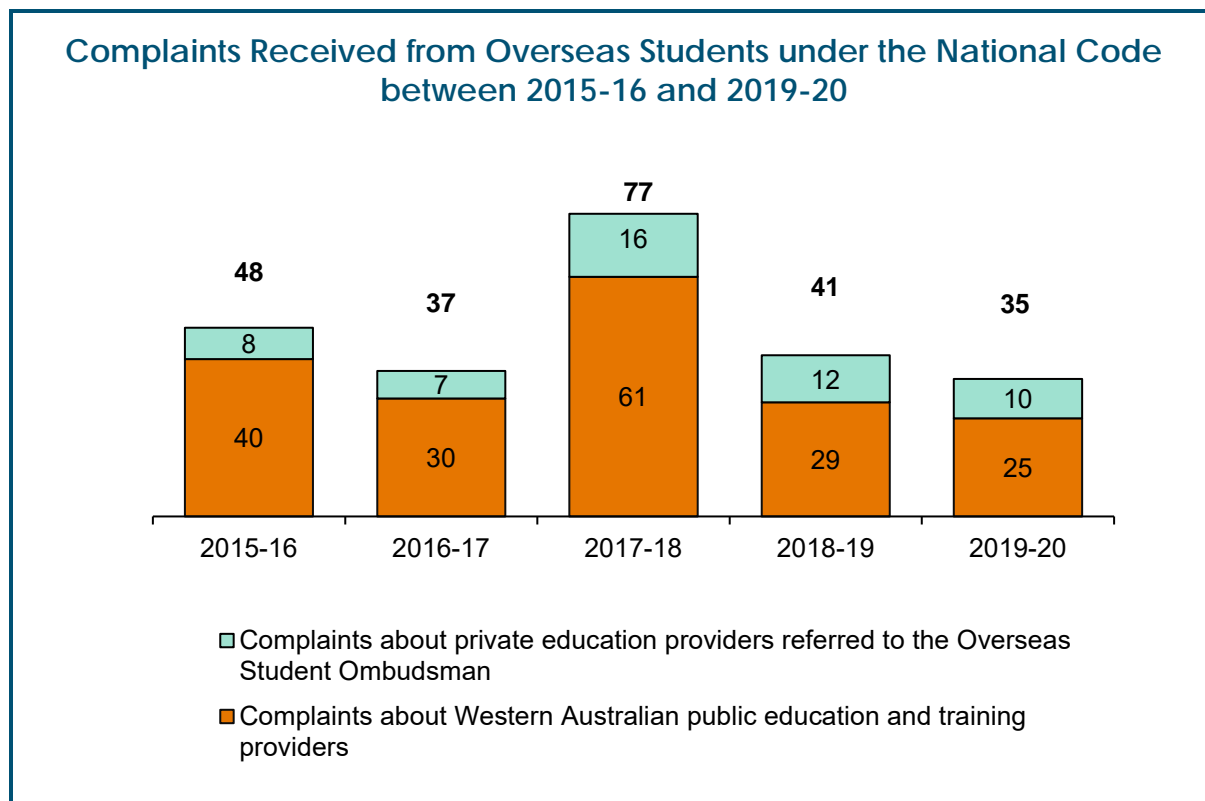
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- 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 11 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 2019-20, the Office received 35 complaints from overseas students, including 25 complaints about public education and training providers. Of the 25 complaints about public education providers within the Ombudsman's jurisdiction, 21 complaints were about universities and four were about TAFE colleges or other education providers. The Office also received 10 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 25 complaints by overseas students about public education and training providers involved 27 separate allegations. There are more allegations than complaints because one complaint may cover more than one issue. The most common issues raised by overseas students were decisions about:

- Termination of enrolment (11);
- Fees and charges (5);
- Examinations and assessments (3);
- Transfers between education and training providers (2); and
- Enrolment (2).

During the year, the Office finalised 37 complaints about 42 issues.



Case Study

Enrolment reinstated and policies amended

An international student in a public high school had their enrolment cancelled by their school. The student's appeal against the decision was dismissed, and they subsequently complained to the Ombudsman that the cancellation was unfair.

The Ombudsman's investigation found that the school's decision to cancel their enrolment was made according to the provisions of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* but it did not follow the process for exclusion in the *School Education Act 1999 (the Act)*.

As a result of the Ombudsman's investigation, the school re-enrolled the student and the Department of Education agreed to amend its policies to state that the exclusion of any student enrolled in a public school must comply with the exclusion process set out in the Act.



Case Study

University refunds tuition fees

An international student enrolled in a course at a university, which included an English language bridging course. Before commencing study, the student requested to withdraw from the course as they wished to study in another state for personal reasons. The university denied the student's release. The student then withdrew from the university and requested a refund of all course tuition fees. The university refunded the main course tuition fees to the student but did not refund the English language bridging course tuition fees. The student complained to the Ombudsman.

As a result of the Ombudsman's investigation, the university reconsidered the matter, including the application of its English language bridging course refund policy and refunded the English language bridging course tuition fees to the student minus administration and enrolment 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 about State Government departments and authorities delivering services in the Indian Ocean Territories and about local governments in the Indian Ocean Territories. There was one complaint 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.

In 2019-20, seven reviews were undertaken, representing one third of one per cent of the total number of complaints finalised by the Office. In all cases where a review was undertaken, the original decision was upheld.