

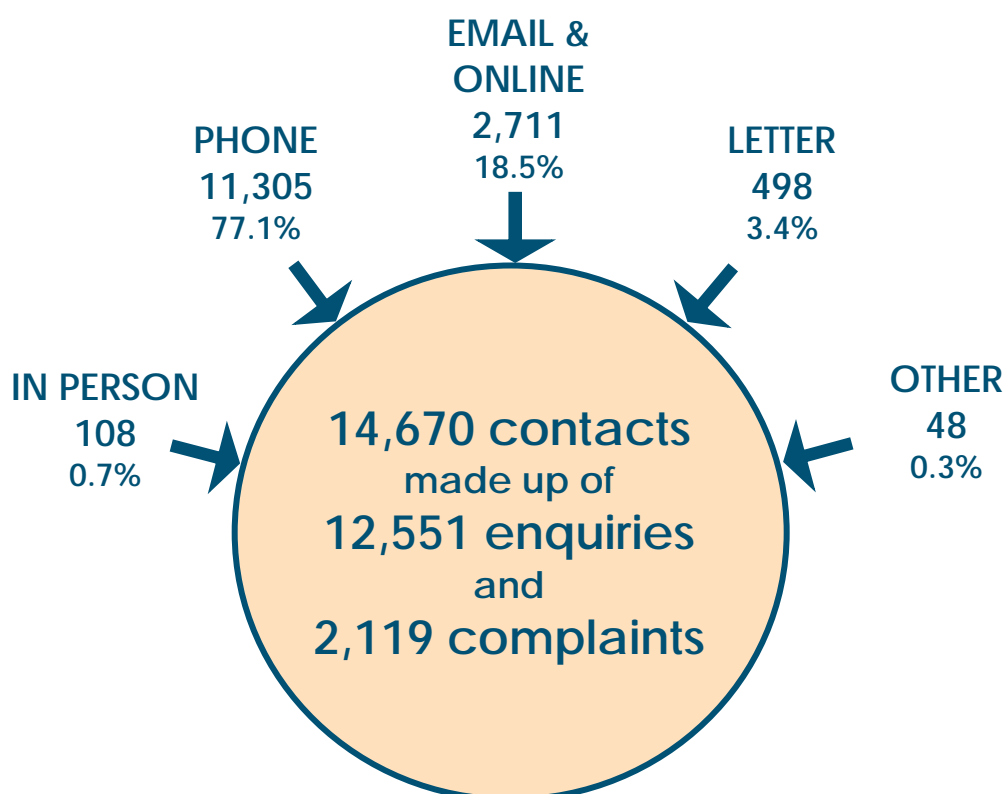
Complaint Resolution

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 2020-21, the Office received 14,670 contacts from members of the public consisting of:

- 12,551 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,119 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.



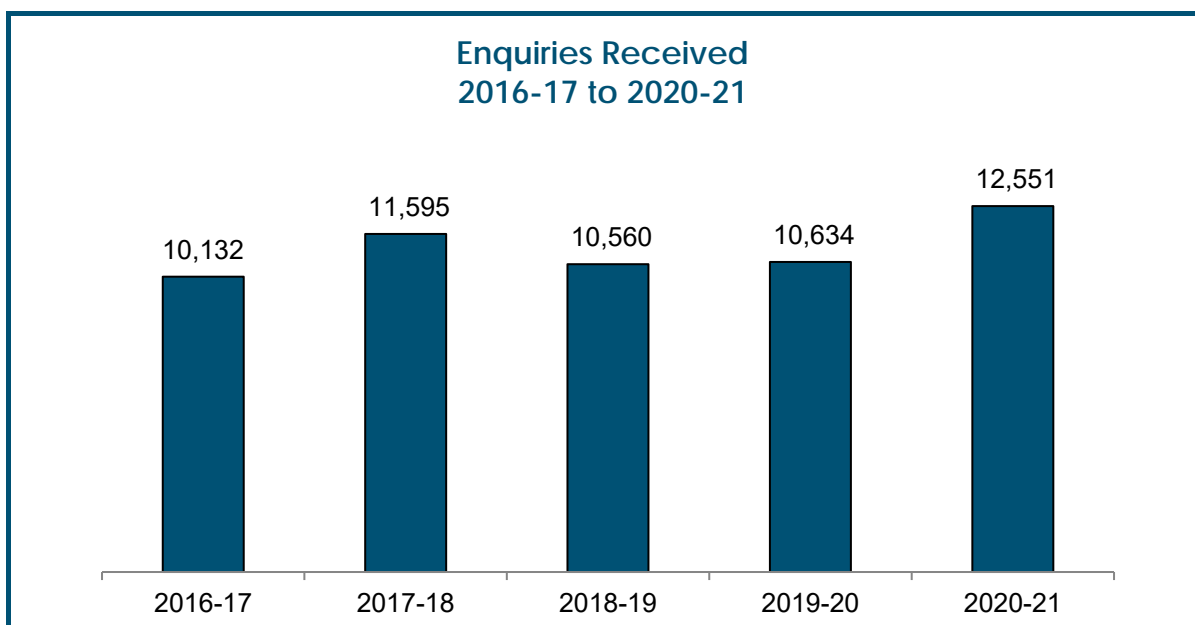
Enquiries Received

There were 12,551 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.

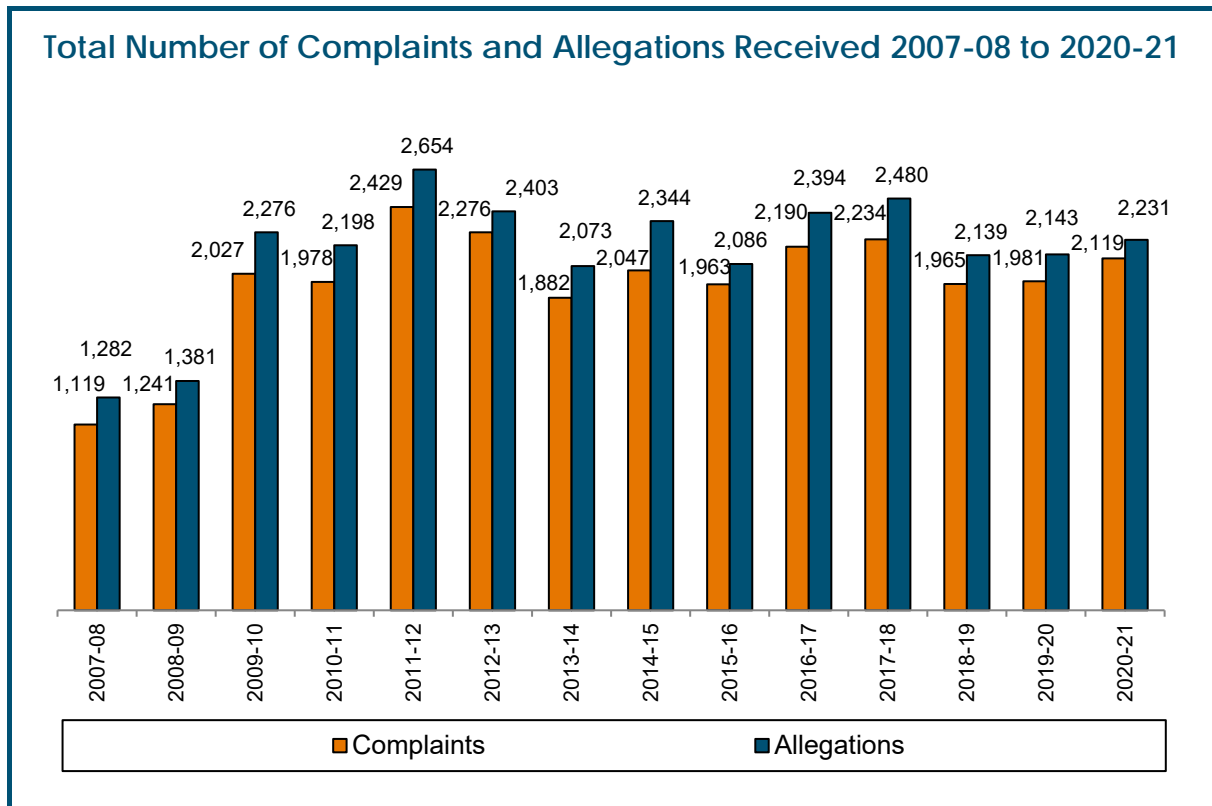
Complaint Resolution



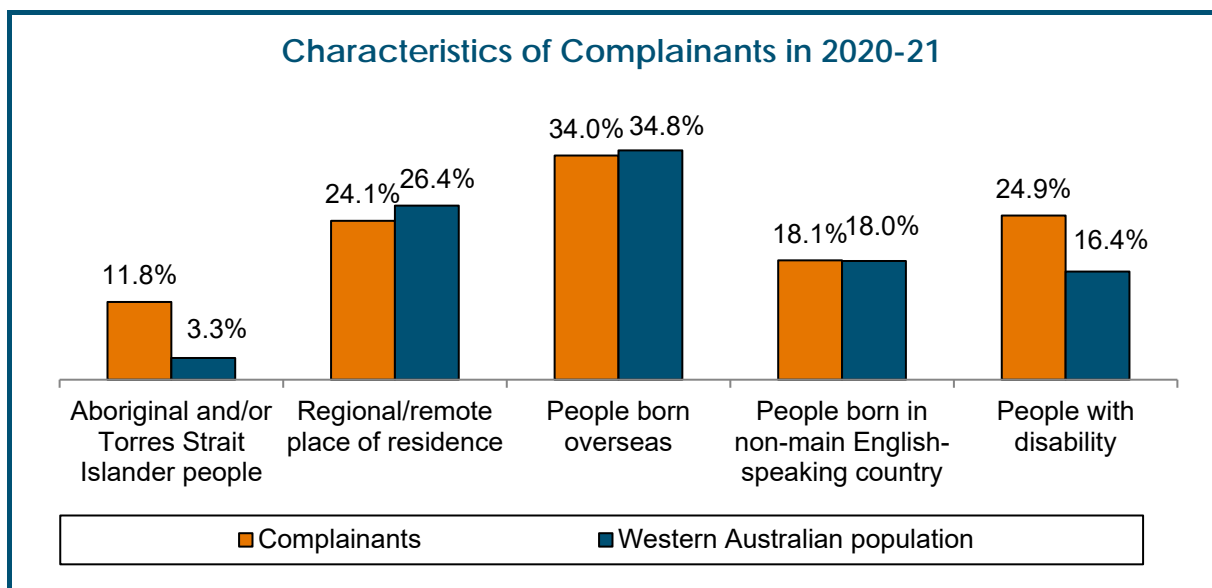
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2020-21, the Office received 2,119 complaints, with 2,231 separate allegations, and finalised 2,062 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.

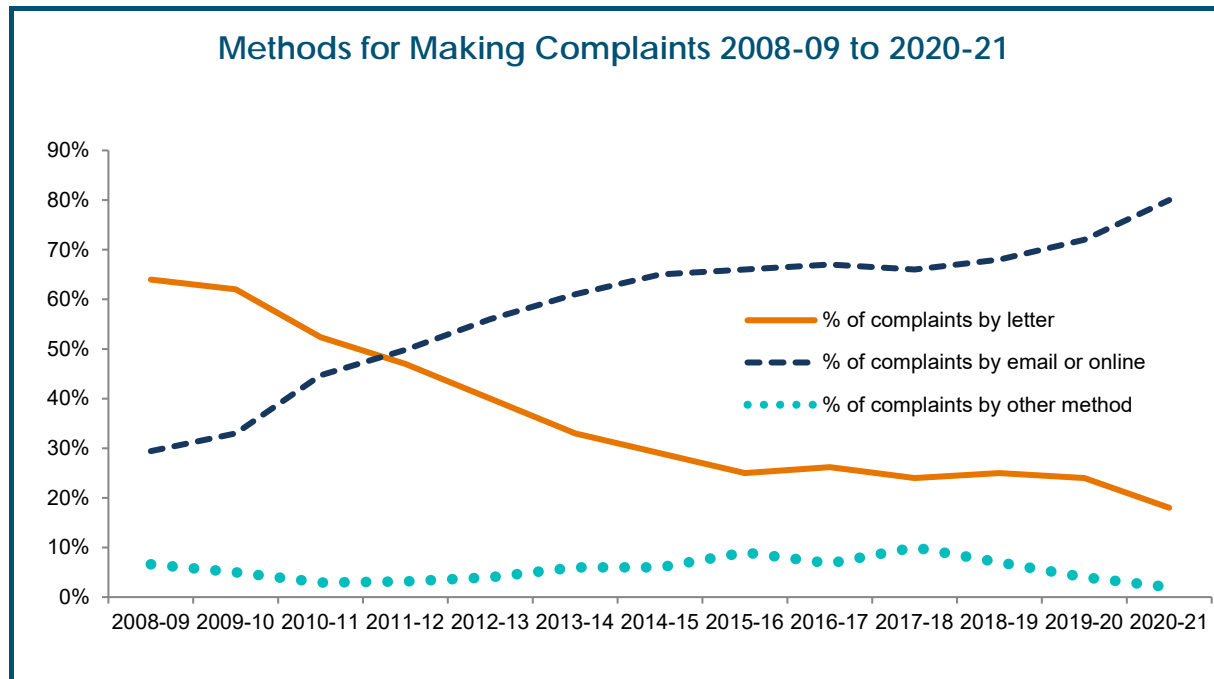


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply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

How Complaints Were Made

Over the last 13 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 2020-21, 80% of complaints were lodged by email or online, compared to 18% by letter and two 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 2020-21, 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 2020-21:

- The percentage of allegations finalised within 3 months was 96%; and
- The percentage of allegations on hand at 30 June less than 3 months old was 87%.

96% 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 45 days; and
- Complaints older than 6 months have decreased from 40 to 9.

Complaints Finalised in 2020-21

There were 2,062 complaints finalised during the year and, of these, 1,464 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 927 were finalised at initial assessment, 481 were finalised after an Ombudsman investigation and 56 were withdrawn.

Complaints finalised at initial assessment

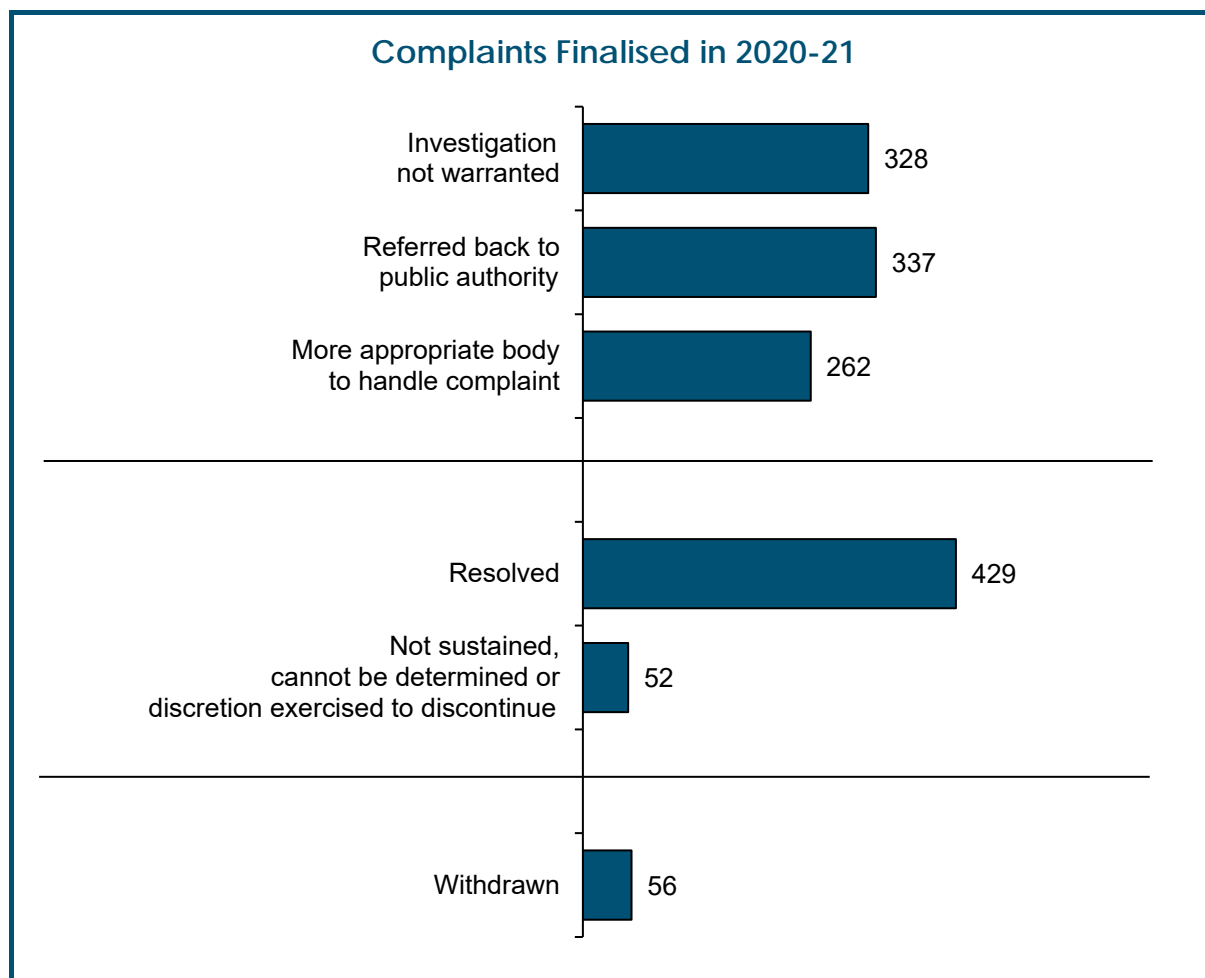
Over a third (36%) of the 927 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 262 (28%) 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 481 complaints finalised after investigation, 86% 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

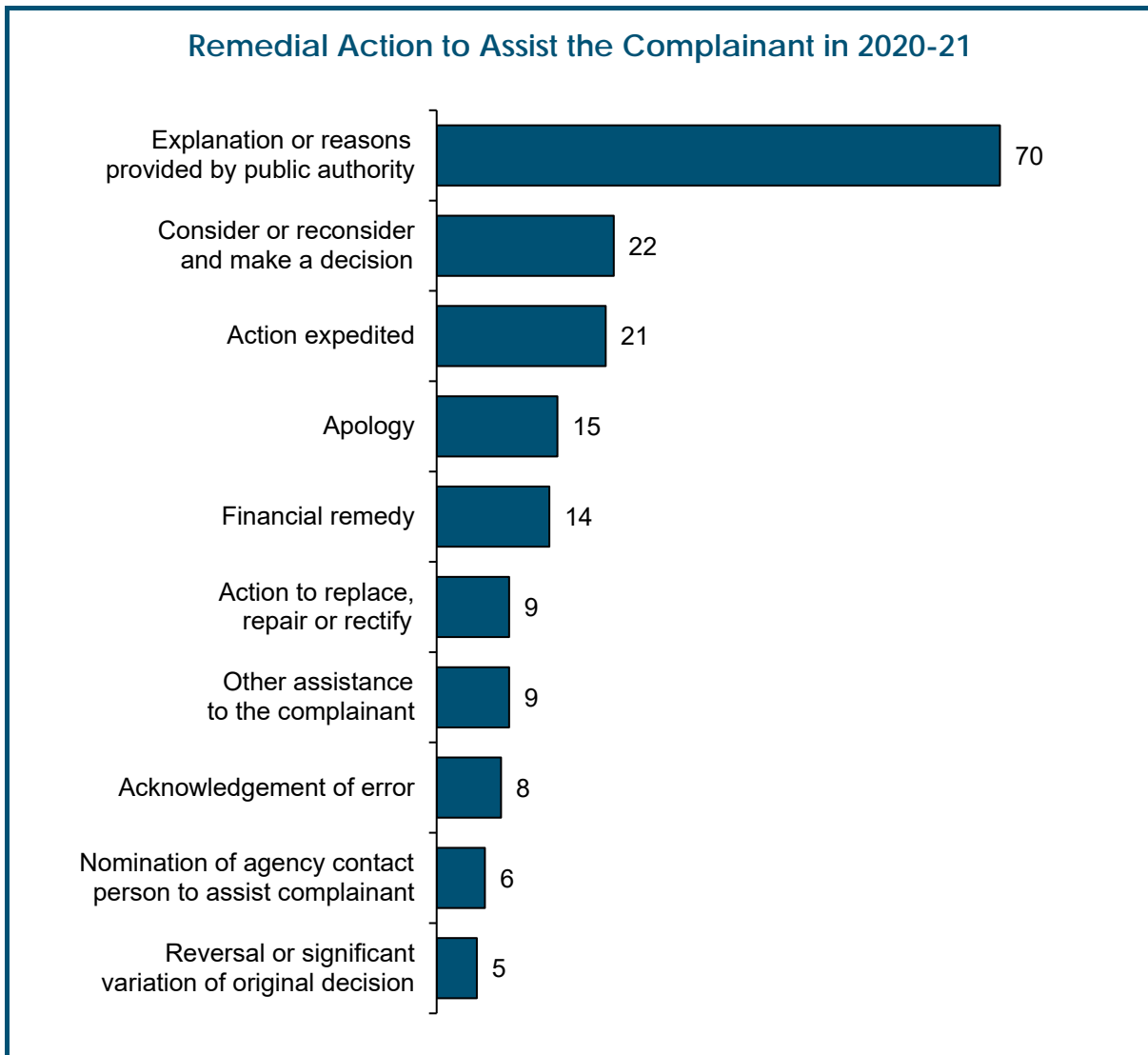


Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman's jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2020-21, there were 179 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 52 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

Charges reviewed and waived

A tenant was charged by a public authority for repairs and maintenance after the tenant had vacated the property. The tenant complained to the public authority about the charges. The public authority reviewed the matter and as a result of the review waived some of the charges. The tenant complained to the Ombudsman that they were not responsible for some of the remaining charges.

Following an investigation by the Ombudsman, the public authority further reviewed the charges and considered the application of its policies relating to tenant liability. As a result of its further review, the public authority waived a further amount of the disputed charges.

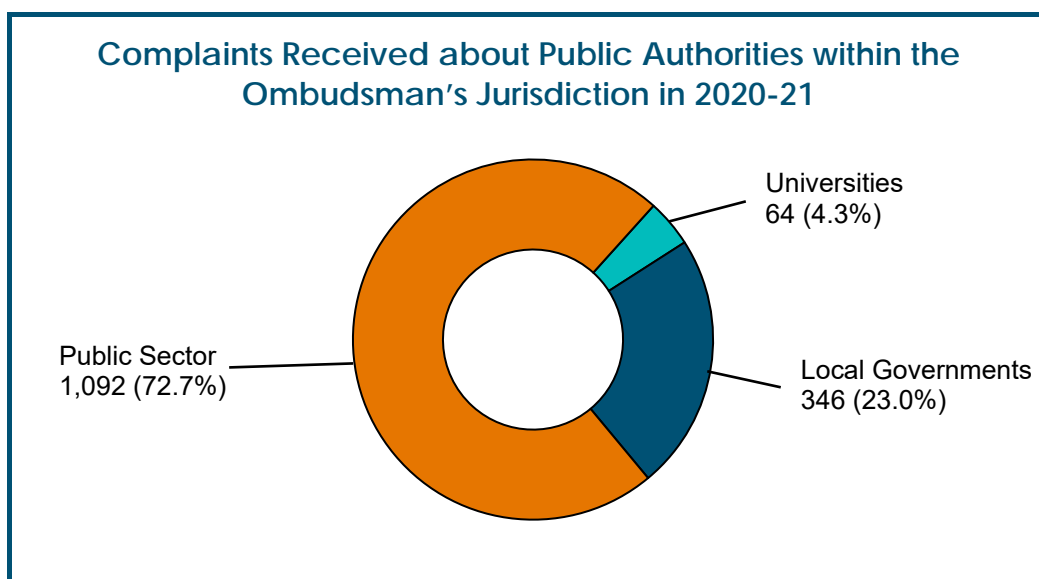
Outcomes to improve public administration

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.

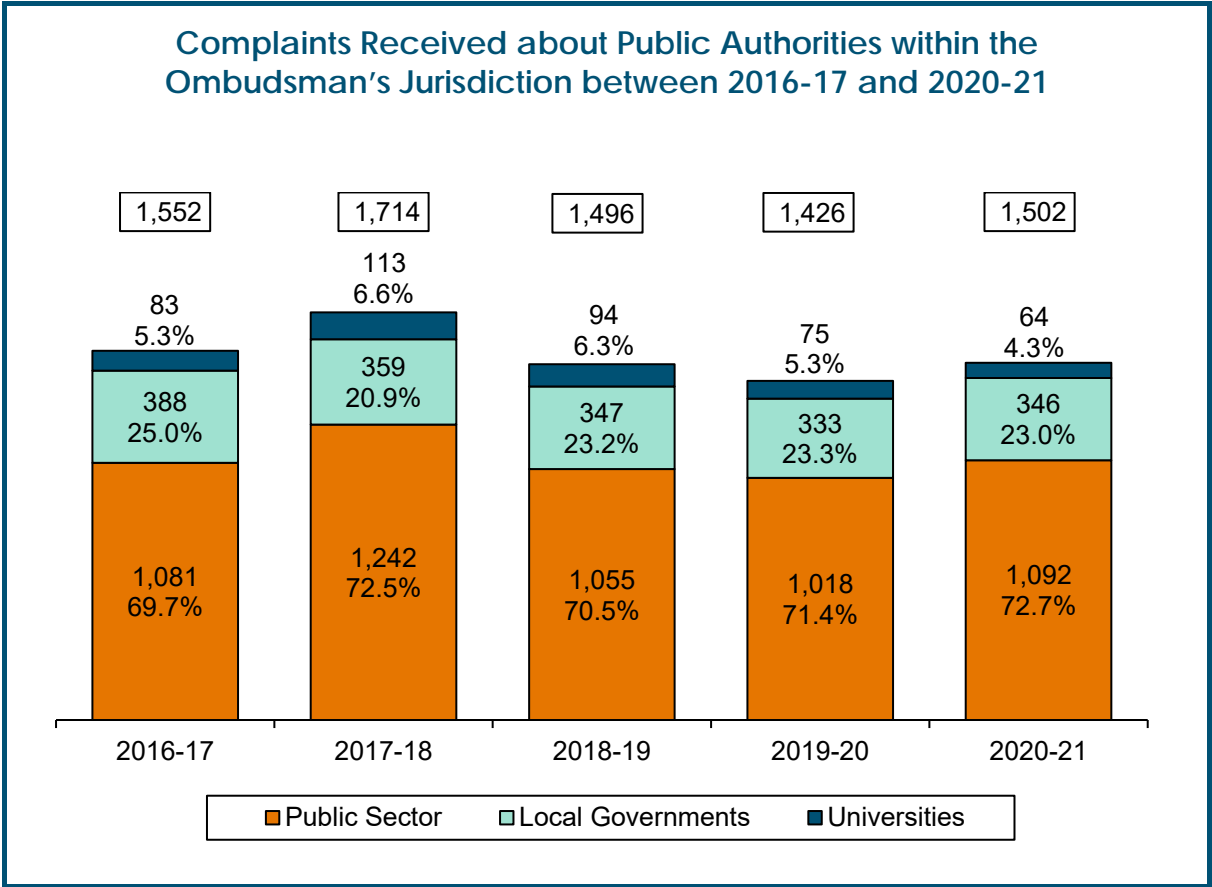
About the Complaints

Of the 2,119 complaints received, 1,502 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 617 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 (1,092 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (346 complaints); and the university sector (64 complaints).

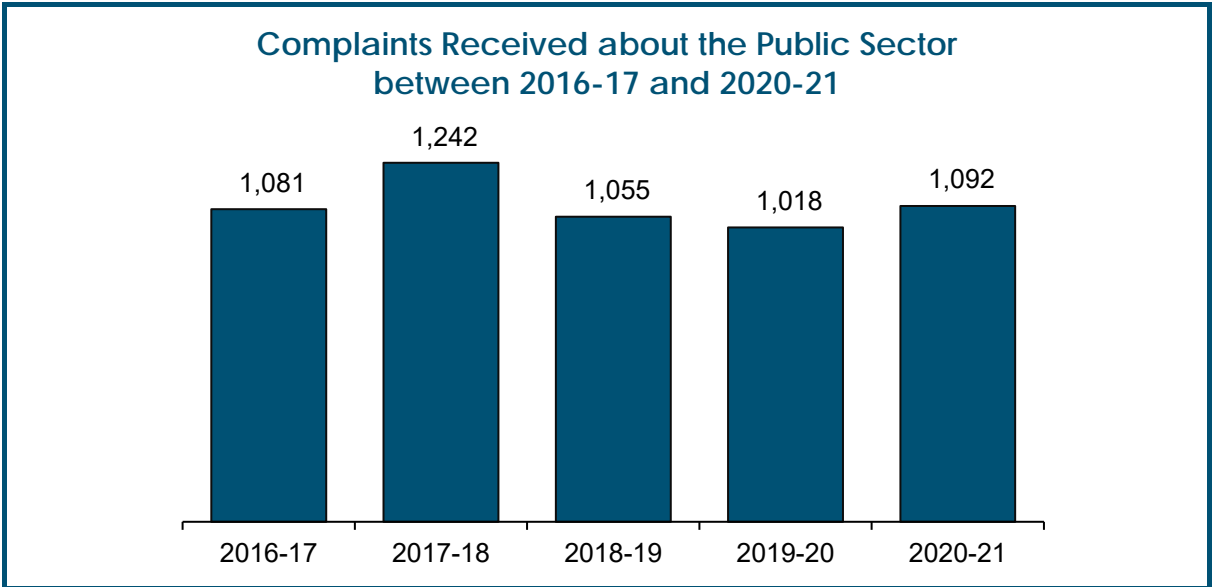


The proportion of complaints about each sector in the last five years is shown in the following chart.

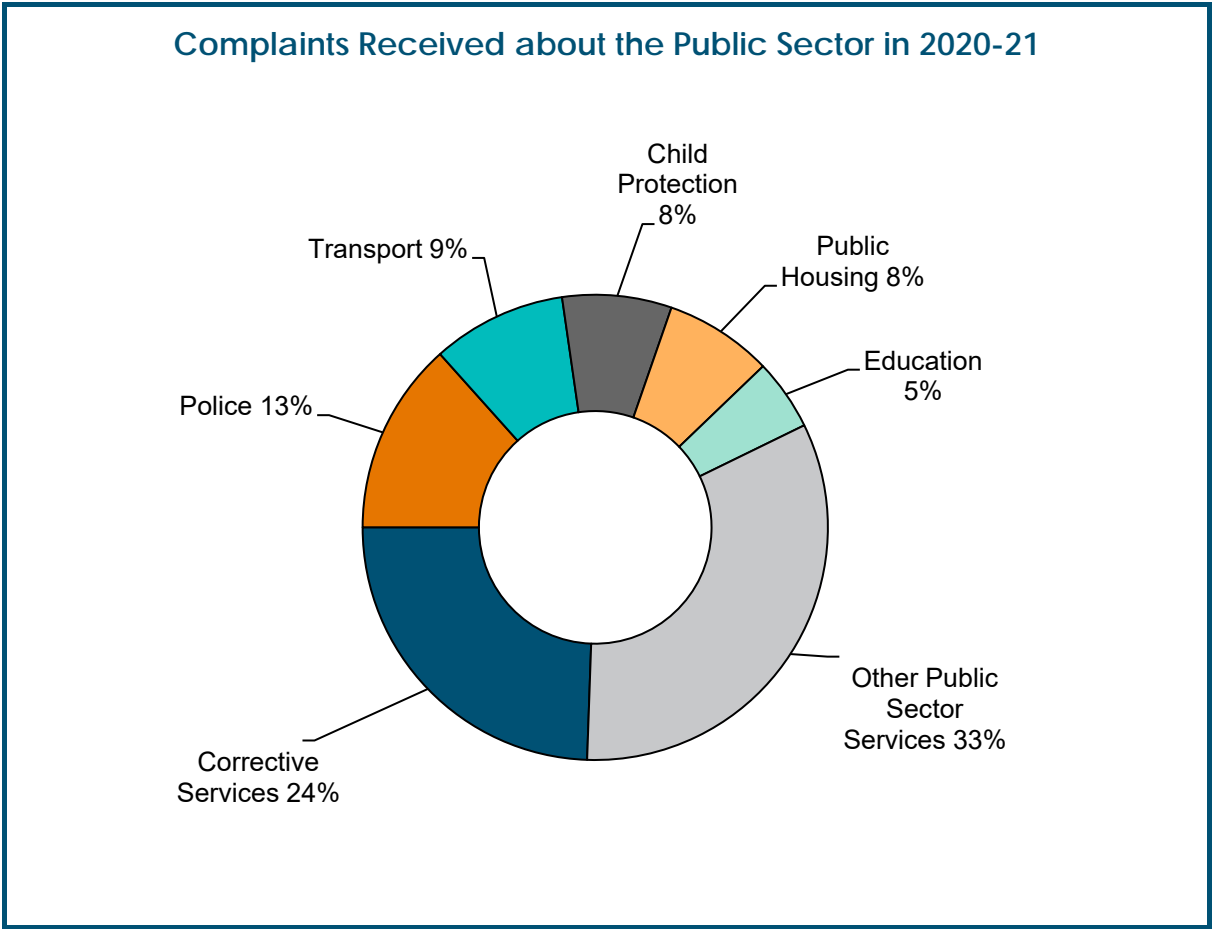


The Public Sector

In 2020-21, there were 1,092 complaints received about the public sector and 1,053 complaints were finalised. The number of complaints about the public sector as a whole since 2016-17 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2020-21, complaints were received about key services as shown in the following chart.



Of the 1,092 complaints received about the public sector in 2020-21, 67% were about six key service areas covering:

- Corrective services, in particular prisons (267 or 24%);
- Police (146 or 13%);
- Transport (102 or 9%);
- Child protection (83 or 8%);
- Public housing (82 or 8%); and
- Education, including public schools and TAFE colleges (54 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 2020-21, there were 157 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 118 remedies being provided to complainants and 39 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

Decision to decline application for assistance overturned

A person applied for assistance from a public authority. The public authority declined the application based on the person's previous history with the public authority. The person sought a review of the decision on the basis that their current situation was different as they were receiving support for relevant health conditions, but the public authority upheld the original decision. The person complained to the Ombudsman that the public authority's decision was unreasonable as it did not appropriately consider the changes to the person's situation.

Following an investigation by the Ombudsman, the public authority further reviewed the matter and overturned its decision in the person's favour and approved their application for assistance on the condition that the person continues to engage with support services.



Case Study

Decision review results in withdrawal of infringement

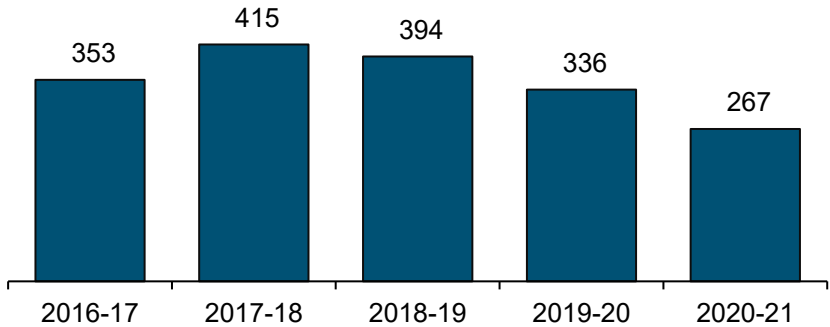
A person complained to the Ombudsman that they had received an infringement from a public authority for failing to meet the requirements of a professional licence. The person complained that this was unreasonable as they had never worked in the profession and had assumed their licence had lapsed.

Following an investigation by the Ombudsman, the public authority reviewed the matter, authorised the withdrawal of the infringement notice and apologised to the person for any distress experienced.

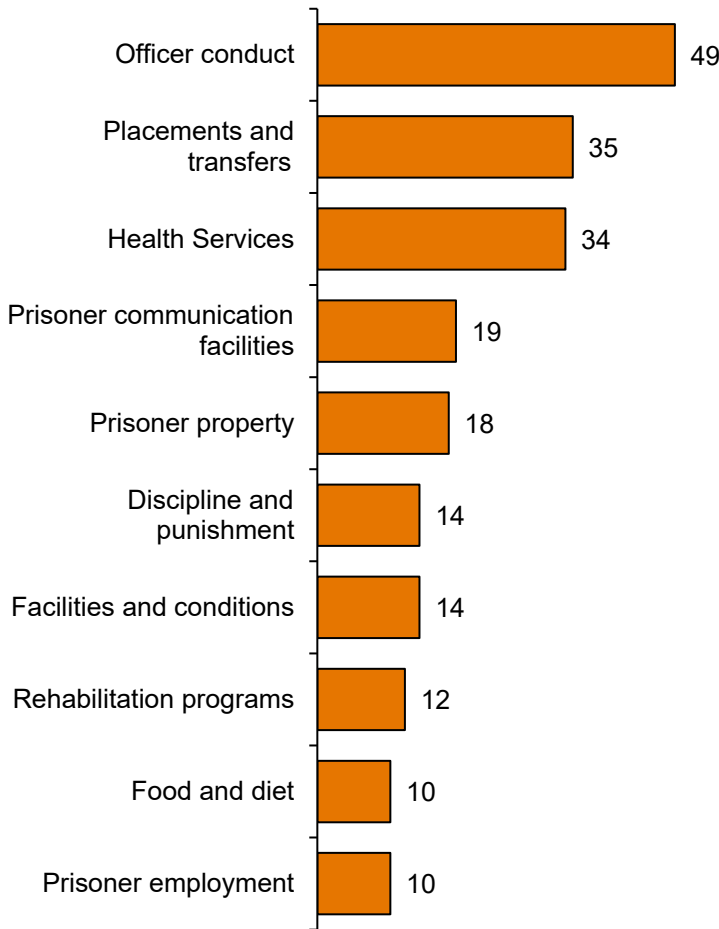
Public sector complaint issues and outcomes

Corrective Services

Complaints received



Most common allegations



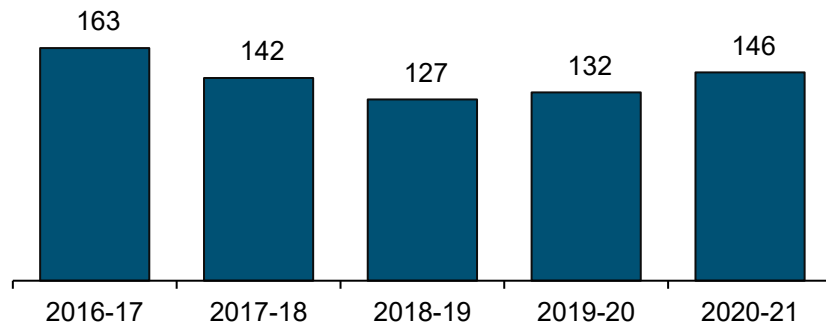
Outcomes achieved

- Financial payment;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Action expedited;
- Explanation given or reasons provided; and
- Staff training.

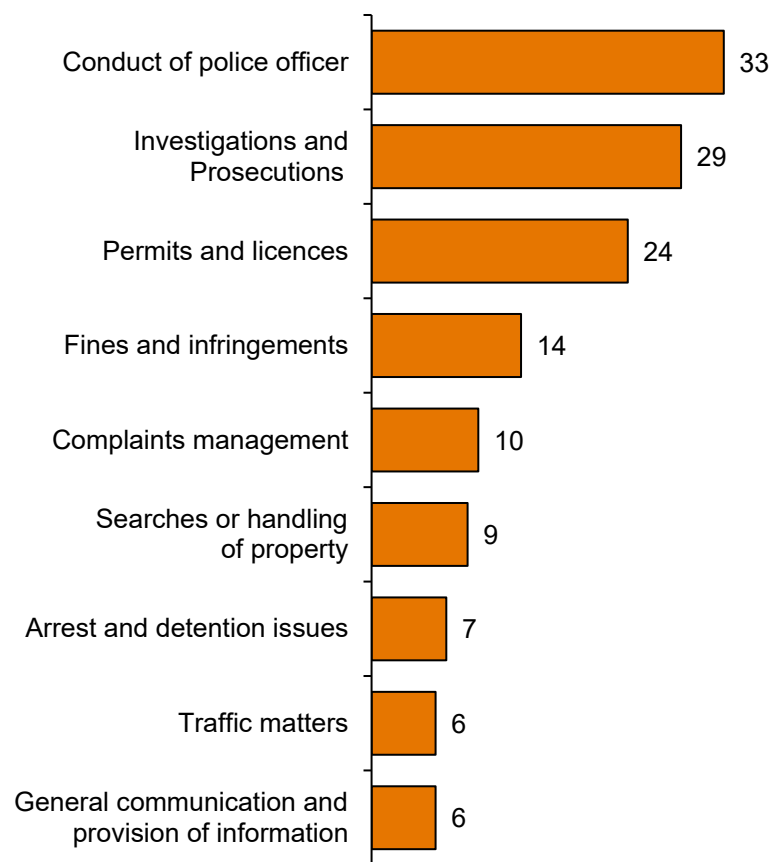
Complaint Resolution

Police

Complaints received



Most common allegations

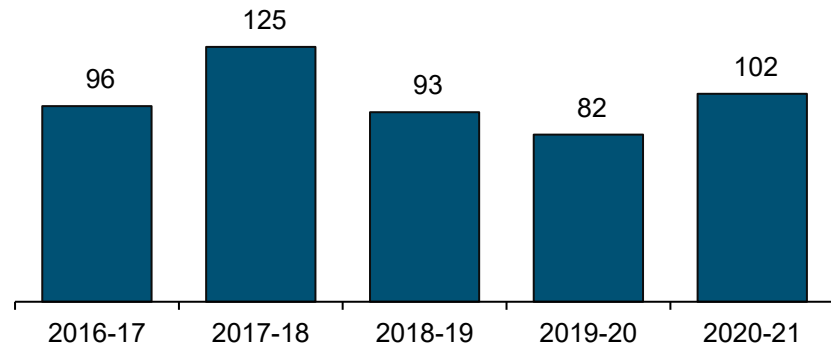


Outcomes achieved

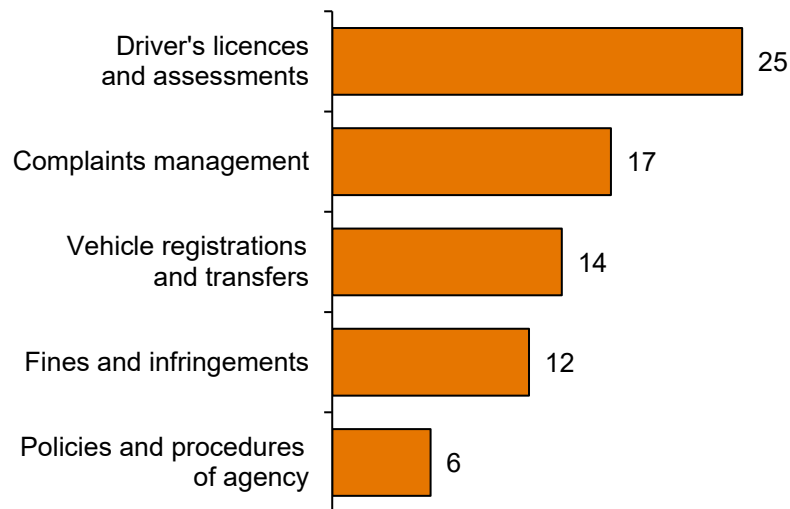
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision; and
- Explanation given or reasons provided.

Transport

Complaints received



Most common allegations

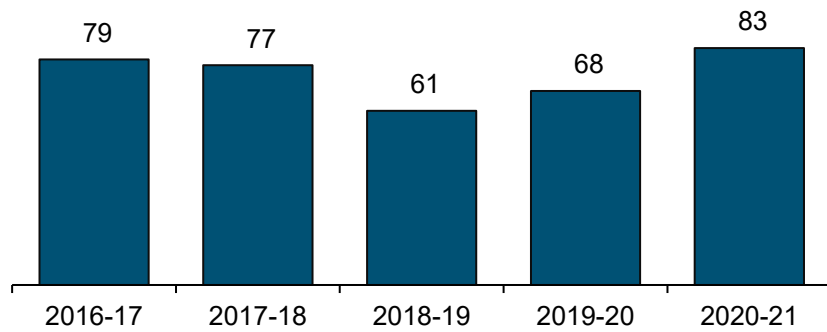


Outcomes achieved

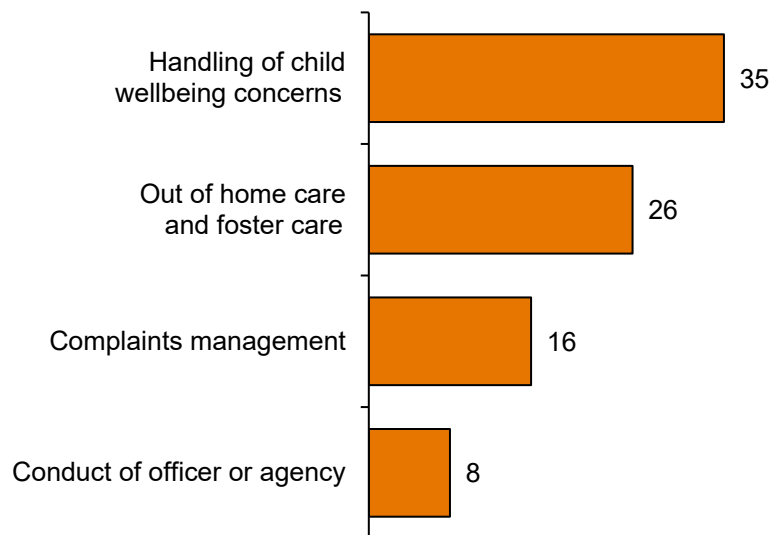
- Monetary charge reduced;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology;
- Acknowledgement of error;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices;
- Update to publications or website;
- Conduct audit or review;
- Improve record keeping;
- Staff training.

Child Protection

Complaints received



Most common allegations

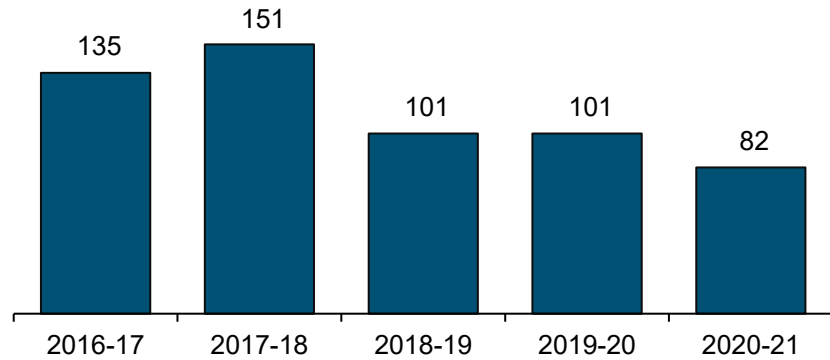


Outcomes achieved

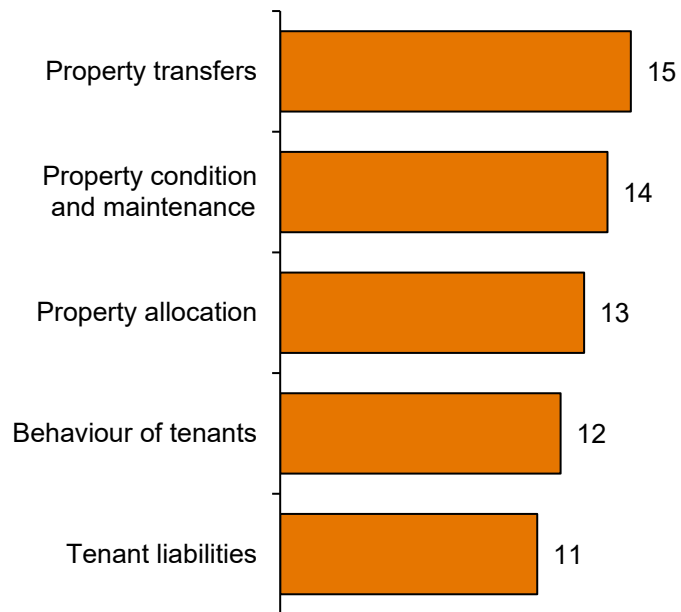
- Acknowledgment of error;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and
- Staff training.

Public Housing

Complaints received



Most common allegations

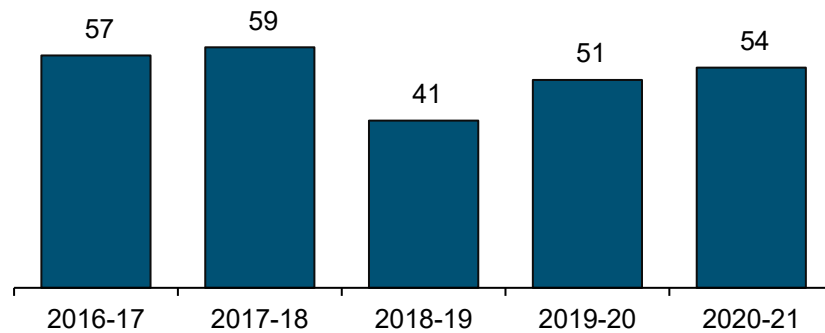


Outcomes achieved

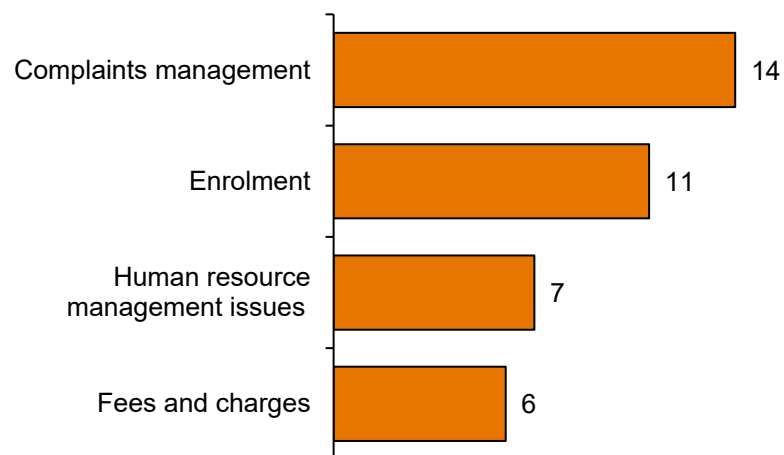
- Monetary charge reduced, refunded or rebate given;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgement of error;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices;
- Conduct audit or review; and
- Staff training.

Education

Complaints received



Most common allegations



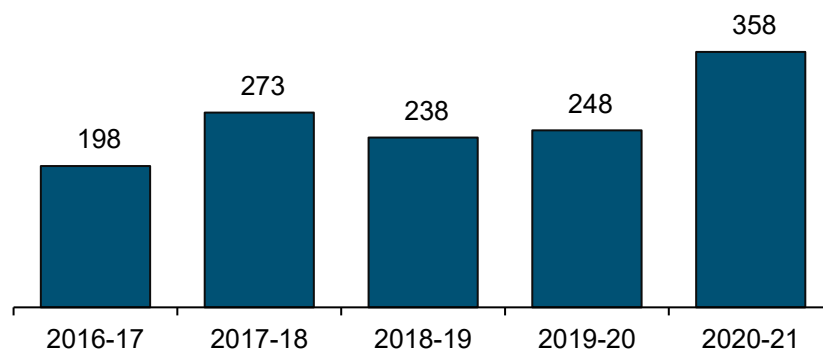
These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Outcomes achieved

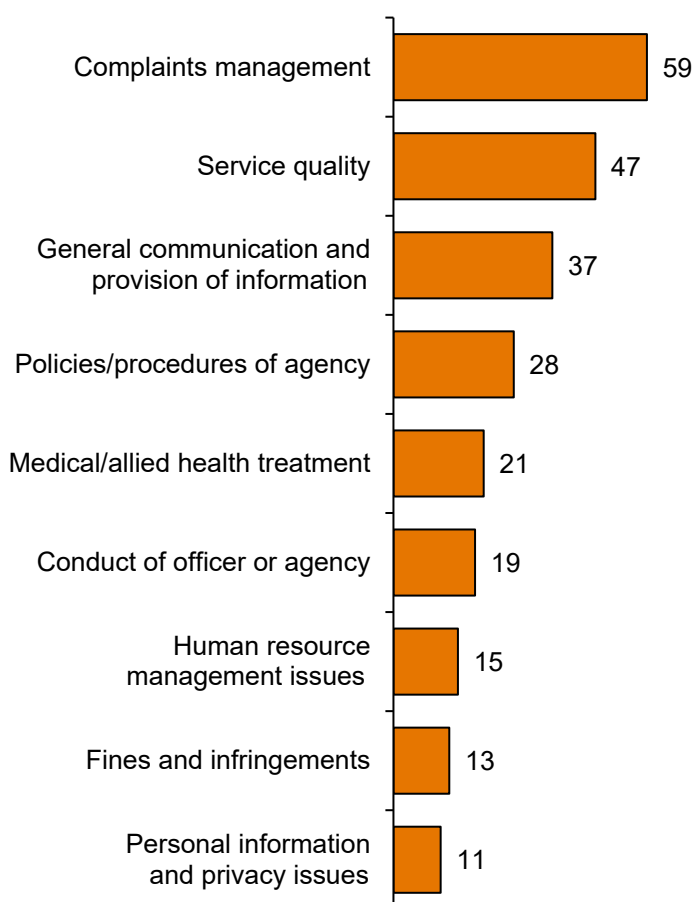
- Apology given;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy or procedure;
- Update to publications or website; and
- Conduct audit or review.

Other Public Sector Services

Complaints received



Most common allegations



Outcomes achieved

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



Case Study

Action taken to improve the handling of permit applications

A person complained to the Ombudsman that a public authority issued an incorrect permit to their business resulting in additional costs to their business.

Following an investigation by the Ombudsman, the public authority acknowledged that an error had been made with regard to issuing the permit and agreed to provide an apology for any confusion this may have caused. To prevent a reoccurrence of a similar error, the public authority updated its permit assessment tool to provide detailed references to its policy, provided additional training to staff and reviewed the assessment process to ensure it clearly aligns with its policy.



Case Study

Personal information corrected

A person complained to a public authority that it had not recorded the person's name correctly in its database, which resulted in problems with identity verification for other services. The public authority said that their system did not support the format of the person's name. The person complained to the Ombudsman.

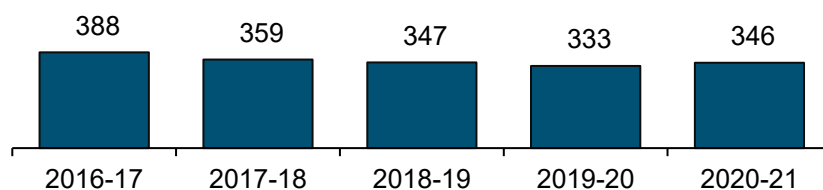
Following an investigation by the Ombudsman, the public authority made a manual adjustment to the person's name and contacted the person to inform them their name had been corrected.

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

- Financial payment or 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;
- Acknowledgment of error;
- 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;
- Improve record keeping; and
- Staff training.



Case Study

Refund and review following overpayment

A resident complained to the Ombudsman that a local government incorrectly charged the resident the full waste service charge for their property instead of applying the pensioner discount, despite the local government being aware that the resident held a pensioner concession for a number of years and applying the relevant concession to their rates over that time.

Following an investigation by the Ombudsman, the local government agreed to refund the overcharged amount and review the internal process for activating waste charge rebates on individual ratepayers.



Case Study

Action taken to improve pool barrier inspection process

A resident complained to the Ombudsman that a local government incorrectly determined a pool barrier fence to be compliant prior to the resident purchasing a property. After purchasing the property, it was found that the pool barrier fence had extensive rust and required replacing.

Following an investigation by the Ombudsman, the local government implemented a new electronic program which maintains pool inspection records and correspondence to support the pool inspection process; a checklist for identifying and recording relevant pool barrier faults at each pool inspection; a requirement for photographs to be taken at pool inspections; competency training of new pool inspectors; and would consider regular refresher training of pool inspectors.



Case Study

Apology and explanation regarding assessment of development application

A resident complained to the Ombudsman that a local government's decision to approve a neighbour's development application was unreasonable as the resident believed the structure was not compliant with relevant codes.

The Ombudsman's investigation of the complaint found that the local government had changed the classification of the development during the assessment process, which meant the approval was in compliance with the relevant codes, however had not informed the resident of the change in classification.

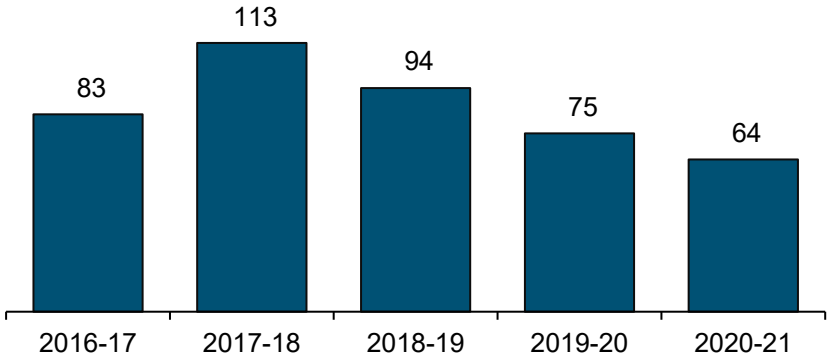
Following the Ombudsman's investigation, the local government agreed to write to the resident to explain the decision to approve the development and apologise for not informing the resident of the change in classification during the assessment process. The local government also agreed to improve its processes for future development applications by keeping detailed records of reasons for decision and, where consultation process have been completed, informing affected residents about any subsequent change in its assessment process.

The university sector

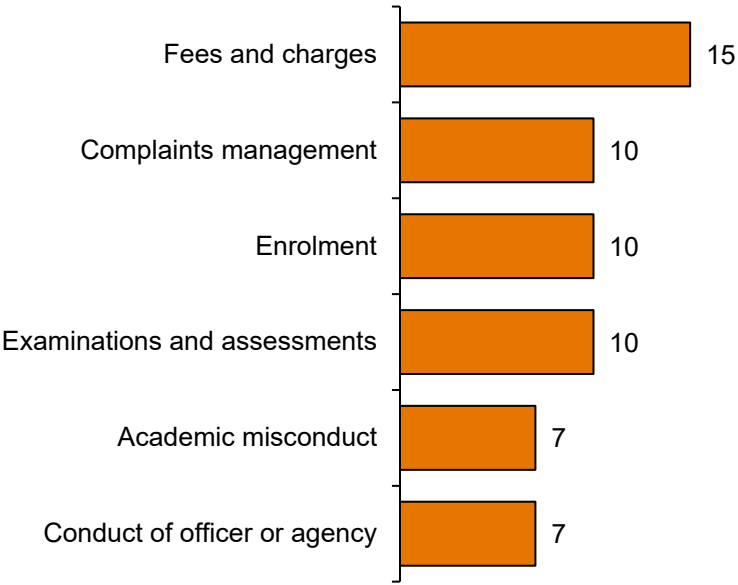
The following section provides further details about the issues and outcomes of complaints for the university sector.

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

- Financial payment or ‘act of grace’ payment;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Acknowledgement of error;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices; and
- Staff training.

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.

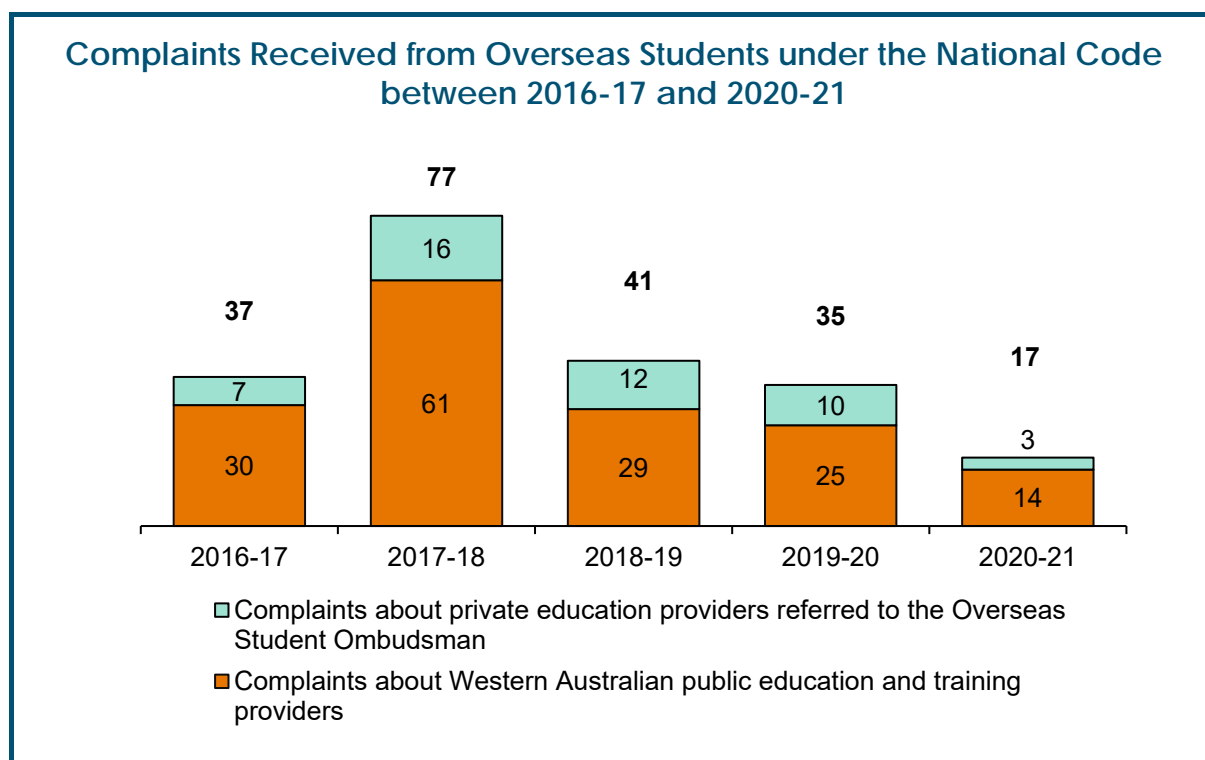
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- 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 2020-21, the Office received 17 complaints from overseas students, including 14 complaints about public education and training providers. Of the 14 complaints about public education providers within the Ombudsman’s jurisdiction, 13 complaints were about universities and one was about another education provider. The Office also received three 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 14 complaints by overseas students about public education and training providers involved 14 separate allegations. The most common issues raised by overseas students were decisions about:

- Fees and charges (5);
- Termination of enrolment (3); and
- Examinations and assessments (2).

During the year, the Office finalised 20 complaints by overseas students.



Full refund of tuition fees

An international student complained that a university’s decision not to provide them with a full refund for their English Language Bridging units, after the student withdrew from their studies due to medical issues, was unreasonable.

Following investigation by the Ombudsman, the university agreed to initiate a refund of the balance of fees paid by the student, meaning that they would receive a full refund.

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, five 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 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.

In 2020-21, 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.