

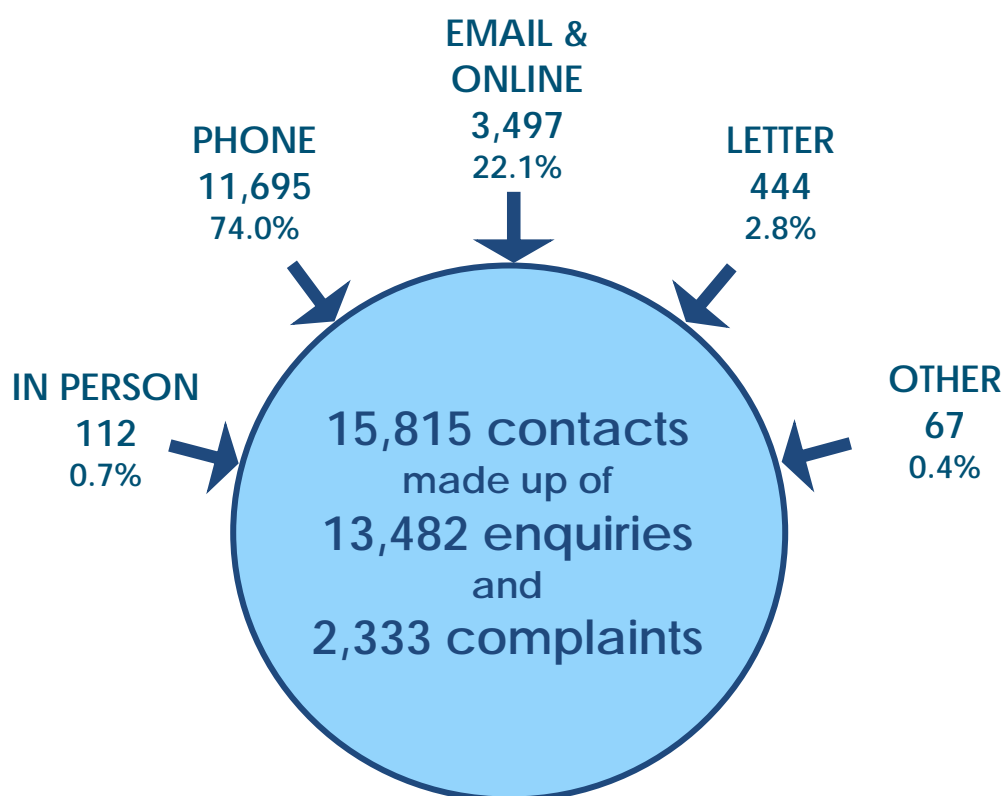
Complaint Resolution

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 2021-22, the Office received 15,815 contacts from members of the public consisting of:

- 13,482 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,333 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

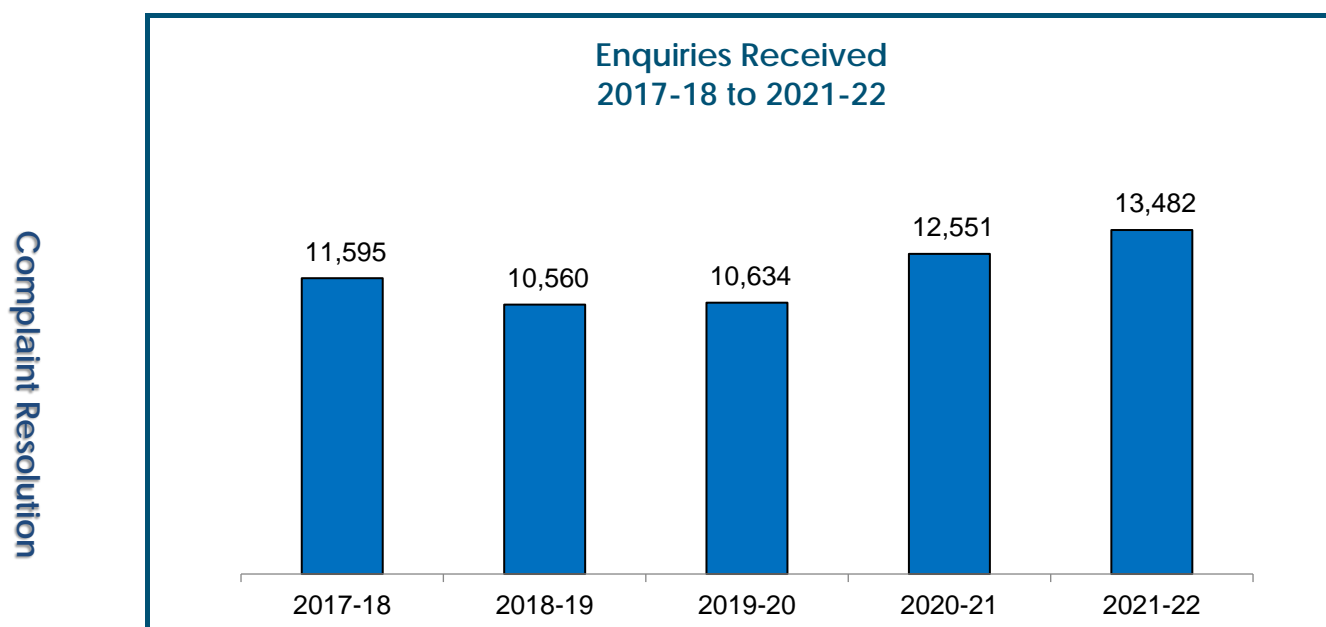


Enquiries Received

There were 13,482 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 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 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.

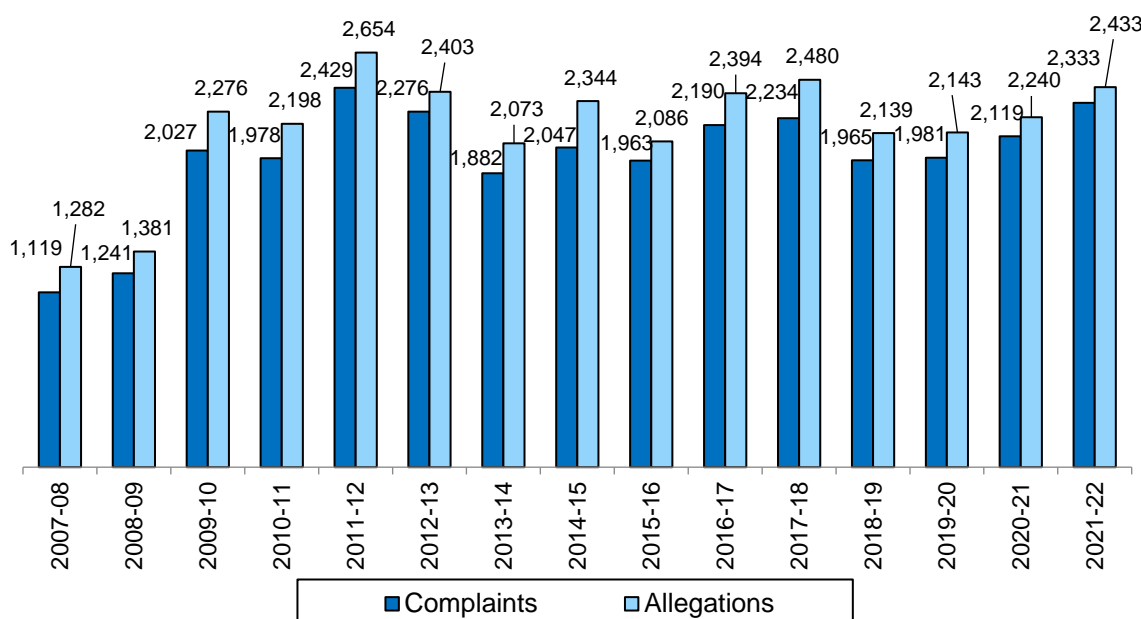


Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

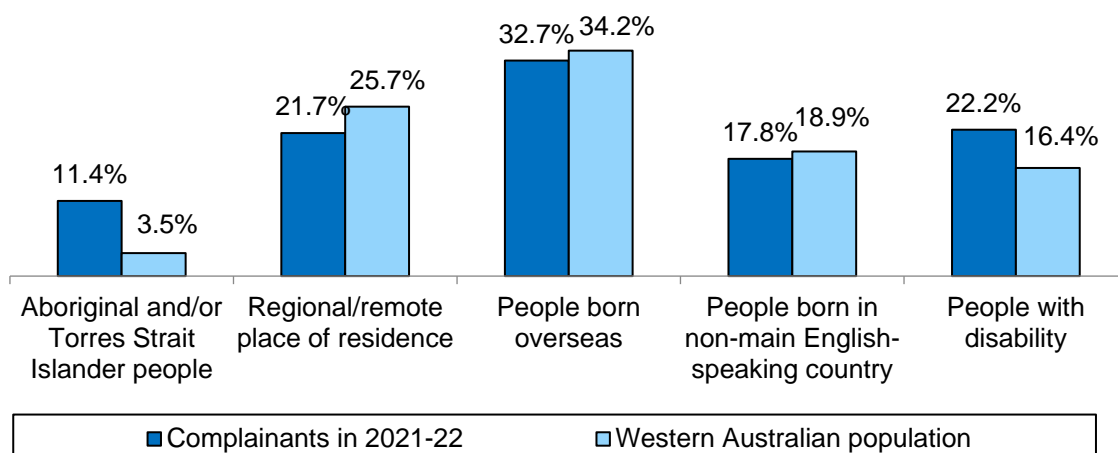
In 2021-22, the Office received 2,333 complaints, with 2,433 separate allegations, and finalised 2,333 complaints. There are more allegations than complaints because one complaint may cover more than one issue.

Total Number of Complaints and Allegations Received 2007-08 to 2021-22



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.

Characteristics of Complainants in 2021-22

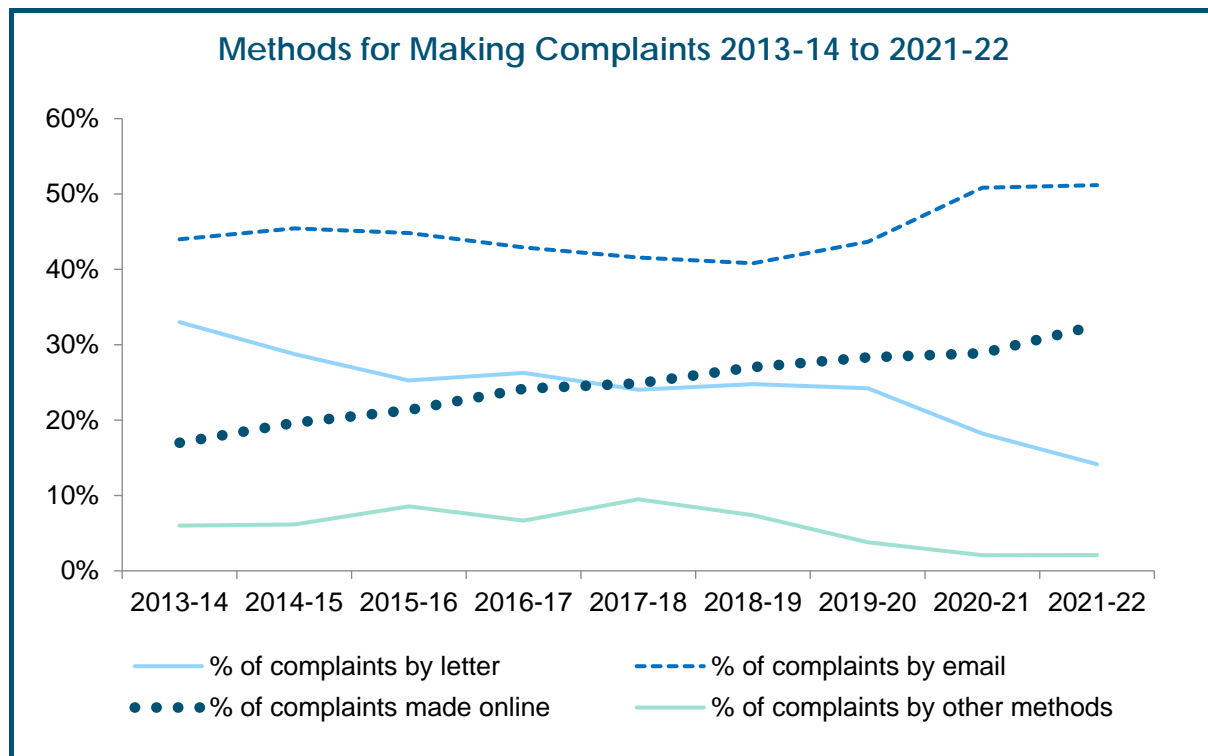


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply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

How Complaints Were Made

Over the last 14 years, the use of email and online facilities to lodge complaints has increased from 29% in 2008-09 to 84% in 2021-22. Over the same time, the proportion of people who lodge complaints by letter has declined from 64% to 14%.

In 2021-22, 51% of complaints were lodged by email, 33% through the Office's online complaint form, 14% 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 2021-22, 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 2021-22:

- The percentage of allegations finalised within 3 months was 97%; and
- The percentage of allegations on hand at 30 June less than 3 months old was 96%.

97% 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 37 days; and
- Complaints older than 6 months have decreased from 40 to two.

Complaints Finalised in 2021-22

There were 2,333 complaints finalised during the year and, of these, 1,618 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 1,113 were finalised at initial assessment, 459 were finalised after an Ombudsman investigation and 46 were withdrawn.

Complaints finalised at initial assessment

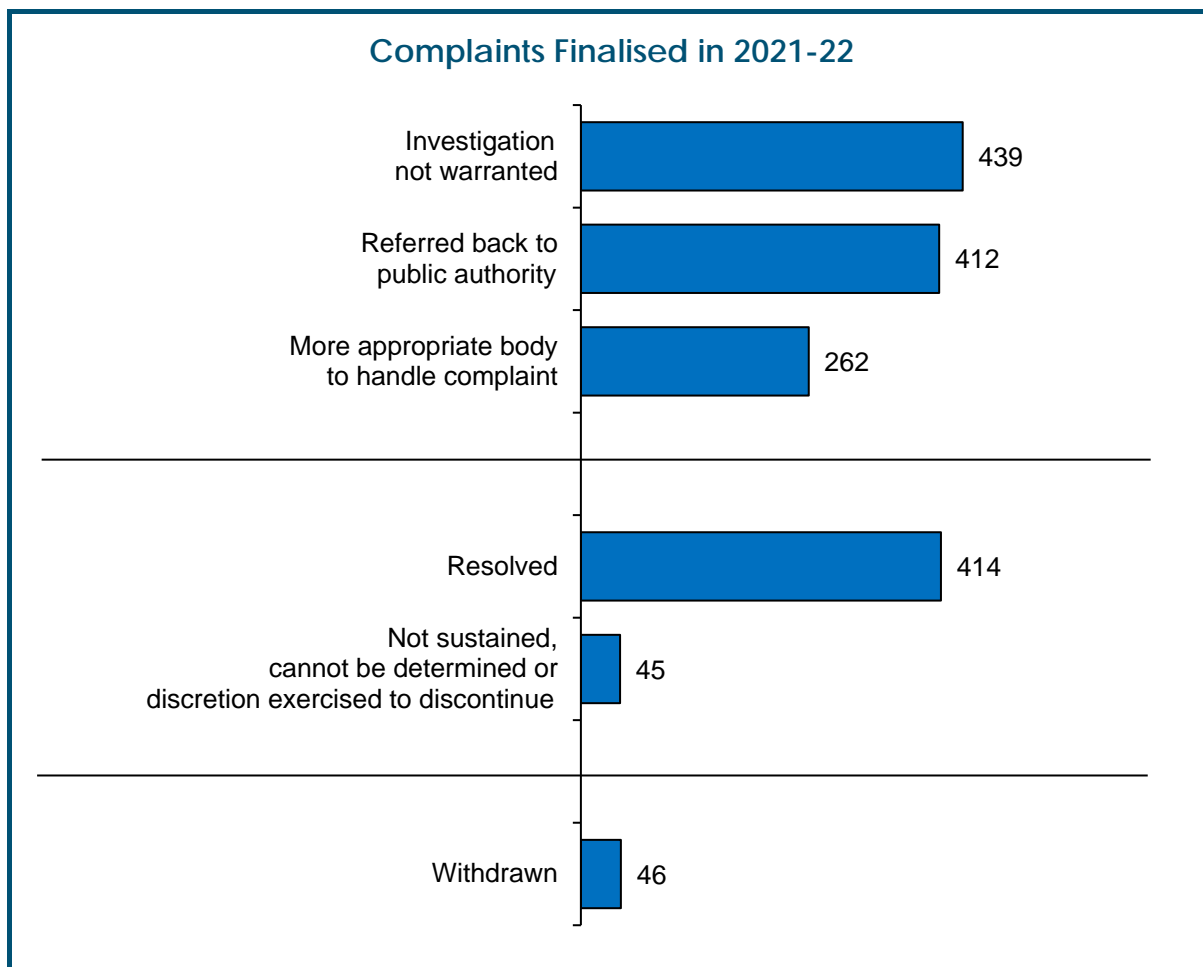
Over a third (37%) of the 1,113 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 262 (24%) 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 459 complaints finalised after investigation, 87% 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

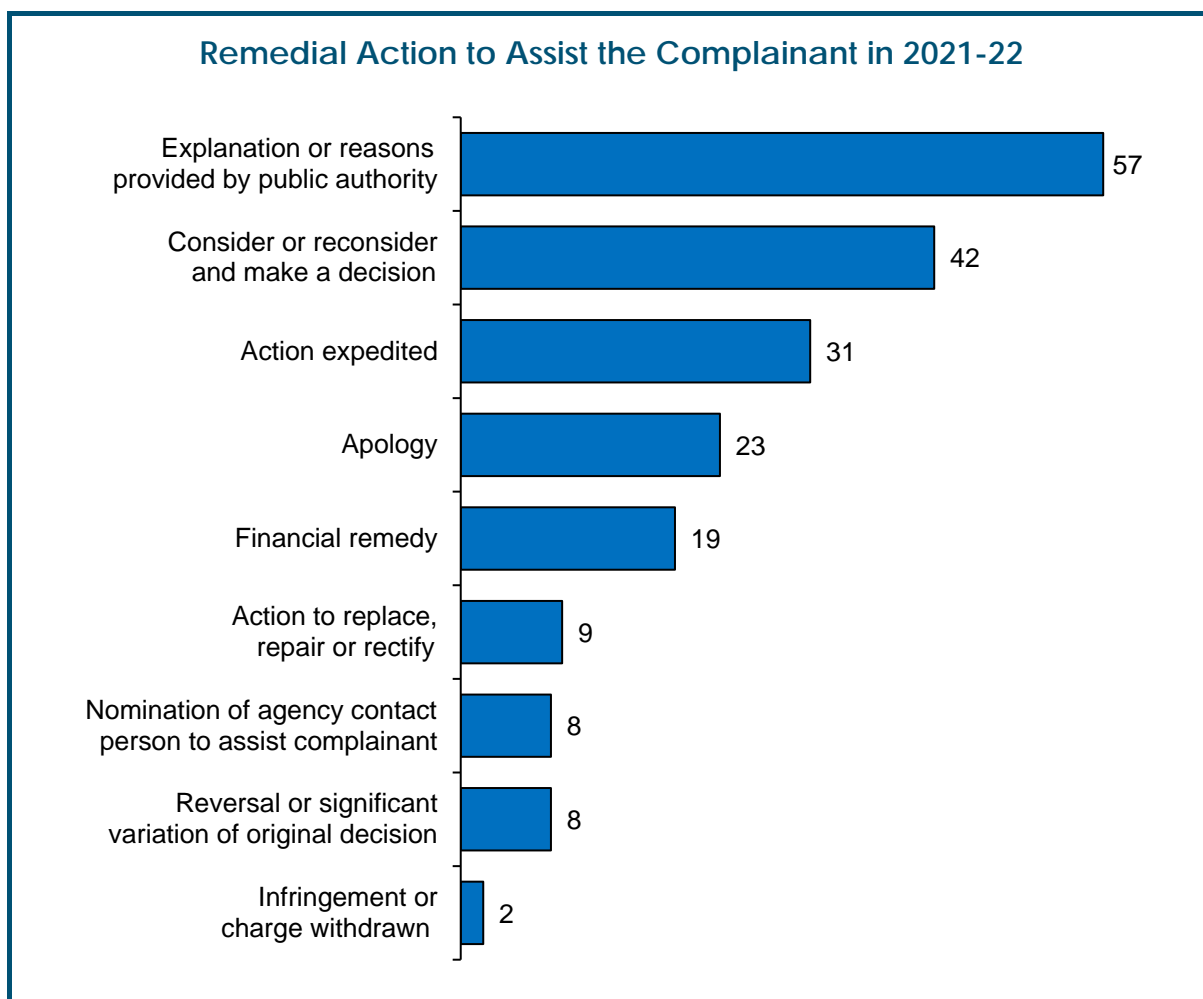


Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman's jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2021-22, there were 199 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 68 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

Tenant liability for damaged appliance waived

A public housing tenant lodged a request for repair of an appliance with the public authority. The public authority's contractor inspected the appliance, estimated its age at approximately eight years and deemed it beyond repair. The public authority subsequently replaced the appliance and billed the tenant for the replacement on the basis the appliance had allegedly been misused. The tenant appealed the decision, saying they had not caused the damage and had asked for the appliance to be fixed, not replaced, so should not be liable for the cost. The public authority's review upheld the original decision and the tenant complained to the Ombudsman.

Following investigation by the Ombudsman, the public authority reviewed the disputed tenant liability charge. The public authority found that its decision to charge the total cost of replacement was incorrect according to its policies, given the age of the appliance. As a result, the public authority decided to waive the tenant liability charge.

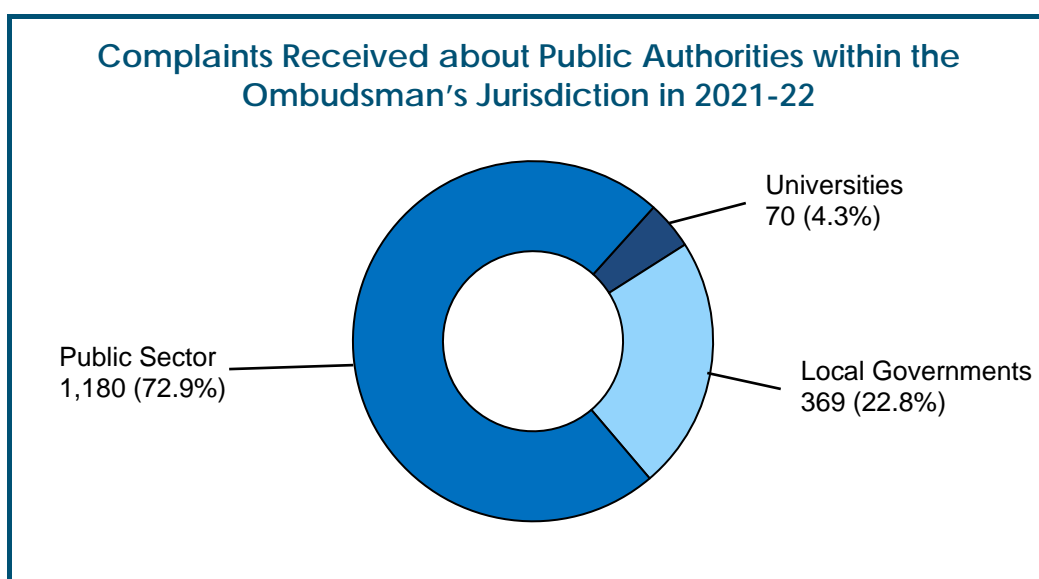
Outcomes to improve public administration

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.

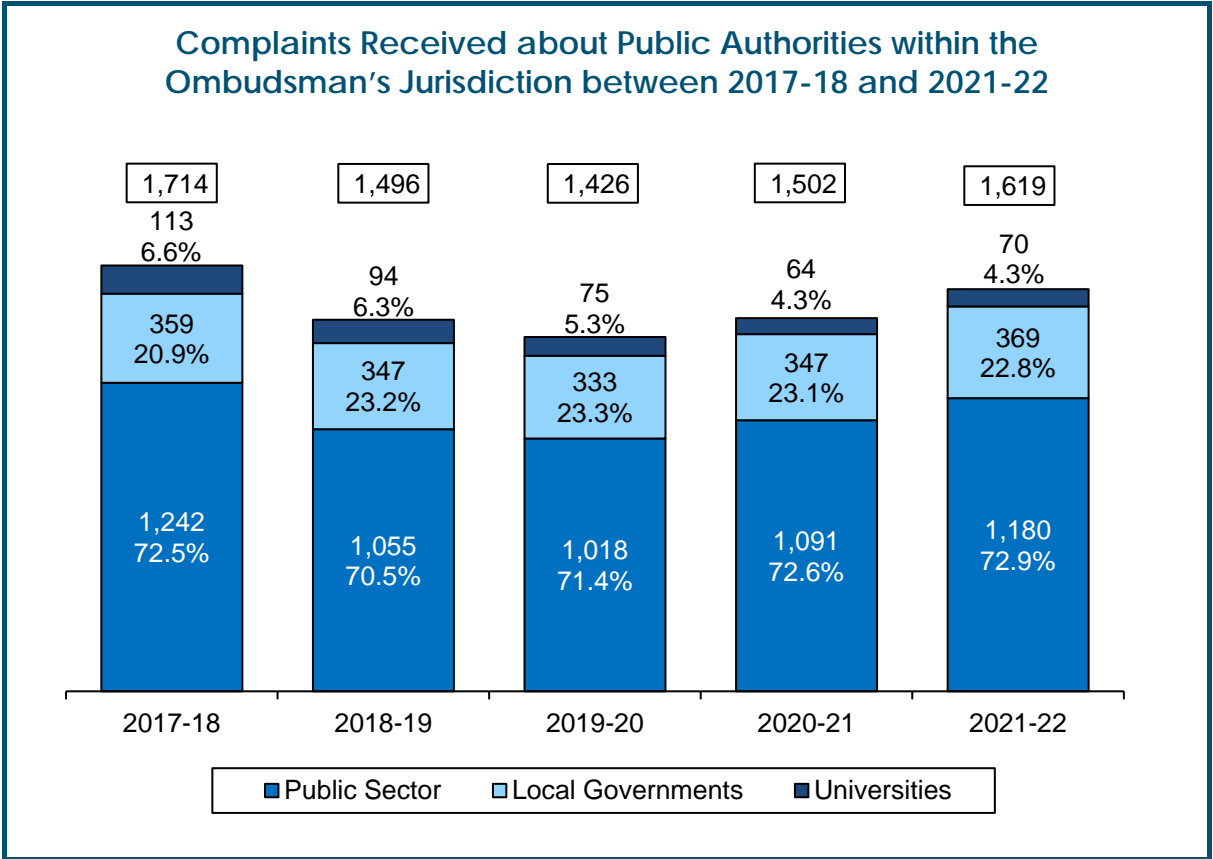
About the Complaints

Of the 2,333 complaints received, 1,619 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 714 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 (1,180 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (369 complaints); and the university sector (70 complaints).

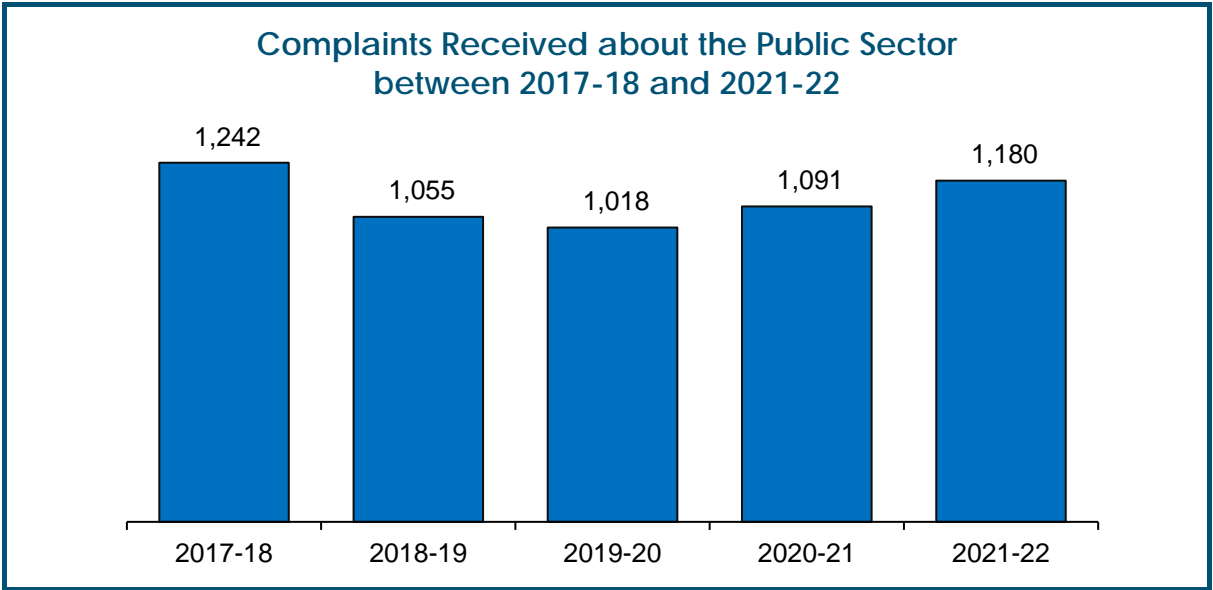


The proportion of complaints about each sector in the last five years is shown in the following chart.

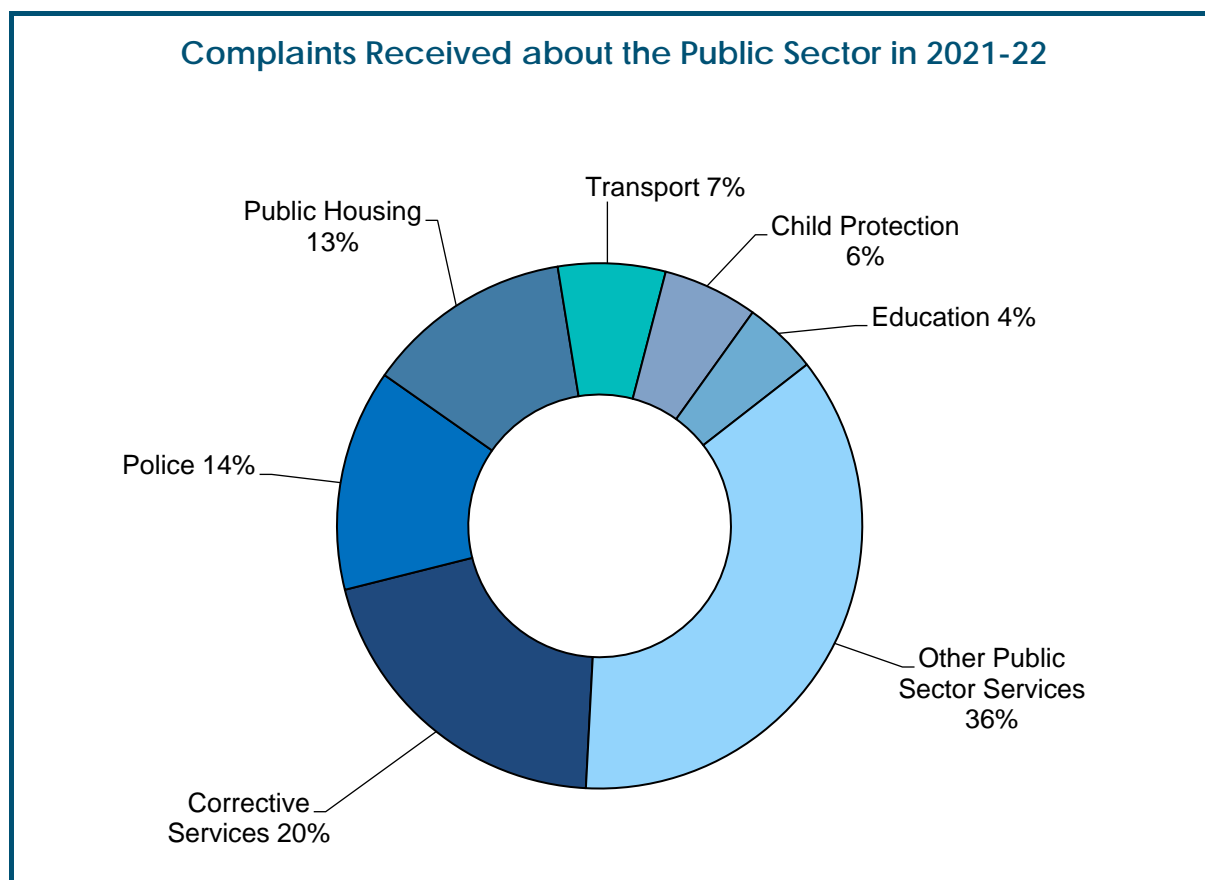


The Public Sector

In 2021-22, there were 1,180 complaints received about the public sector and 1,190 complaints were finalised. The number of complaints about the public sector as a whole since 2017-18 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2021-22, complaints were received about key services as shown in the following chart.



Of the 1,180 complaints received about the public sector in 2021-22, 64% were about six key service areas covering:

- Corrective services, in particular prisons (239 or 20%);
- Police (161 or 14%);
- Public housing (150 or 13%);
- Transport (78 or 7%);
- Child protection (69 or 6%);
- Education, including public schools and TAFE colleges (54 or 4%). 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 2021-22, there were 160 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 133 remedies being provided to complainants and 27 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 on the following pages for each of the six key service areas and for the other public sector services as a group.



Case Study

Financial assistance granted after review

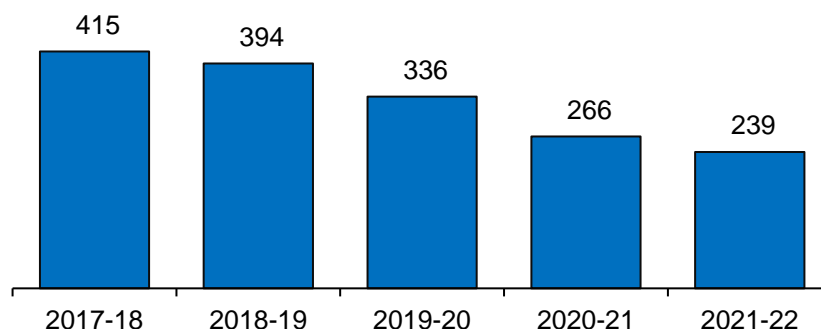
A person applied to a public authority for financial assistance for their business. The application was unsuccessful and the person requested a review of the decision. The public authority declined the request for review, saying the person did not provide evidence proving their eligibility for the financial assistance. The person complained to the Ombudsman on the basis that they met the eligibility criteria but were not given the opportunity to provide evidence before the review was refused.

Following the Ombudsman's investigation, the public authority agreed to conduct a full review of its original decision after giving the person an opportunity to provide further information about their eligibility. It also amended its policies to clarify the information that is required from people requesting a review. The public authority subsequently approved the person's application.

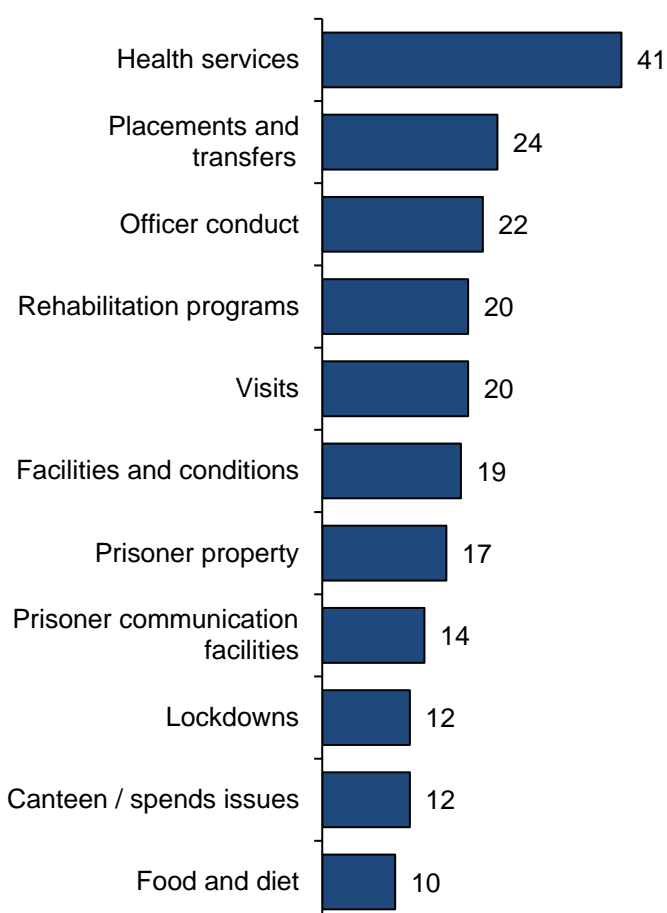
Public sector complaint issues and outcomes

Corrective Services

Complaints received



Most common allegations

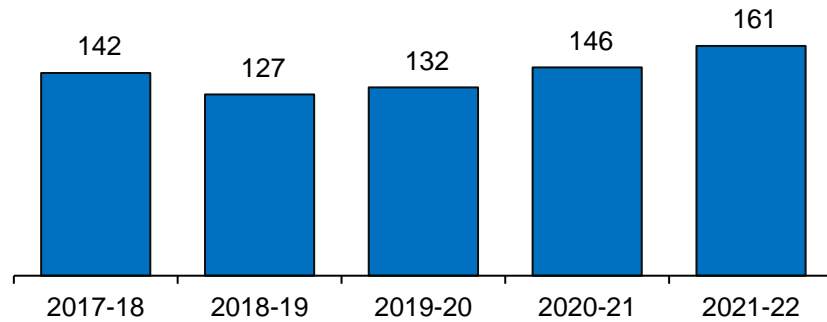


Outcomes achieved

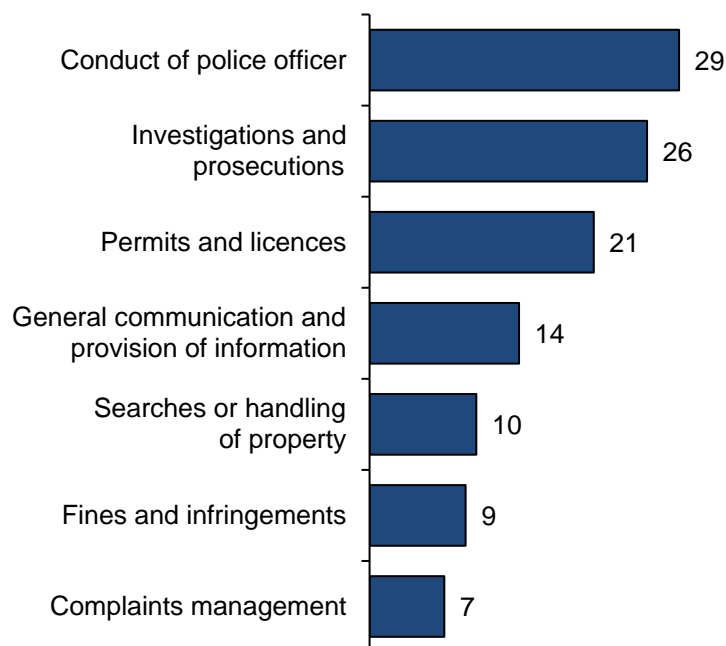
- Financial payment or monetary charge refunded;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to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

Police

Complaints received



Most common allegations

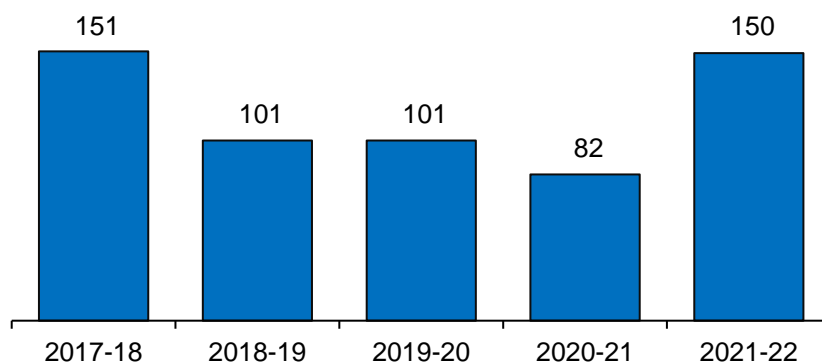


Outcomes achieved

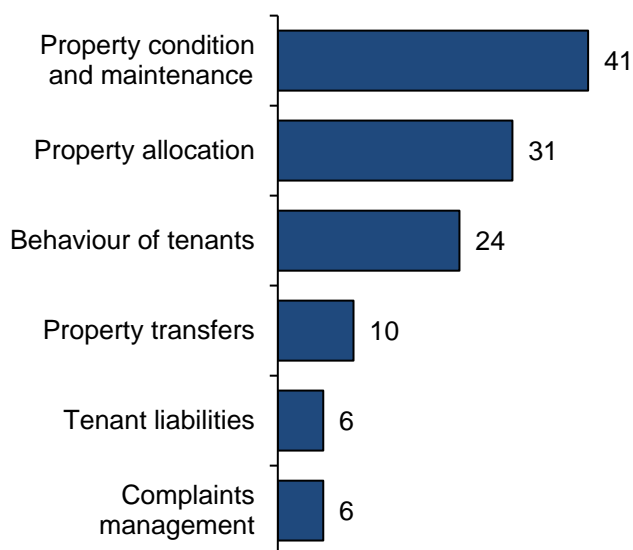
- Reversal or significant variation of original decision; and
- Action expedited.

Public Housing

Complaints received



Most common allegations

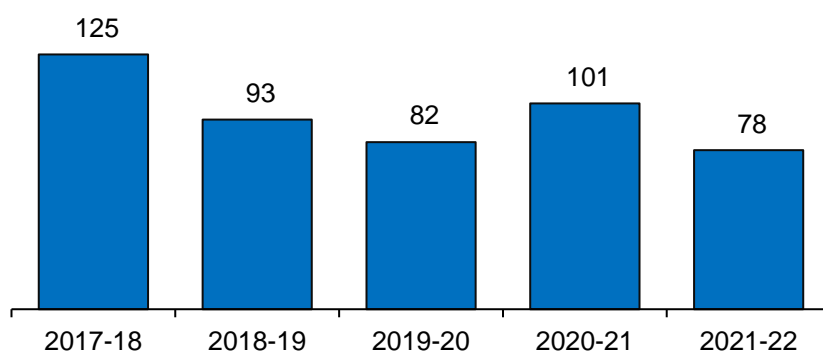


Outcomes achieved

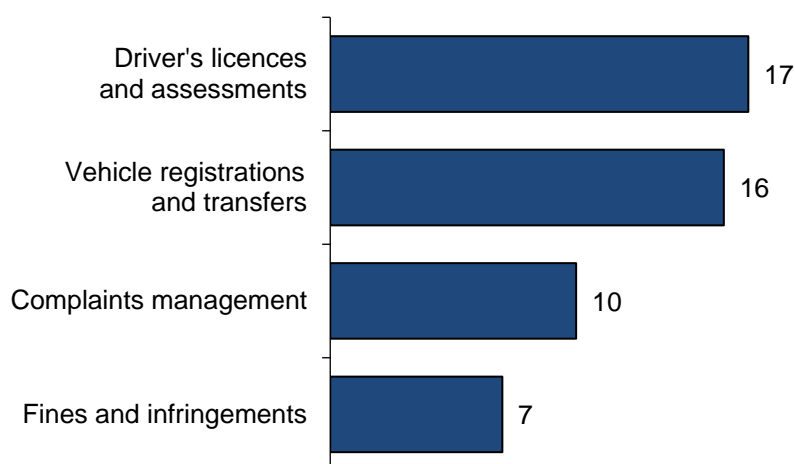
- Monetary charge reduced, refunded or rebate given;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided; and
- Senior officer nominated to handle the matter.

Transport

Complaints received



Most common allegations

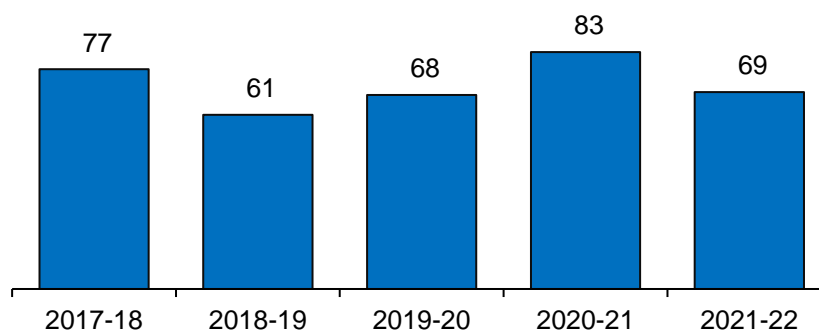


Outcomes achieved

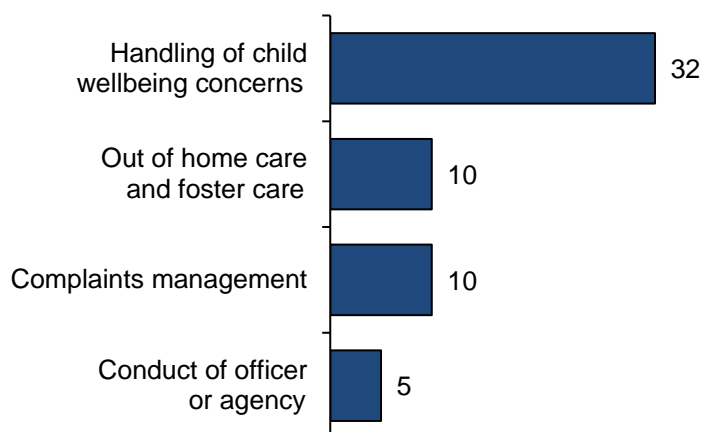
- Financial payment or monetary charge refunded;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy, procedures, business systems or practices; and
- Staff training.

Child Protection

Complaints received



Most common allegations

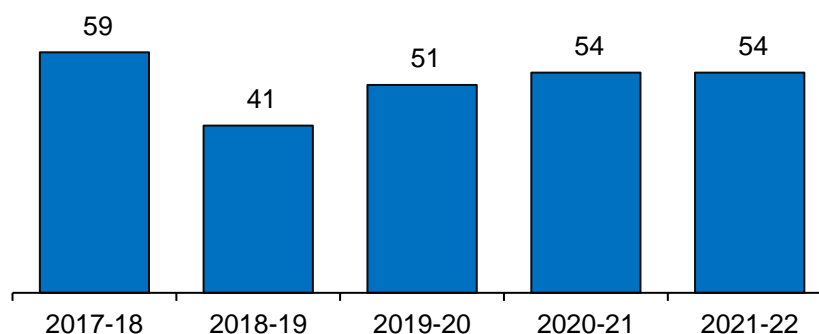


Outcomes achieved

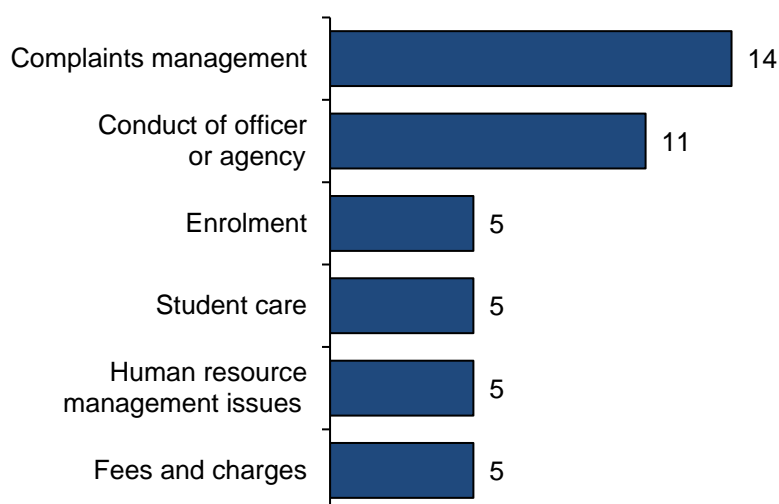
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices; and
- Conduct audit or review.

Education

Complaints received



Most common allegations



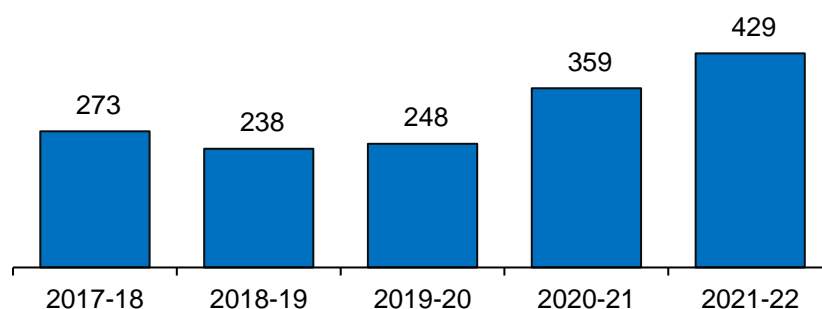
These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Outcomes achieved

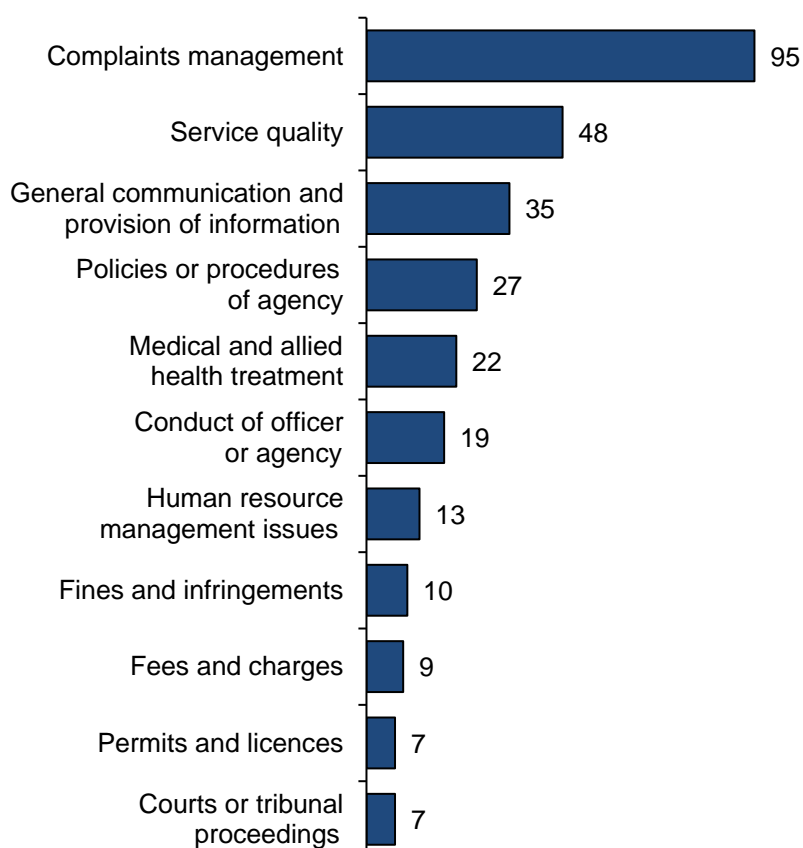
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and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

Other Public Sector Services

Complaints received



Most common allegations



Outcomes achieved

- Financial payment or 'act of grace' payment;
- 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;
- Action expedited;
- 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.

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

Information updated and charges reduced

Information published on the Frequently Asked Questions (**FAQ**) page of a public authority's website was less detailed than information it published in an FAQ document. A person received an invoice from the public authority which was higher than they had expected based on the information on the FAQ page of the website. When the person complained to the public authority, the public authority provided an explanation, apologised for the confusion and provided information about payment options, however it did not amend the invoice. The person then complained to the Ombudsman.

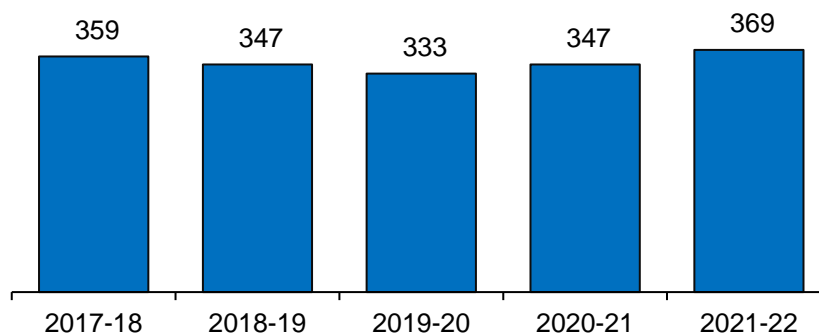
Following an investigation by the Ombudsman, the public authority updated the information on its website and offered the person an internal review of the original decision. The public authority subsequently reviewed the decision and reduced the amount of the invoice.

The local government sector

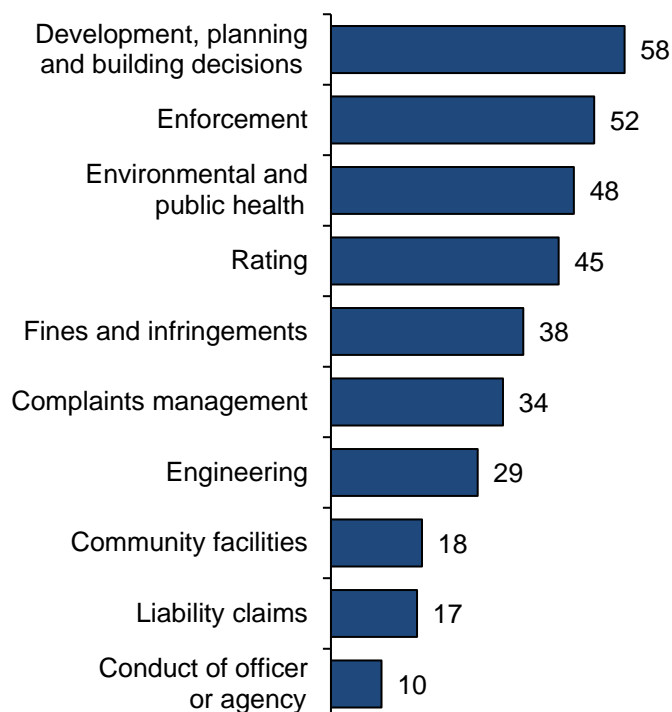
The following section provides further details about the issues and outcomes of complaints for the local government sector.

Local Government

Complaints received



Most common allegations



Outcomes achieved

- Financial payment or monetary charge refunded or withdrawn;
- Infringement or charge 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;
- Change to business systems or practices;
- Conduct audit or review;
- Improve record keeping; and
- Staff training.



Case Study

Apology and improved customer service after significant delay

A resident made a request to a local government for information, however despite following up twice, did not receive a response over a six month period. The person complained to the Ombudsman about the lack of response.

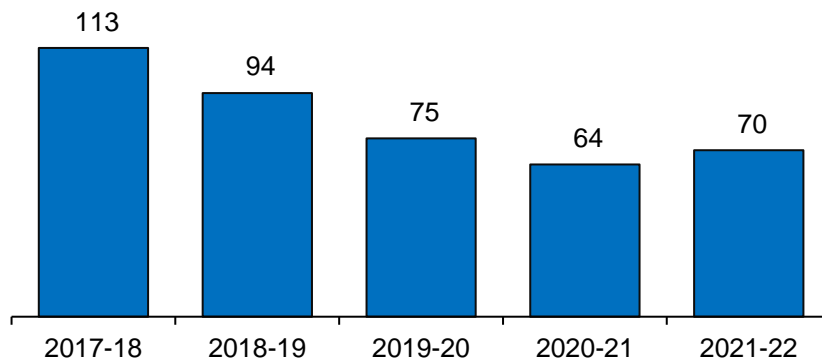
Following an investigation by the Ombudsman, the local government reviewed its processes to identify why the oversight occurred. The local government responded to the resident's request by phone and in writing and apologised for the substantial delay in providing a response. To avoid future occurrences, the local government employed an additional customer service officer and installed new customer service software. The software will be configured to ensure customer service requests are escalated if not addressed in a timely manner.

The university sector

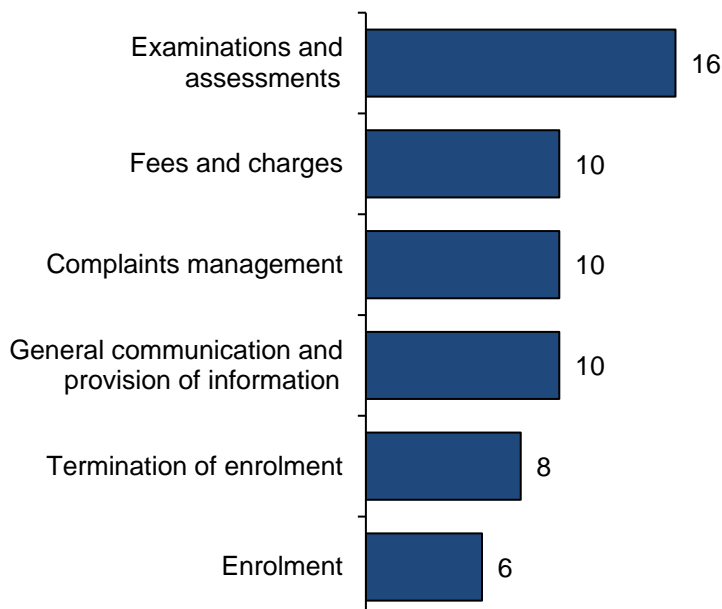
The following section provides further details about the issues and outcomes of complaints for the university sector.

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 or refunded;
- Consider or reconsider a matter and make a decision;
- Apology;
- Change to 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.

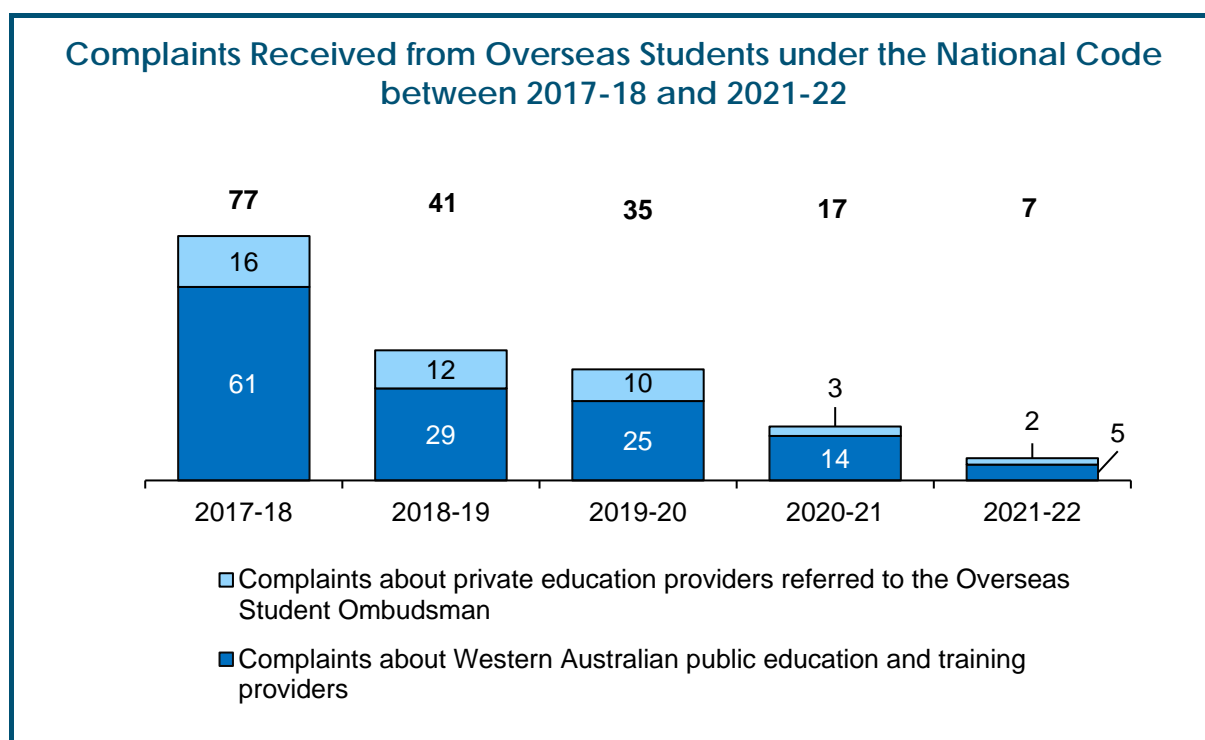
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- 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 2021-22, the Office received seven complaints from overseas students, including five complaints about public education and training providers. Of the five complaints about public education providers within the Ombudsman's jurisdiction, three complaints were about universities and two were about other public education providers. The Office also received two 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 five complaints by overseas students about public education and training providers involved five separate allegations, relating to:

- Fees and charges (3);
- Termination of enrolment (1); and
- Transfers between education providers (1).

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



Case Study

University refunds fees after student withdraws from study

An international student enrolled to study at a university as part of a package with another education provider and paid a significant deposit. The student then withdrew from the course three months before the course commenced, as they wanted to return to their home country. When the student applied for a refund of the deposit of their course fees, the university rejected the application as the terms of the package contract stated no refund was available. The student appealed, but the university upheld its original decision and the student complained to the Ombudsman.

The Ombudsman's investigation considered the contract and supporting information provided to the student at the time of enrolment, which included terms covering refunds for both package and non-package tuition fees.

As a result of the Ombudsman's investigation, the university reconsidered the matter, acknowledged that the student may not have fully understood the terms of the contract for package offers and would consider whether the information should be amended to provide further clarity for package students. Considering the student's circumstances and early withdrawal, the university agreed to refund the tuition fees minus an administration fee. The university subsequently reviewed and amended its contract terms to improve clarity about the refund available for package offers.

Public Interest Disclosures

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

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

During the year, three disclosures were received.

Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints about State Government departments and authorities delivering services in the Indian Ocean Territories and about local governments in the Indian Ocean Territories. There 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 2021-22, 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.