

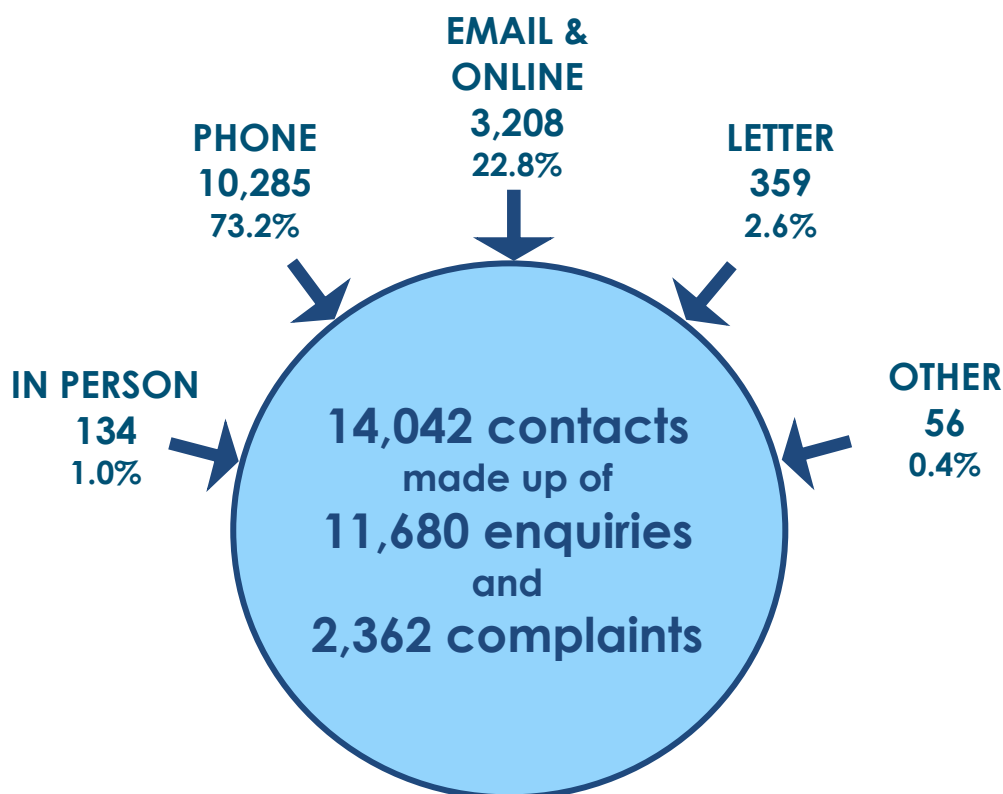
Complaint Resolution

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 2022-23, the Office received 14,042 contacts from members of the public consisting of:

- 11,680 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,362 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.



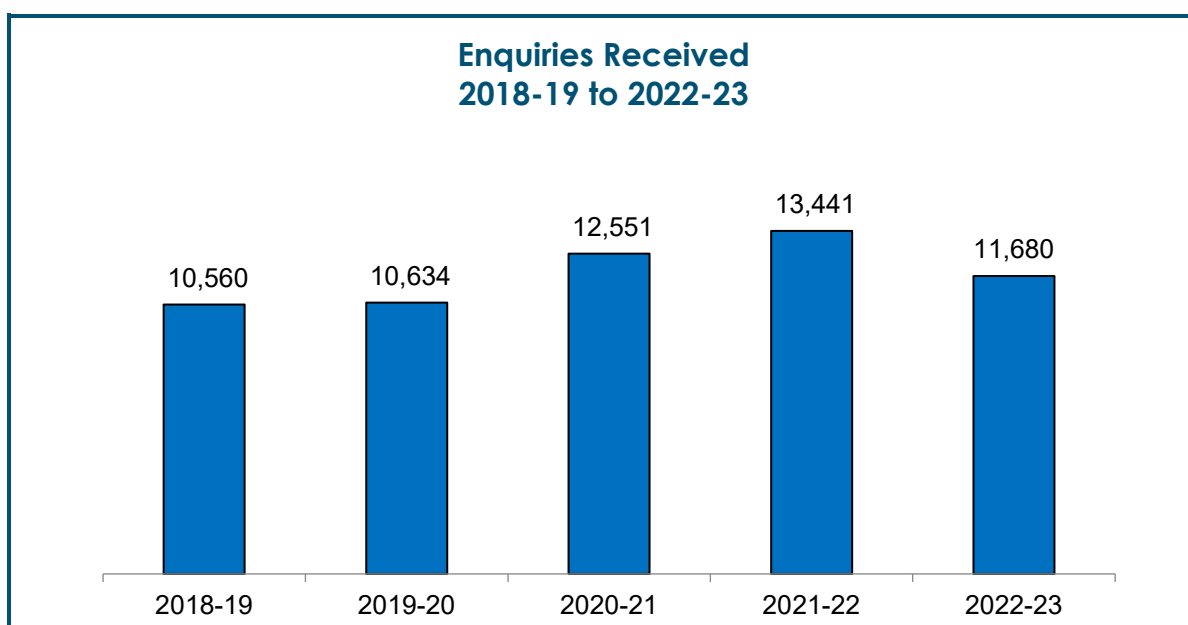
Enquiries Received

There were 11,680 enquiries received during the year.

For enquiries about matters that are within the Ombudsman’s jurisdiction, staff provide information about the role of the Office and how to make a complaint. For approximately half of these enquiries, the enquirer is referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to 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.

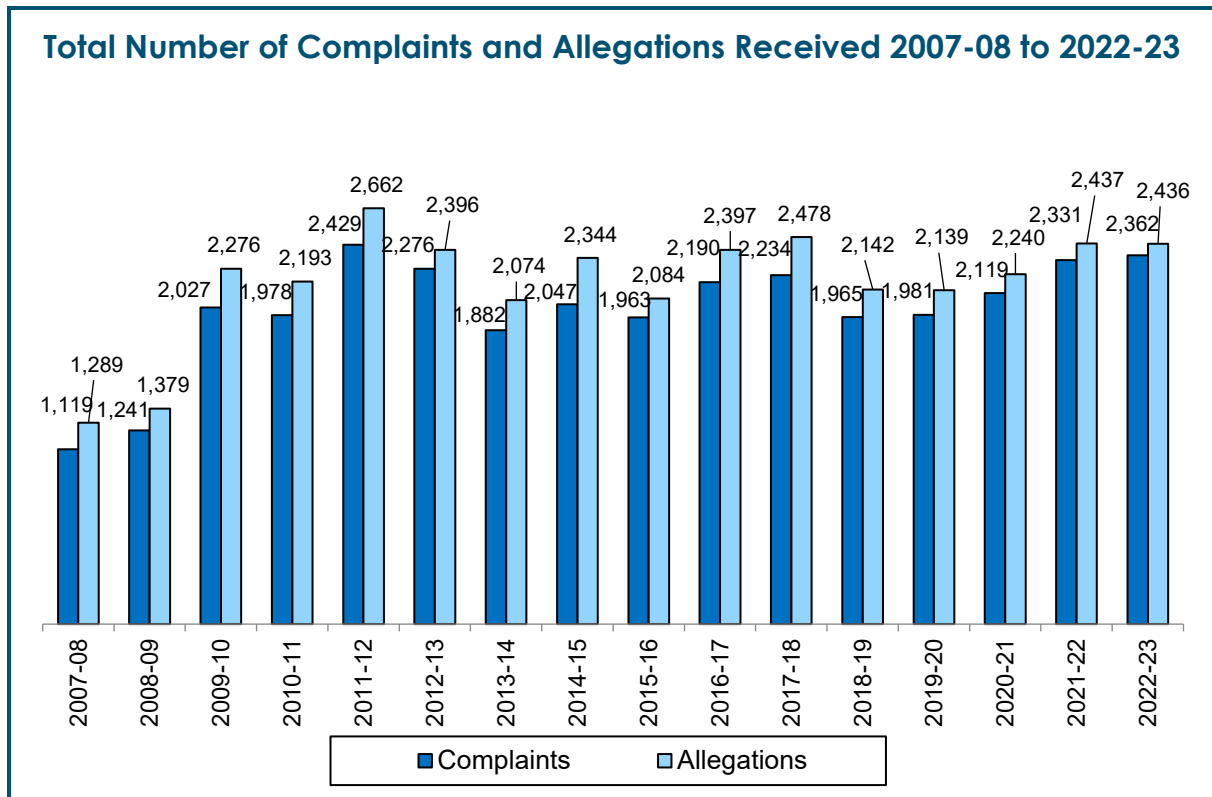
Complaint Resolution



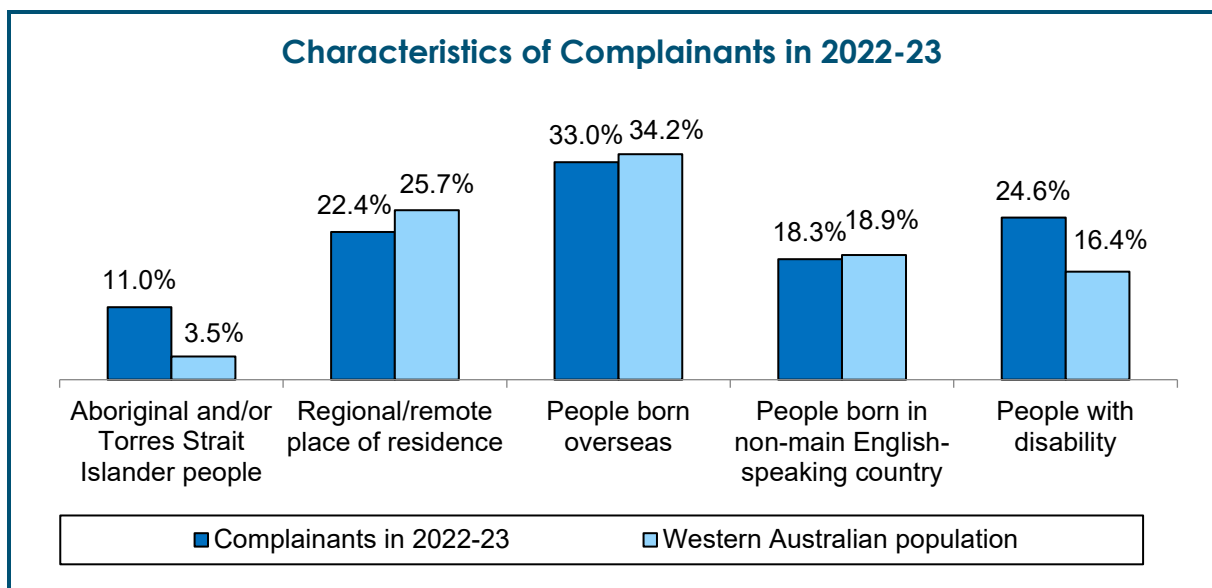
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2022-23, the Office received 2,362 complaints, with 2,436 separate allegations, and finalised 2,308 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.



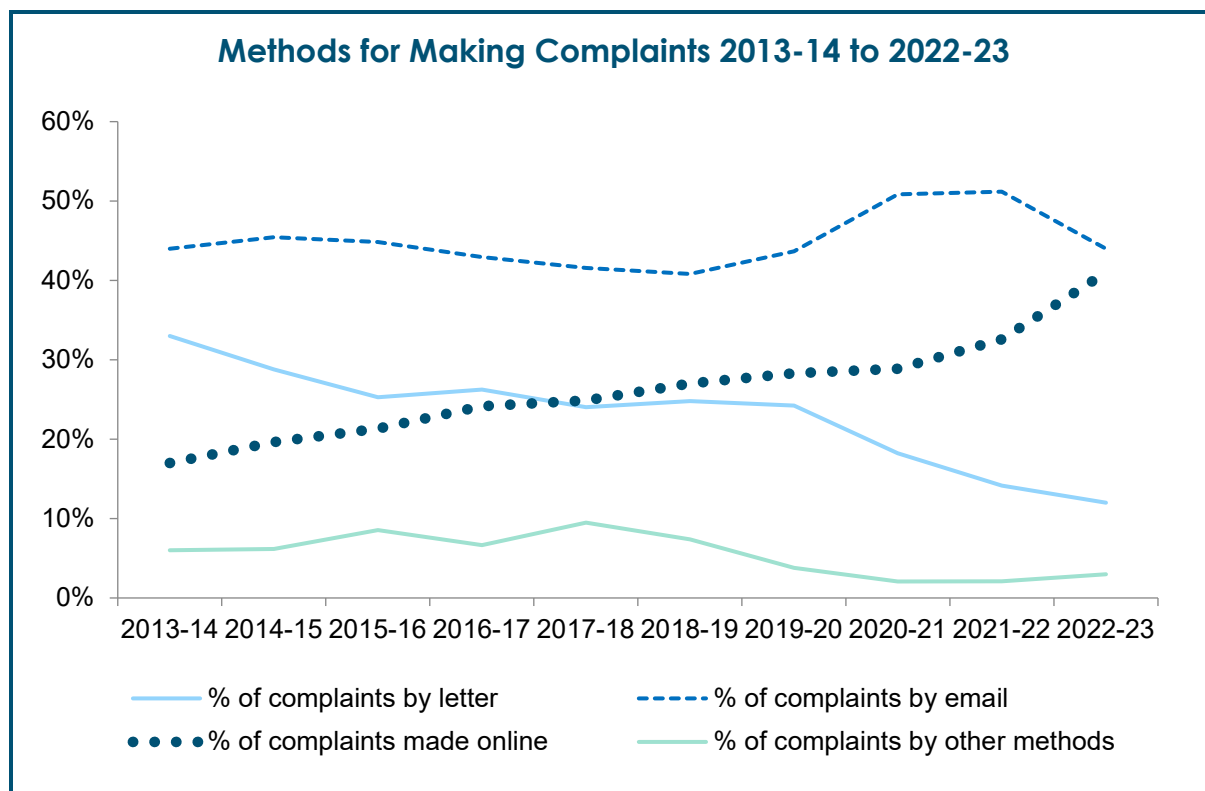
Note: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply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

How Complaints Were Made

Over the last 15 years, the use of email and online facilities to lodge complaints has increased from 29% in 2008-09 to 85% in 2022-23. Over the same time, the proportion of people who lodge complaints by letter has declined from 64% to 12%.

In 2022-23, 44% of complaints were lodged by email, 41% through the Office’s online complaint form, 12% by letter and three per cent by other methods including during regional visits and in person.

Complaint Resolution



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 2022-23, 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 2022-23:

- 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 93%.

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 37 days; and
- Complaints older than 6 months have decreased from 40 to 4.

Complaints Finalised in 2022-23

There were 2,308 complaints finalised during the year and, of these, 1,541 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 1,000 were finalised at initial assessment, 497 were finalised after an Ombudsman investigation and 44 were withdrawn.

Complaints finalised at initial assessment

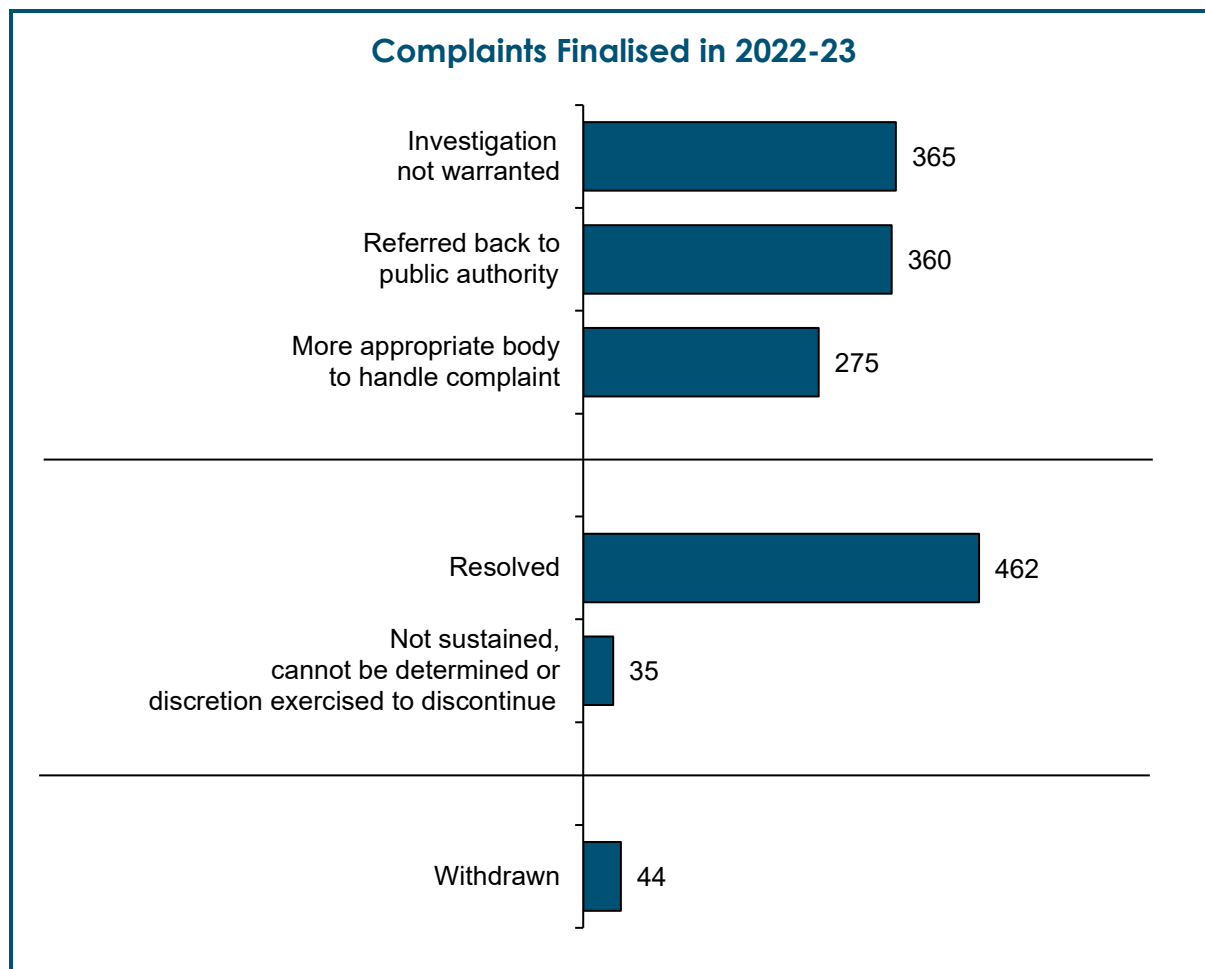
Over a third (36%) of the 1,000 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 275 (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 497 complaints finalised after investigation, 91% 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

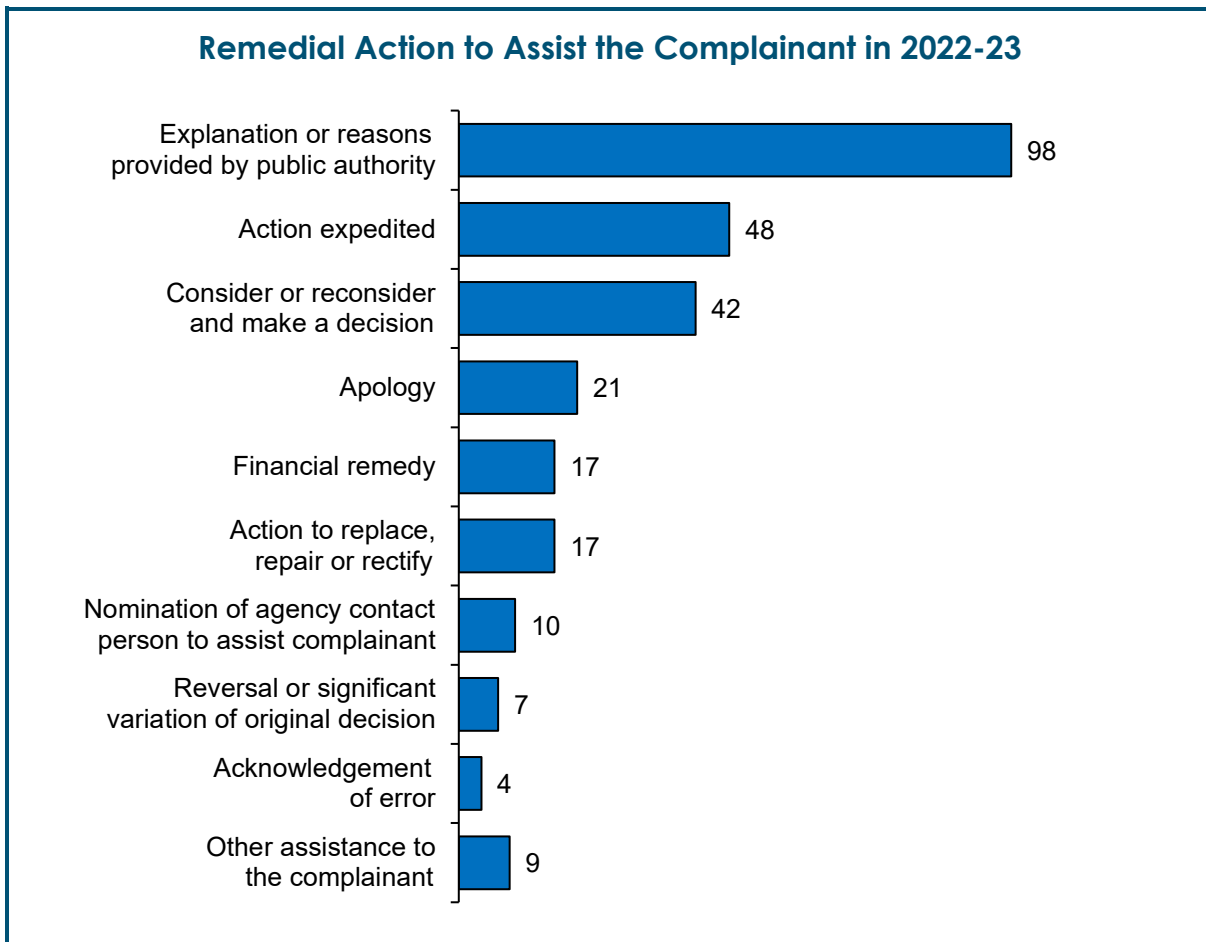


Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman’s jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2022-23, there were 273 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 80 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

Vehicle transfer error corrected

A person bought a vehicle and a few days later sold the vehicle. They attended the public authority’s centre to pay the transfer fees for the purchase and submit the paperwork for both the purchase and subsequent sale of the vehicle. The public authority applied the payment to the sale transfer instead of the purchase transfer in error. Subsequently, the person received a fine from the public authority for non-payment of the purchase transfer fee.

The person complained to the public authority about the error and provided evidence of the transfer fee payment. The public authority did not accept the evidence provided and requested further information. The person complained to the Ombudsman.

Following the Ombudsman’s involvement, the public authority investigated the matter and confirmed that an error had occurred. The public authority corrected its records to show that the transfer had been paid and placed the fine on hold. The public authority wrote to the person to inform them of the outcome.

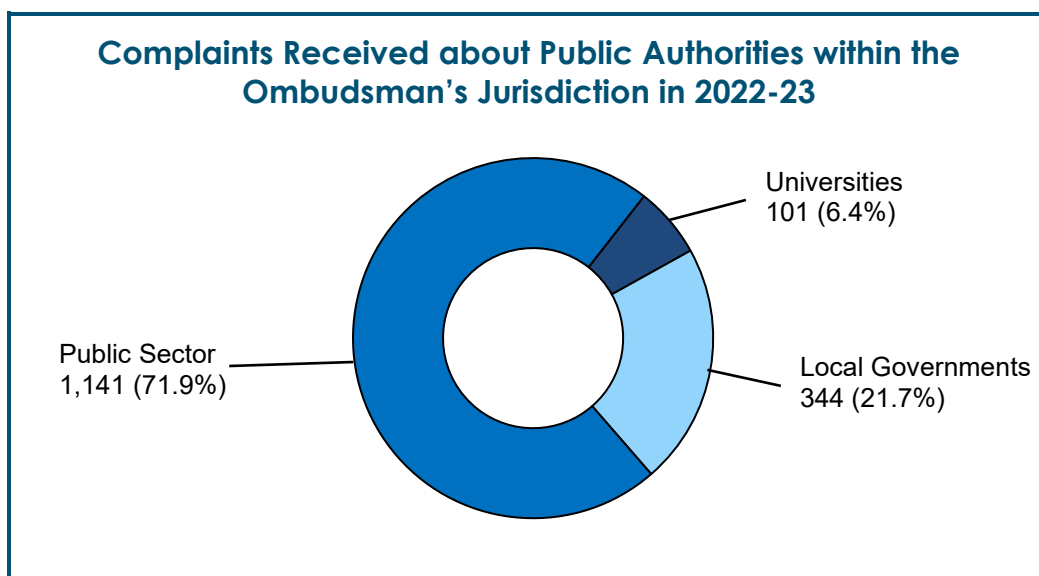
Outcomes to improve public administration

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.

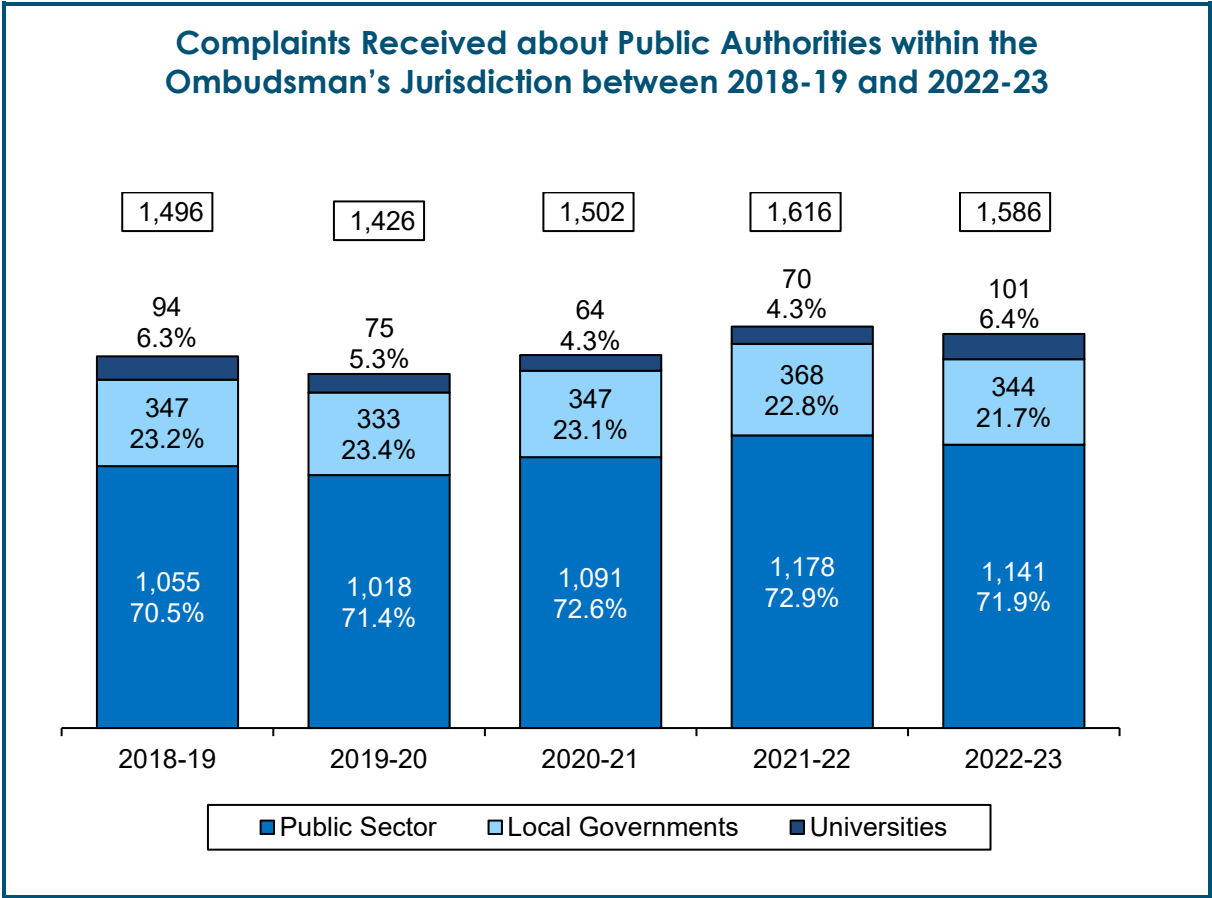
About the Complaints

Of the 2,362 complaints received, 1,586 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 776 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 (1,141 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (344 complaints); and the university sector (101 complaints).

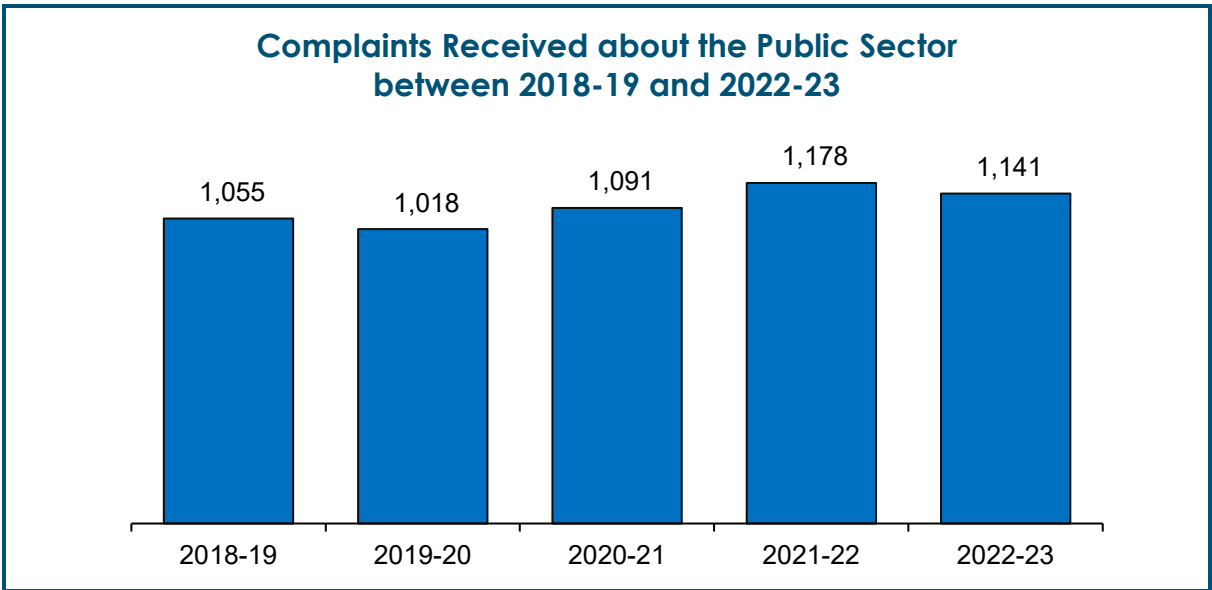


The proportion of complaints about each sector in the last five years is shown in the following chart.

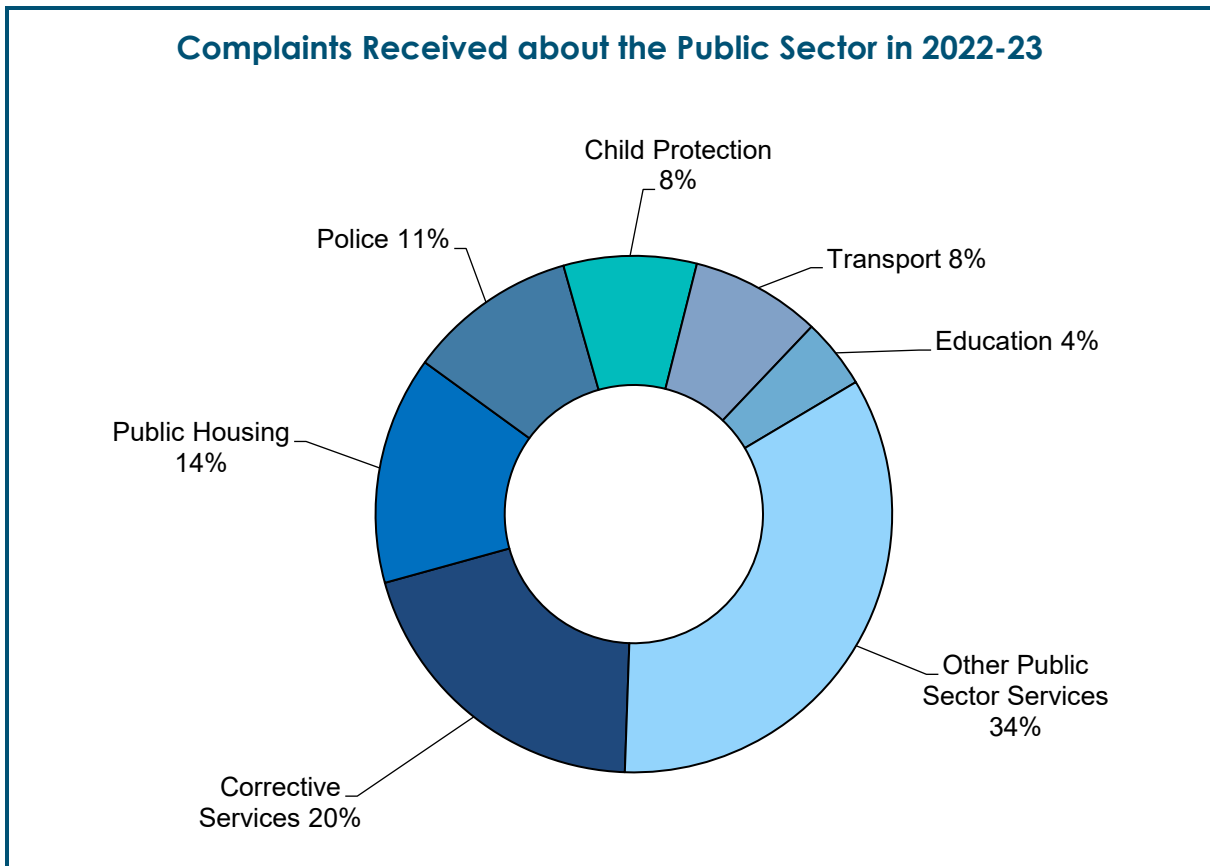


The Public Sector

In 2022-23, there were 1,141 complaints received about the public sector and 1,120 complaints were finalised. The number of complaints about the public sector as a whole since 2018-19 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2022-23, complaints were received about key services as shown in the following chart.



Of the 1,141 complaints received about the public sector in 2022-23, 66% were about six key service areas covering:


- Corrective services, in particular prisons (230 or 20%);
- Public housing (163 or 14%);
- Police (121 or 11%);
- Child protection (95 or 8%);
- Transport (93 or 8%);
- Education, including public schools and TAFE colleges (50 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 2022-23, there were 232 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 203 remedies being provided to complainants and 29 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

High water bills waived and apology provided

A tenant made repeated requests to the public authority that owned the property about high water bills and possible leaks in the reticulation for the property. A leak allowance credit was provided but the high bills continued. At the end of the tenancy, the tenant received a further high bill which included charges for the period after the tenancy. The tenant complained to the Ombudsman.

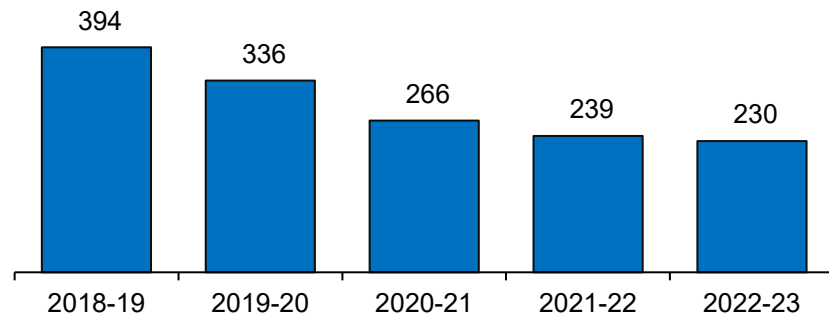
The Ombudsman contacted the public authority, which acknowledged that the tenant was charged for consumption after the tenancy period ended and placed a credit on the person's account. The Ombudsman requested that the public authority further investigate the tenant's concerns about the high bills and inform the tenant and the Ombudsman of the outcome.

The public authority reviewed the tenancy history and acknowledged that the tenant had made numerous reports about excessive water bills and possible water leaks from the reticulation which were not addressed in an effective and timely manner. The public authority apologised to the former tenant, waived further charges and provided a refund for the final high bill.

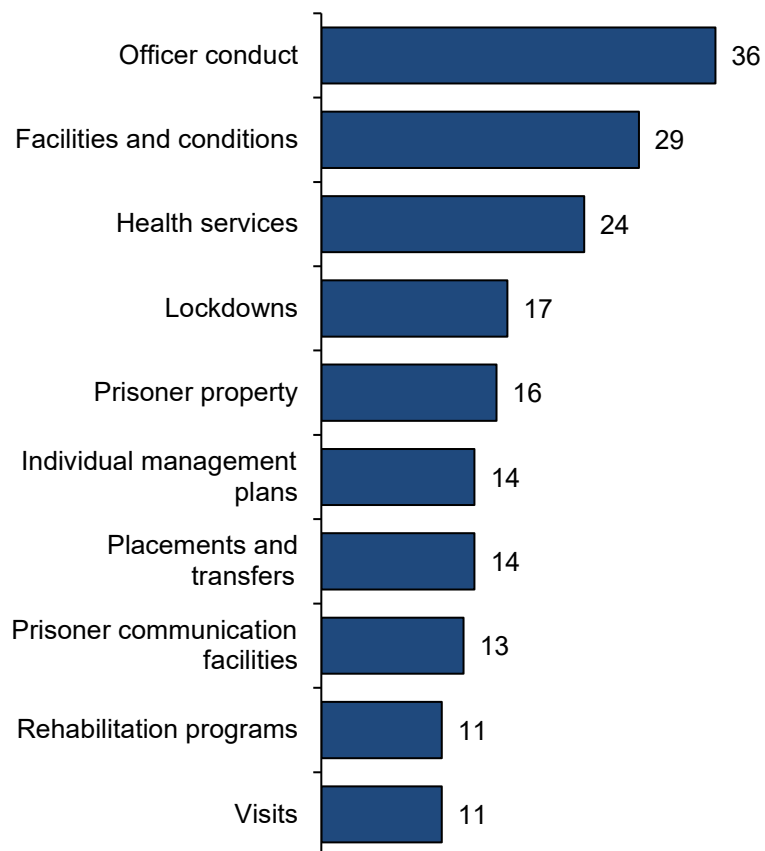
Public sector complaint issues and outcomes

Corrective Services

Complaints received



Most common allegations

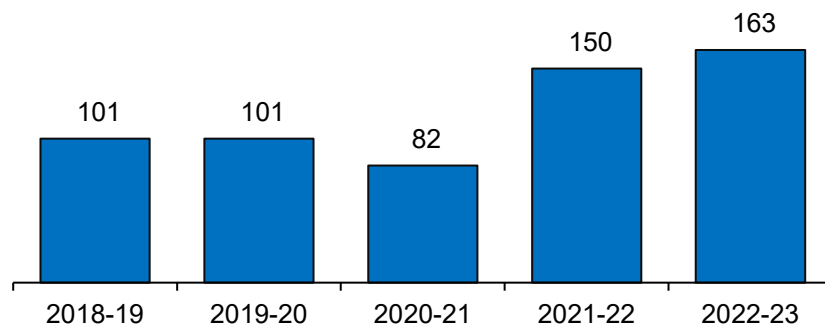


Outcomes achieved

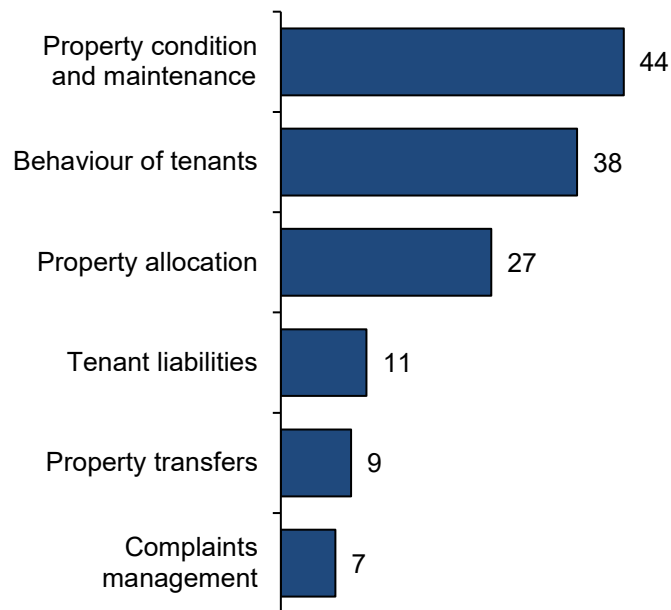
- Financial payment or monetary charge reduced;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to business systems or practices; and
- Staff training.

Public Housing

Complaints received



Most common allegations

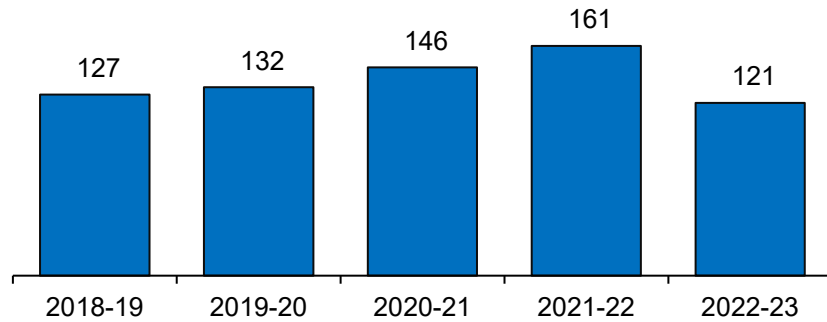


Outcomes achieved

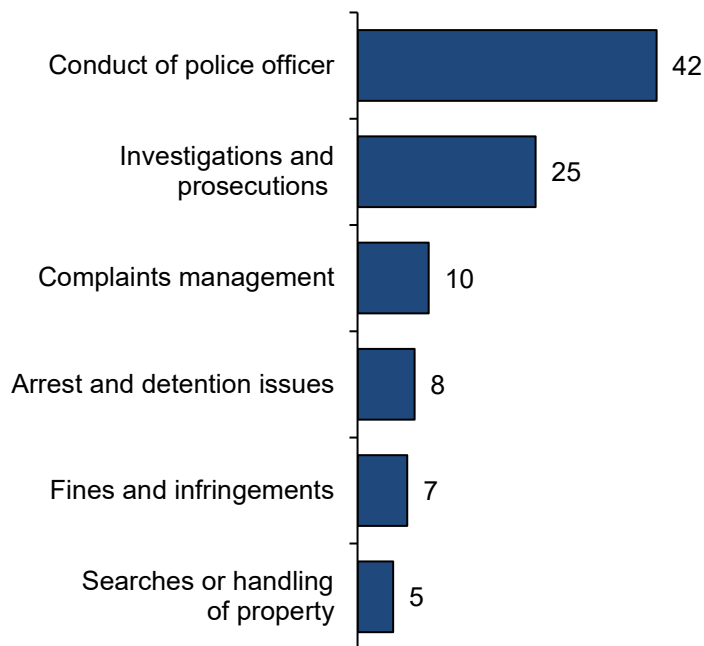
- Financial payment or monetary charge reduced or refunded;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgement of error;
- Action expedited;
- Explanation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

Police

Complaints received



Most common allegations

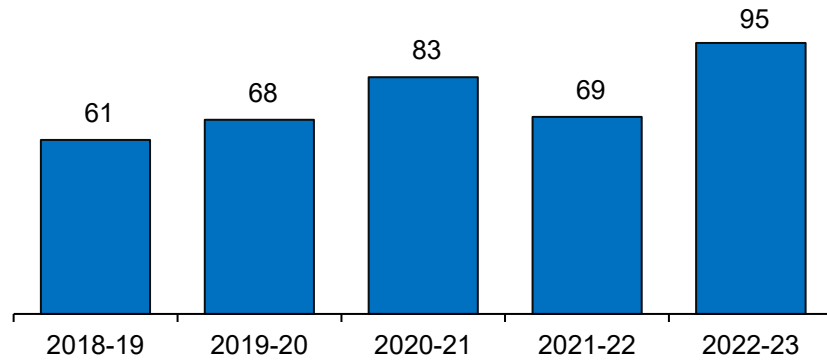


Outcomes achieved

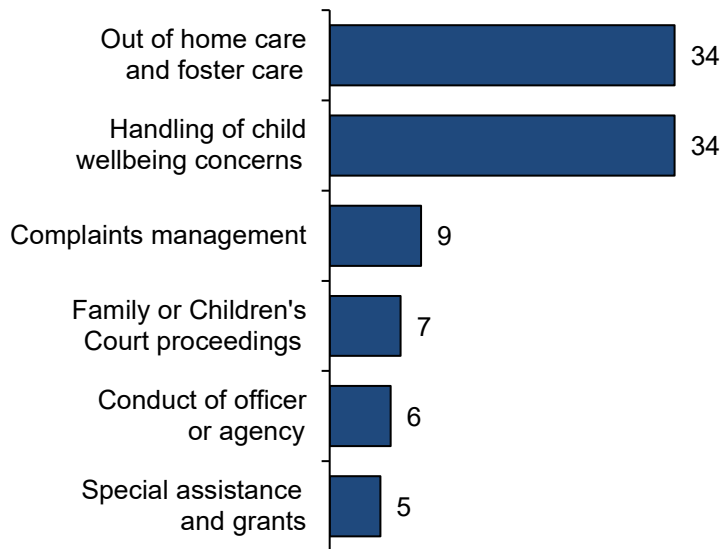
- Explanation given or reasons provided.

Child Protection

Complaints received



Most common allegations

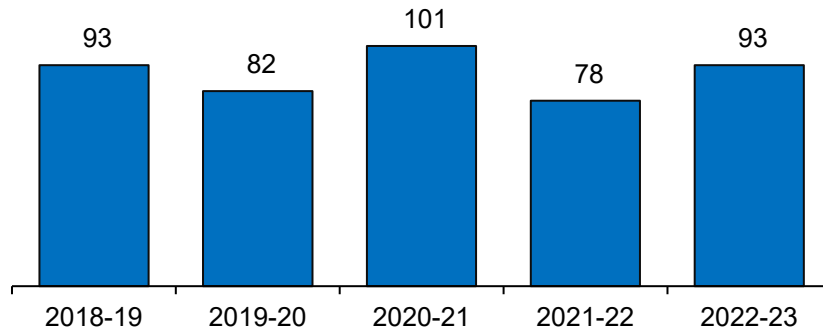


Outcomes achieved

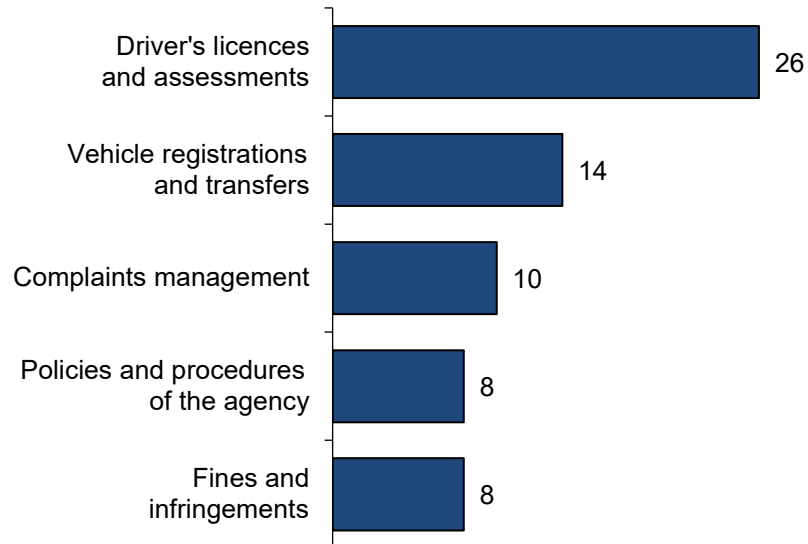
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgement of error;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business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

Transport

Complaints received



Most common allegations

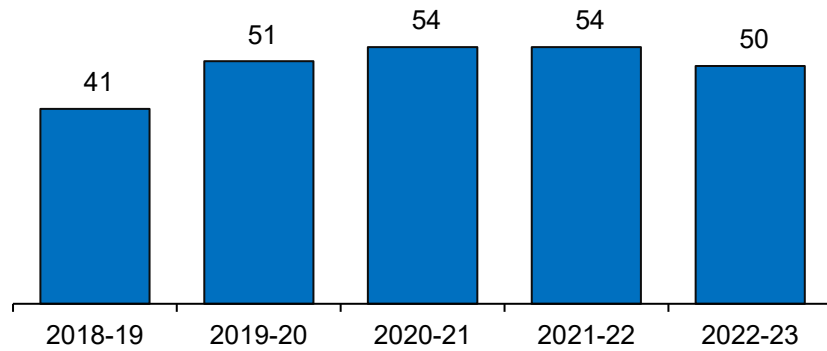


Outcomes achieved

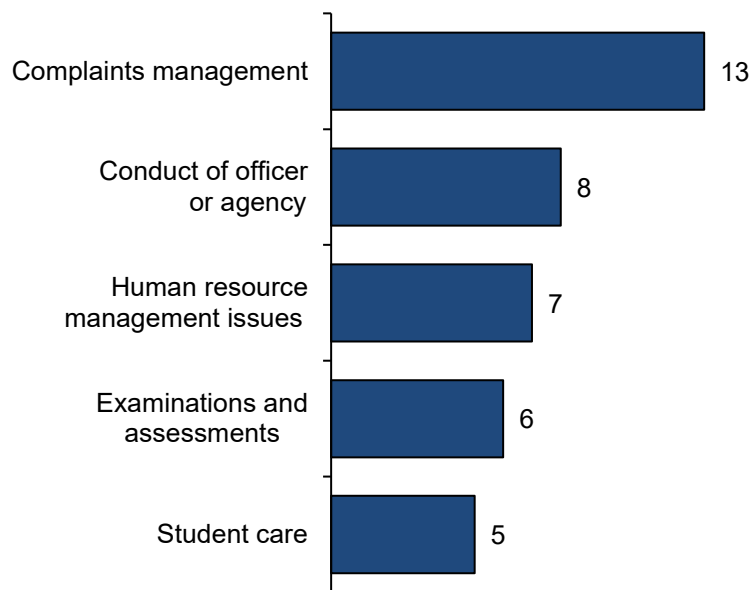
- Financial payment or monetary charge refunded;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices;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

Education

Complaints received



Most common allegations



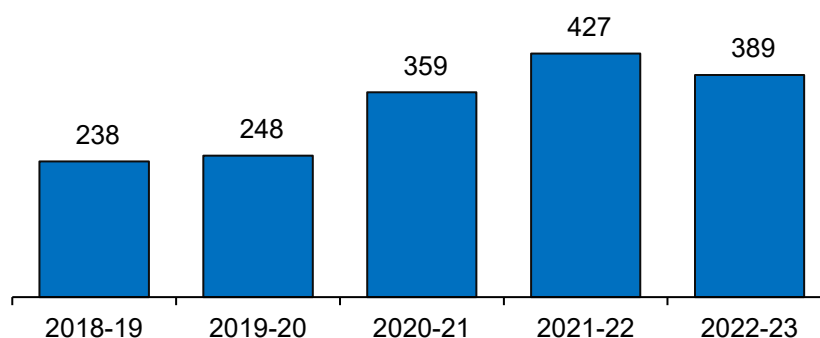
These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Outcomes achieved

- 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;
- Update to publications or website;
- Conduct audit or review; and
- Staff training.

Other Public Sector Services

Complaints received




Most common allegations



Outcomes achieved

- Financial payment or monetary charge reduced or withdrawn;
- 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 business systems or practices;
- Conduct audit or review; and
- Staff training.

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




Case Study

Public authority takes reasonable steps to mitigate the impact of works

A person complained about the impact of works carried out by the public authority near the person’s home. The works were causing significant dust pollution.

The Ombudsman’s investigation considered the correspondence from the person to the public authority, the public authority’s responses to the person, the public authority’s dust management plan and the actions that the public authority had already taken to minimise the impact of the works on residents.

The Ombudsman found that the public authority had communicated regularly with affected residents before and during the works. The public authority had taken action based on resident feedback to improve its dust mitigation measures and had provided affected residents with vouchers for cleaning. Following the Ombudsman’s enquiries, the public authority provided the person with an additional reimbursement for professional cleaning and committed to provide a final clean indoors and outdoors at the completion of the works. The Ombudsman’s view was that the public authority’s actions were reasonable in the circumstances.



Case Study

Public housing waitlist application reinstated

A person had their application for public rental housing withdrawn by the public authority as the person did not meet the eligibility criteria. The person appealed the decision as they said their circumstances were temporary and they should not have to reapply for assistance. The public authority upheld its original decision. The person complained to the Ombudsman.

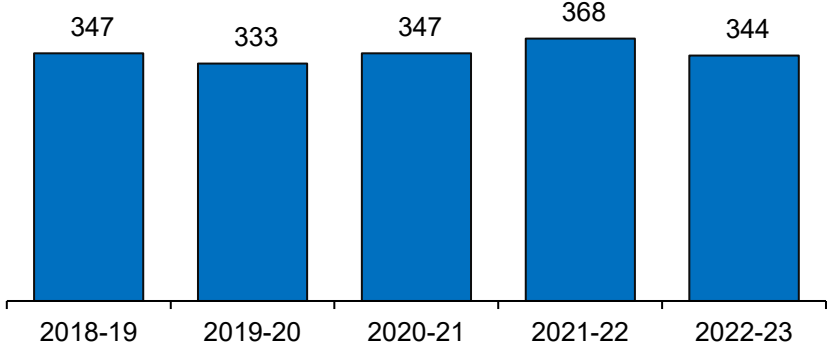
The Ombudsman’s investigation found that the public authority had followed its policies about the person’s eligibility but identified further extenuating circumstances for the person that the public authority had not considered in the original appeal. The Ombudsman referred the information to the public authority so that it may reconsider the matter and inform the person and the Ombudsman of the outcome. The public authority subsequently reinstated the person’s public rental housing application based on the original application date and wrote to the person to inform them of this outcome.

The local government sector

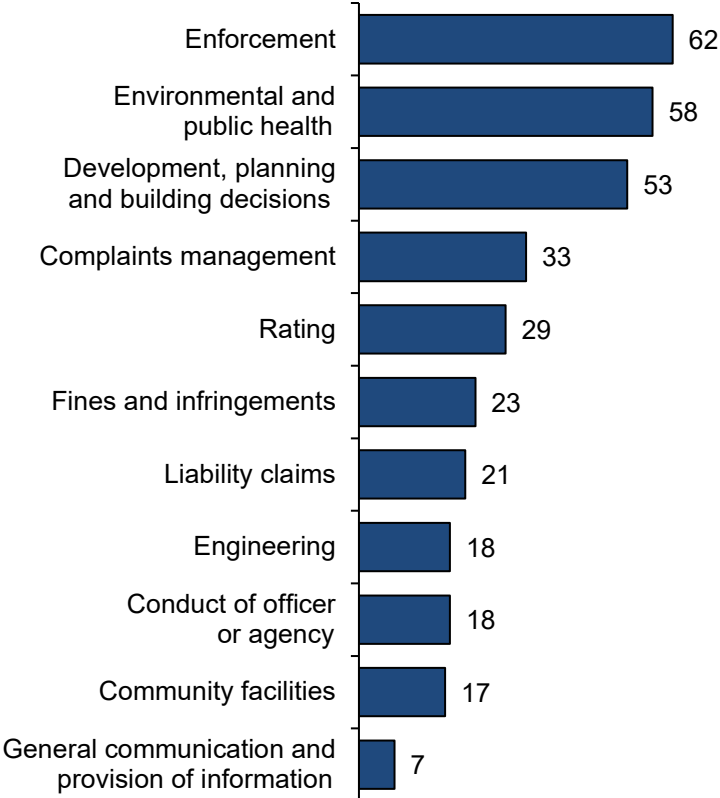
The following section provides further details about the issues and outcomes of complaints for the local government sector.

Local Government

Complaints received



Most common allegations



Outcomes achieved

- Monetary charge withdrawn;
- 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;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and
- Staff training.

Complaint Resolution



Case Study

Community visit to a regional town leads to improved facilities

The office of the Ombudsman visited a regional town as part of its Regional Awareness and Accessibility Program. During the visit, members of the community raised concerns about the lack of access to public toilets and drinking water fountains or taps in the town. The Ombudsman took written complaints during the visit to enable the office to investigate the issue.

In response to the Ombudsman's enquiries with the local government, the local government provided information about the current availability of public toilets and drinking water in the town. The local government explained some public toilet facilities normally open during the day have been kept locked over recent months due to staffing issues. The local government said it was rostering necessary staff and had commenced a planning exercise to install additional drinking fountains through the town.

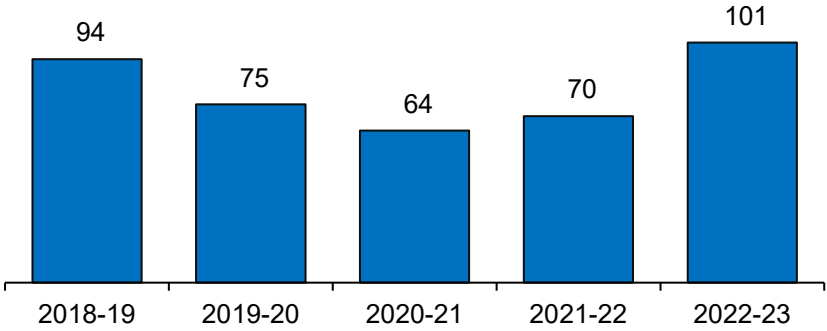
Following the Ombudsman's investigation, the local government confirmed that it would be opening the locked public toilets, had started remediation of a public toilet, and has repaired a broken water fountain. The local government also said it is undertaking a review of toilet facilities and water fountains throughout the town to inform funding needs and the future works program.

The university sector

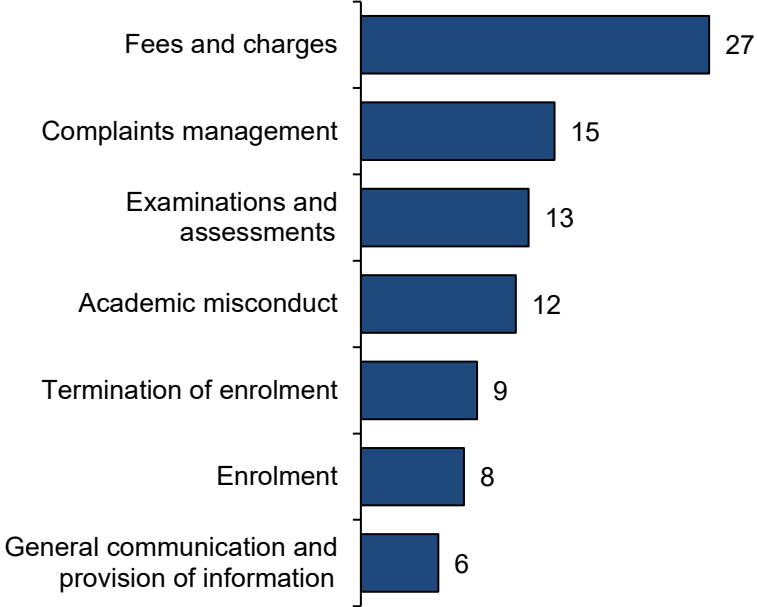
The following section provides further details about the issues and outcomes of complaints for the university sector.

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

- Reversal or significant varying of original decision;
- Consider or reconsider a matter and make a decision;
- Action expedited;
- Explanation given or reasons provided;
- Conduct audit or review;
- Change to policy, procedure, business systems or practices;
- Improved record keeping; and
- Staff training.

Complaint Resolution

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.

Case Study

University waives fees for survivor of domestic violence and makes improvements

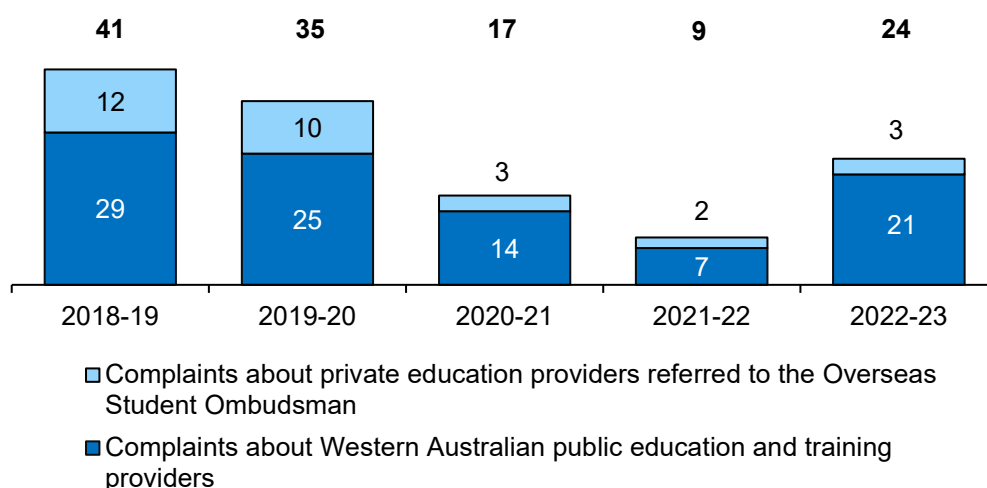
A university student experiencing domestic violence withdrew from their studies. The student thought that they would need to re-enrol in the future but discovered they were still enrolled in the next semester and had fees owing for the units of study. The student complained to the university about the fees as a survivor of domestic violence. The university upheld its original decision, as it said the student had adequate opportunity to withdraw from the units before the cut-off date and to provide further evidence to support their special circumstances. The student complained to the Ombudsman.

Following the Ombudsman's investigation, the university agreed to approve the student's withdrawal without financial penalty. The Ombudsman also discussed with the university its approach to communicating with survivors of domestic violence. The university subsequently implemented professional development for staff on trauma informed practice. The university also changed its systems to make it easier for unenrolled students to make online applications to withdraw without financial penalty.

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.

Complaints Received from Overseas Students under the National Code between 2018-19 and 2022-23



During 2022-23, the Office received 24 complaints from overseas students, including 21 complaints about public education and training providers. All of the 21 complaints about public education providers within the Ombudsman's jurisdiction were about universities. 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 21 complaints by overseas students about public education and training providers involved 21 separate allegations, relating to:

- Fees and charges (11);
- Termination of enrolment (4);
- Handling of academic misconduct allegations (2);
- Enrolment issues (2)
- Examinations and assessments (1); and
- Other issues (1).

During the year, the Office finalised 19 complaints by overseas students about public education and training providers.

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, two 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 their 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 2022-23, three reviews were undertaken, representing 0.1 per cent of the total number of complaints finalised by the Office. In all cases, the original decision was upheld.