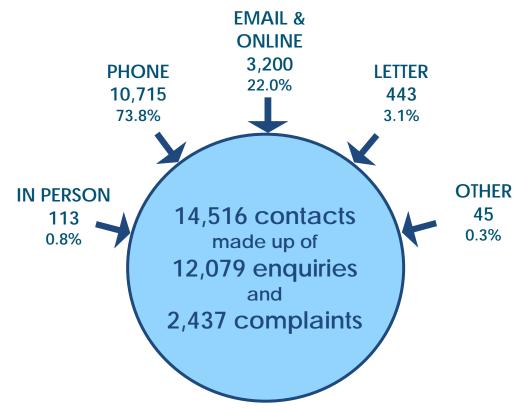
# **Complaint Resolution**

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 2023-24, the Office received 14,516 contacts from members of the public consisting of:

- 12,079 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,437 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

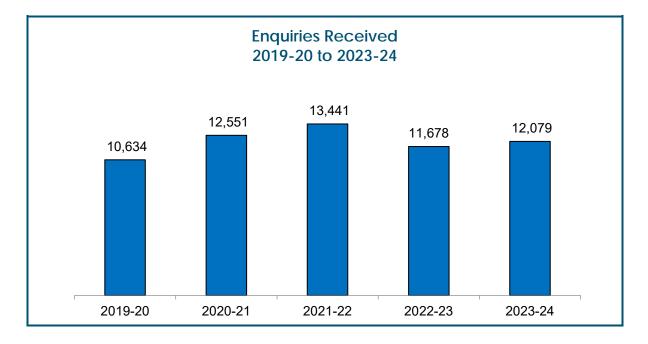


#### **Enquiries Received**

There were 12,079 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.

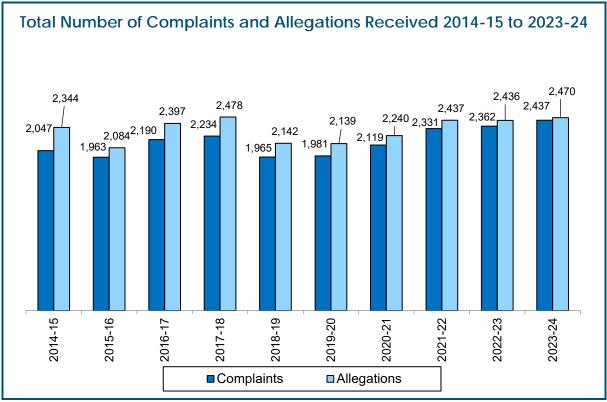
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.



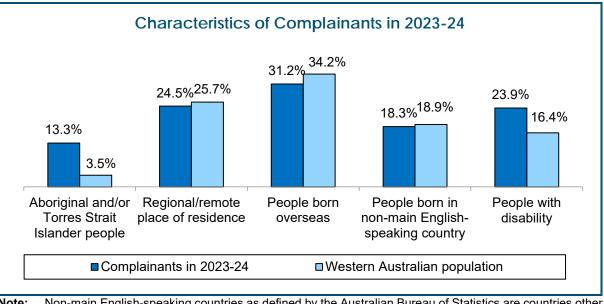
Enquirers are generally encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

# **Complaints Received**

In 2023-24, the Office received 2,437 complaints, with 2,470 separate allegations, and finalised 2,417 complaints. There are more allegations than complaints because one complaint may cover more than one issue.



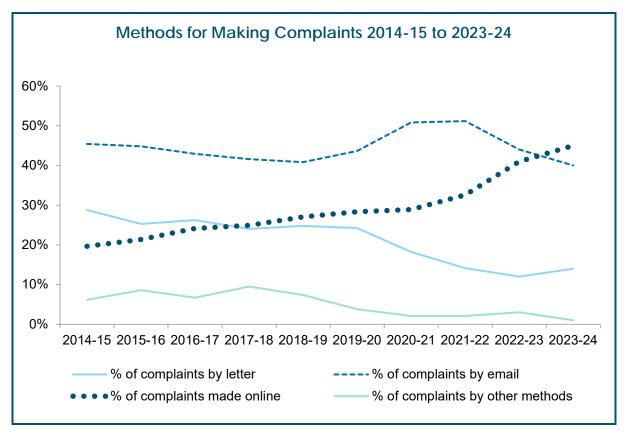
**Note:** The number of complaints and allegations shown for a year may vary in this and other charts by a small amount from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority, 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

In 2023-24, 45% of complaints were lodged through the Office's online complaint form, overtaking email (40%) for the first time as the preferred method to lodge complaints. There were also 14% of complaints lodged by letter and one 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

Early resolution involves facilitating a timely response and resolution of a complaint.

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 <u>own motion investigations</u>).

### Time Taken to Resolve Complaints

Timely complaint handling is important. The 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 sustained improvements in the time taken to handle complaints.

In 2023-24:

- The percentage of allegations finalised within 3 months was 95%; and
- The percentage of allegations on hand at 30 June less than 3 months old was 88%.

#### **Complaints Finalised in 2023-24**

95% of allegations were finalised within 3 months.

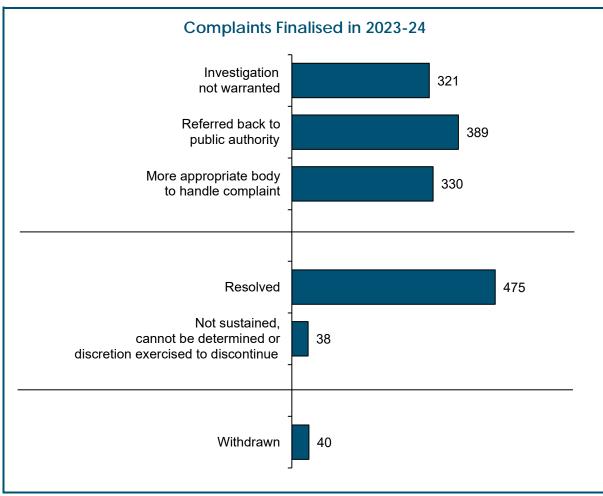
There were 2,417 complaints finalised during the year and, of these, 1,593 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 1,040 were finalised at initial assessment, 513 were finalised after an Ombudsman investigation and 40 were withdrawn.

#### Complaints finalised at initial assessment

Over a third (37%) of the 1,040 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 330 (32%) 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 513 complaints finalised after investigation, 90% were resolved through the Office's early resolution approach. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolve complaints using this approach and frequently offer practical and timely remedies to resolve matters in dispute, together with information about administrative improvements to be put in place to avoid similar complaints in the future.

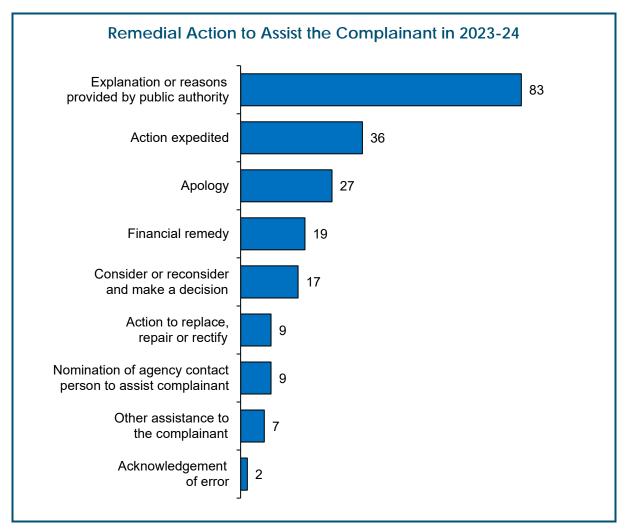


The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised.

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

#### Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2023-24, there were 209 remedies provided by public authorities to assist complainants. 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 92 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.

#### 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. In 2023-24, public authorities made 32 improvements to improve their administration following the Ombudsman's investigations.

# Case Study

# Decision reversed and rebate granted following Ombudsman involvement

A person installed a security system and applied to a public authority for a rebate that the public authority was offering. The public authority declined the application on the basis that the installer was not appropriately licenced. The person had the installation inspected by another installer with the appropriate licence and reapplied for the rebate. The public authority again declined the application. The person complained to the Ombudsman.

The Ombudsman contacted the public authority to commence an investigation into the decision to decline the rebate application. The public authority reviewed the matter and decided that the original decision was correct under the rebate rules. However, the public authority considered that the decision to decline the application went against the spirit of the rebate scheme considering that the installer's incorrect licence was out of the person's control and the person had acted in good faith. Therefore, the public authority changed its decision, approved the rebate application and apologised for any frustration or anxiety the original decision may have caused.

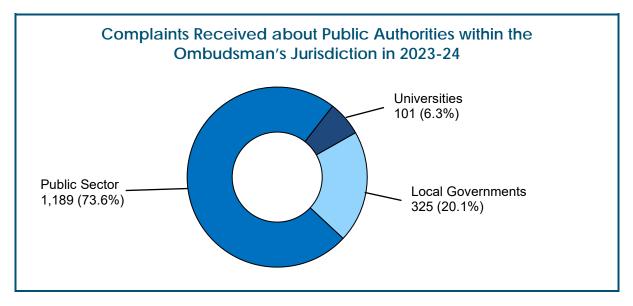


The public authority identified that the emails had been marked as spam and not received by the intended recipient. The Ombudsman asked the public authority to consider how to prevent the issue occurring again in the future. The public authority subsequently informed the Ombudsman that its email security system had been amended to provide a more proactive, risk-based approach to monitoring emails.

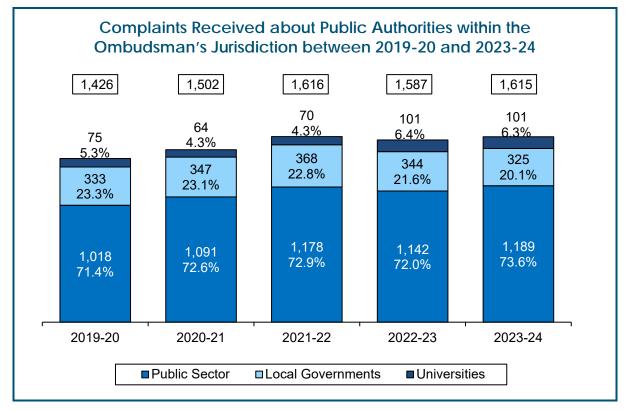
# About the Complaints

Of the 2,437 complaints received, 1,615 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 822 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 (1,189 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (325 complaints); and the university sector (101 complaints).

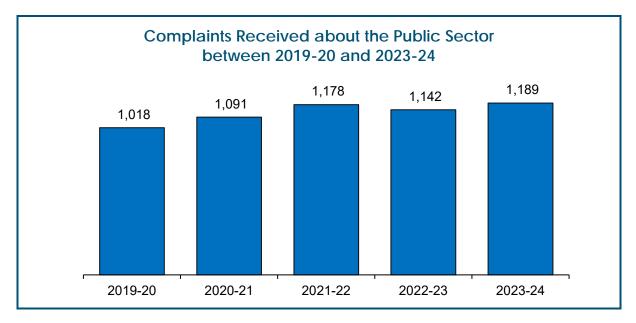


The proportion of complaints about each sector in the last five years is shown in the following chart.

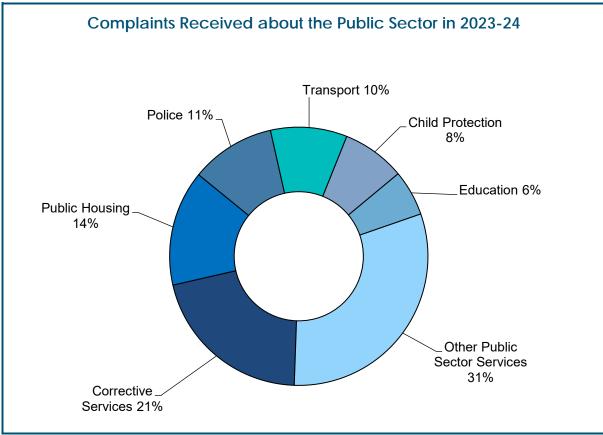


### The Public Sector

In 2023-24, there were 1,189 complaints received about the public sector and 1,161 complaints were finalised. The number of complaints about the public sector as a whole since 2019-20 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2023-24, complaints were received about key services as shown in the following chart.



Note: Percentages may not add to 100% due to rounding.

Of the 1,189 complaints received about the public sector in 2023-24, 69% were about six key service areas covering:

- Corrective services, in particular prisons (248 or 21%)
- Public housing (172 or 14%)
- Police (126 or 11%)
- Transport, including roads, public transport and licensing (114 or 10%)
- Child protection (94 or 8%)
- Education, including public schools and TAFE colleges (68 or 6%). Information about universities is shown separately under the university sector.

The remaining 31% of complaints were about 72 other public authorities, of which 89% had 10 or fewer complaints in 2023-24. For further details about the number of complaints received and finalised about individual public sector agencies and authorities, see <u>Appendix 1</u>.

#### Outcomes of complaints about the public sector

In 2023-24, there were 189 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 167 remedies being provided to complainants and 22 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.

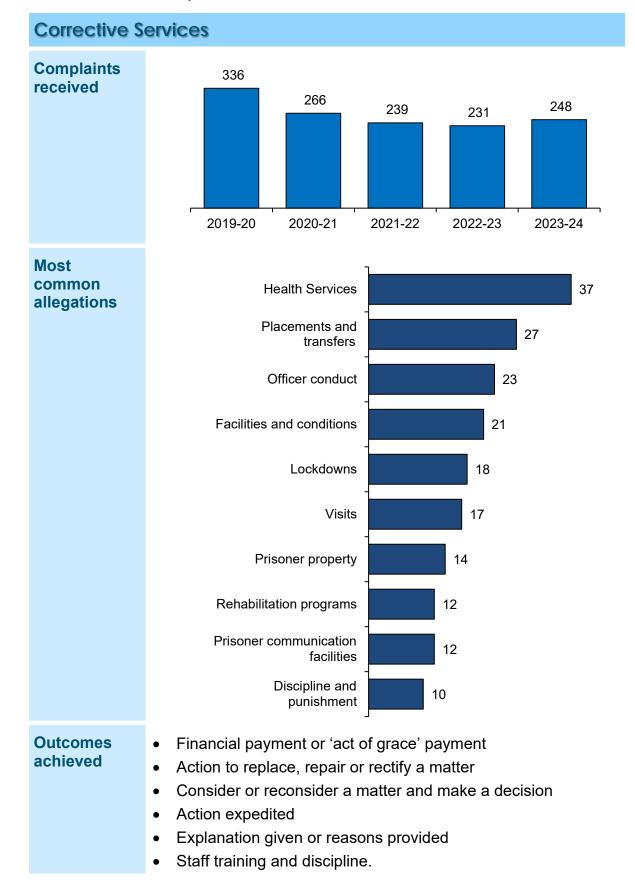


## Hospital reimburses lost property after Ombudsman involvement

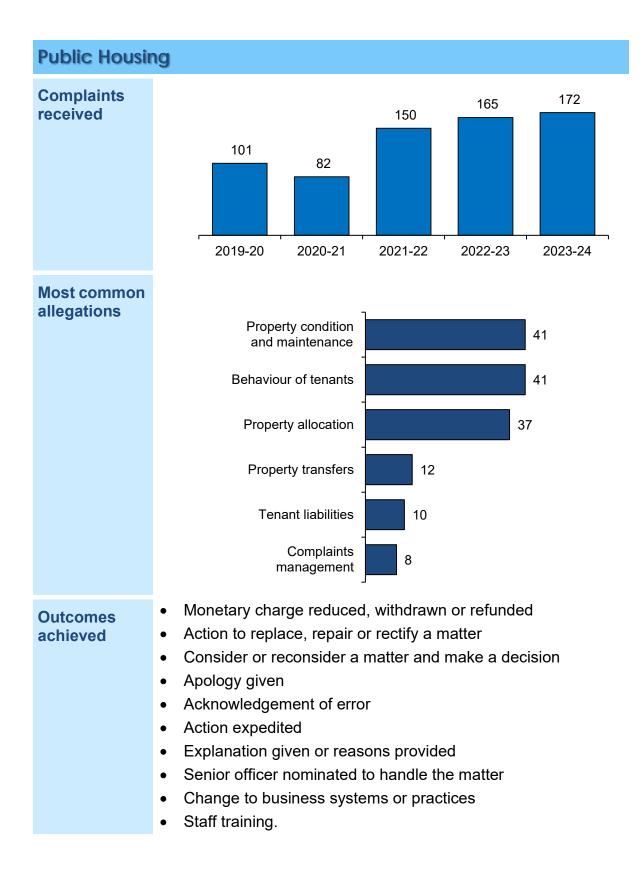
A person complained to a hospital about a vulnerable family member losing property at the hospital. They said the family member was not in a position to keep track of their belongings when they were transferred to the ward. The hospital investigated the complaint and did not find any evidence of staff carelessness or mishandling of property and therefore declined to replace the property. The person complained to the Ombudsman.

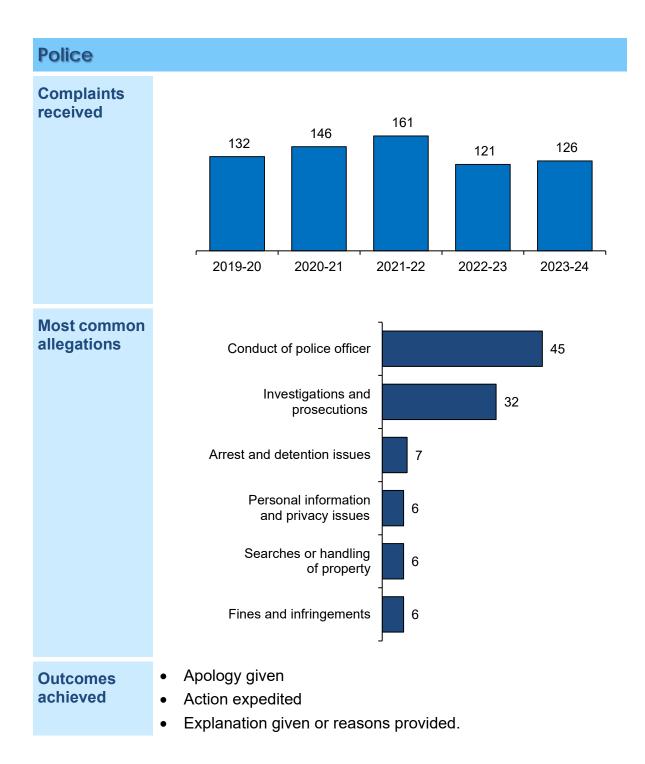
The Ombudsman contacted the health service responsible for the hospital to determine the status of the hospital's investigation into the matter. As a result of the Ombudsman's enquiry, the health service completed a further assessment and determined that the hospital's policy on personal property will be reviewed. The health service also decided to reimburse the person for the lost property.

The Ombudsman later followed up with the health service to confirm that the reimbursement had been processed and the hospital's policy had been updated to address the handling of valuable personal property.



#### Public sector complaint issues and outcomes



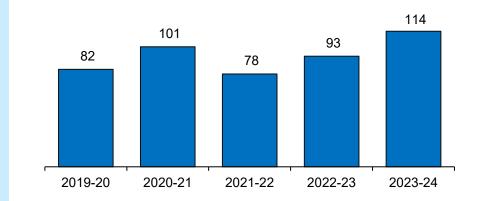


#### Transport

# Complaints received

**Outcomes** 

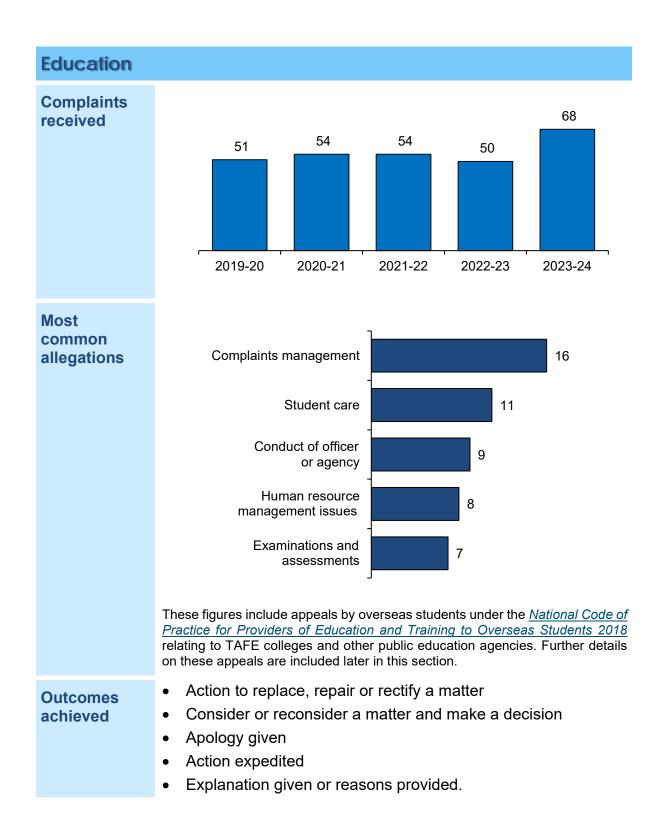
achieved



#### Most common **Driver's licences** 28 allegations and assessments Vehicle registrations 25 and transfers Complaints management 13 Fines and 10 infringements Policies and procedures 6 of the agency

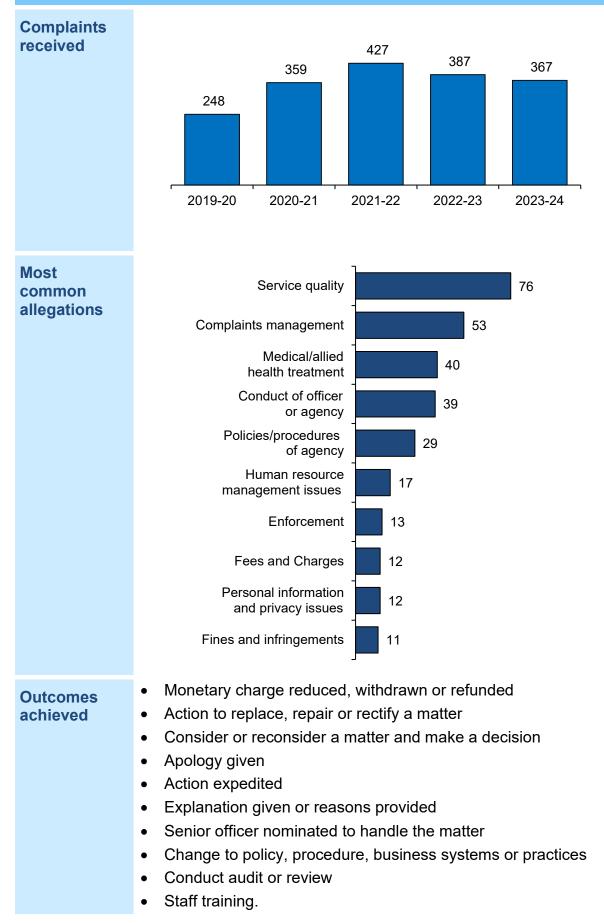
- Monetary charge reduced, withdrawn or refunded
- Apology given
  - Acknowledgement of error
  - Action expedited
  - Explanation given or reasons provided
  - Senior officer nominated to handle the matter
  - Change to business systems or practices
  - Update to publications and websites
  - Staff training.

#### **Child Protection Complaints** received 95 94 83 69 68 2019-20 2020-21 2021-22 2022-23 2023-24 Most Handling of child 36 common wellbeing concerns allegations Out of home care 26 and foster care Complaints management 12 Conduct of officer or agency 8 Consider or reconsider a matter and make a decision • Outcomes • Apology given achieved Acknowledgement of error • Action expedited • Explanation given or reasons provided • Senior officer nominated to handle the matter • Change to policy or procedure • Staff training. •



**Complaint Resolution** 

### **Other Public Sector Services**



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



# Ombudsman involvement leads to overdue maintenance being completed

A public housing tenant complained to the public authority about maintenance work that had not been completed at their property. The public authority had visited the property to identify the work required and raised work orders with their maintenance contractor, but 12 months later the maintenance issues were still not resolved. The tenant complained to the Ombudsman.

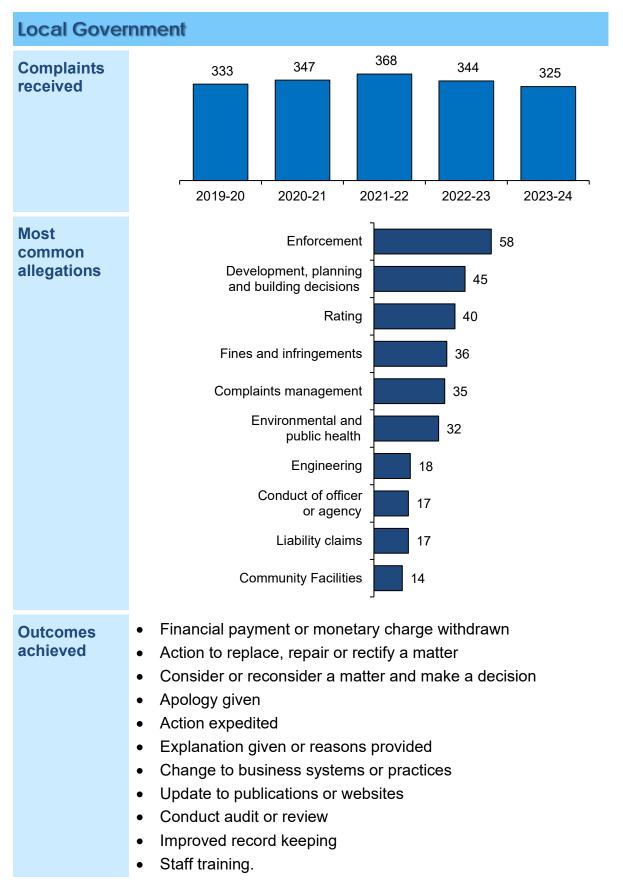
The Ombudsman contacted the public authority about the maintenance delay and requested information about the status of the public authority's work orders. The public authority acknowledged that the maintenance issues had not been resolved in a timely manner and explained it had followed up with the maintenance contractor and visited the property to identify more extensive work to remedy the issues at the property. The Ombudsman requested that the public authority consider further remedies for the tenant in light of the maintenance problems that were not resolved.

The public authority wrote to the tenant to acknowledge that the problems were not resolved in a timely manner, explain the timeframe for completing the outstanding works, and offer a rent credit to acknowledge the inconvenience the tenant experienced.

The Ombudsman later followed up with the public authority to confirm that the rent credit had been applied and the maintenance works completed.

## The local government sector

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



# Case Study

# Local government apologises and improves process for development consultation

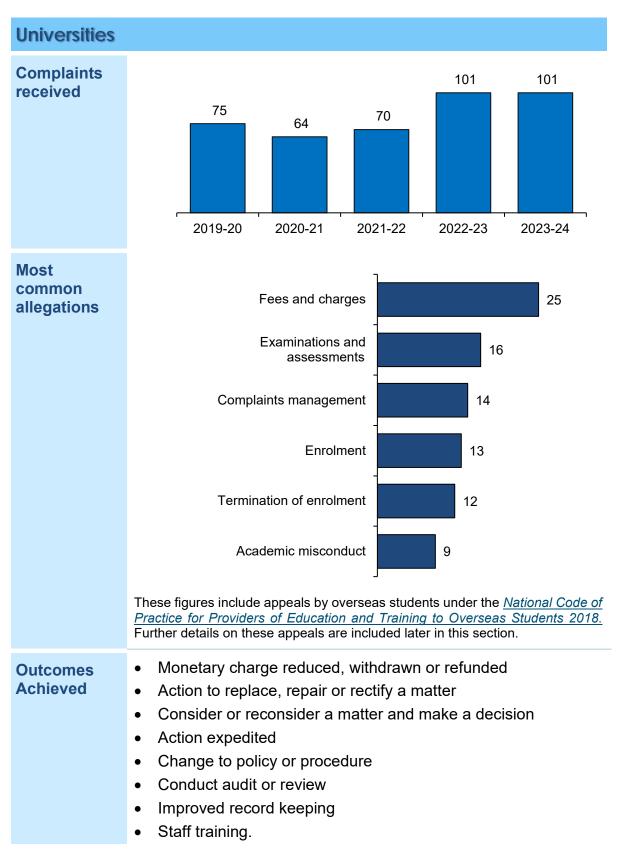
A resident contacted their local government about a neighbouring development. The resident complained that the local government had not responded to their concerns about the development, which they raised as part of the local government's community consultation. The resident also complained that the development was encroaching on their property and the local government was not taking adequate enforcement action. The local government did not provide a response that was satisfactory to the resident, so the resident complained to the Ombudsman.

The Ombudsman contacted the local government, which said it was still investigating the resident's concerns. The Ombudsman referred the complaint to the local government for it to respond directly to the resident and inform the Ombudsman what actions it takes in response to the complaint.

The local government wrote to the resident to explain that the concerns the resident raised during community consultation on the development were considered and some adjustments were made by the developer. The local government acknowledged that it did not provide the resident with notice of the outcome of the consultation and apologised for the oversight. The local government also amended its systems to ensure that people who make submissions are notified of the outcome as part of the development assessment process. The local government continued to work with the builder in relation to the encroachment on the resident's property.

## The university sector

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



# Case Study

# Fees waived after university incorrectly awarded advanced standing

A student completed units of a degree at one university and then transferred to another university. The second university awarded the student advanced standing, which is recognition for prior learning, and the student completed their degree. The student subsequently applied for registration with the professional practice governing body, however their registration was rejected on the basis that the units completed at the first university did not provide full coverage of the subjects. The student contacted the second university about the advanced standing being incorrect resulting in a degree that did not meet the requirements for registration.

The university worked with the student to enrol them in two units to cover the relevant subjects. The student requested a fee waiver for the units, which the university granted. The university also clarified the registration requirements with the professional practice governing body and implemented new administrative processes to ensure future awards of advanced standing meet the requirements for registration.

The student commenced the final unit required to meet registration requirements and again applied for the fees to be waived. The university declined the request. The student complained to the university, which upheld its decision. The student then complained to the Ombudsman.

The Ombudsman commenced an investigation and requested a report from the university along with evidence to support its position. The Ombudsman considered whether the university's decision to decline a fee waiver for the final unit was reasonable, considering that the university acknowledged it had awarded advanced standing incorrectly and granted a fee waiver the other affected units. The university subsequently decided to waive the fees for the unit as a goodwill gesture to settle the matter.

## **Other Complaint Related Functions**

#### Reviewing appeals by overseas students

The <u>National Code of Practice for Providers of Education and Training to Overseas</u> <u>Students 2018</u> (the National Code) sets out standards required of registered providers that 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.

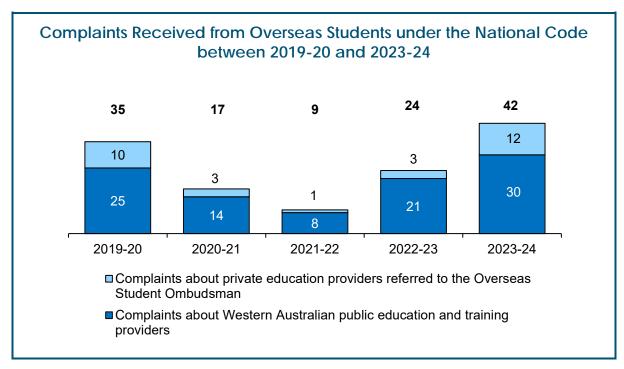
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- 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 <u>Overseas Students Ombudsman</u> 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 2023-24, the Office received 42 complaints from overseas students, including 30 complaints about public education and training providers. All of the 30 complaints about public education providers within the Ombudsman's jurisdiction were about universities. The Office also received 12 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 30 complaints by overseas students about public education and training providers involved 30 separate allegations, relating to:

- Fees and charges (13);
- Termination of enrolment (8);
- Enrolment issues (4)
- Handling of academic misconduct allegations (2);
- Examinations and assessments (2); and
- Other issues (1).

During the year, the Office finalised 30 complaints by overseas students about public education and training providers.



#### University provides refund to overseas student following Ombudsman involvement

An international student was enrolled in units of study with a university but did not complete all assessments and received a grade of zero for the units. The student requested a refund of their tuition fees as their medical circumstances made it difficult for them to complete the units.

The university considered the request but rejected it on the basis that the medical circumstances were pre-existing and known to the student before the census date, which is the cut-off date to be able to withdraw from units and obtain a refund. The university said that it had already made adjustments to accommodate the student's medical circumstances and help them complete the units. The university said that there was no evidence that the student's ability to complete the units had changed after the census date.

The student appealed the university's decision and provided more information about difficulties accessing support services and a further medical certificate with more information about the student's circumstances. The university confirmed its original decision. The student then complained to the Ombudsman.

The Ombudsman commenced an investigation and requested a report and evidence from the university. The university further reviewed the case, and considering all the evidence and the student's circumstances, changed its position and agreed that the student had been impacted by their medical circumstances after the census date. Accordingly, the university provided a refund to the student.

#### **Charitable Trusts**

On 21 November 2022, the Ombudsman commenced an important new function as the Western Australian Charitable Trusts Commission (**WACTC**) following the commencement of the *Charitable Trusts Act 2022* (**CT Act**).

Complaints may be made directly to the Ombudsman as the WACTC or matters may be referred to the Ombudsman by the Attorney General for investigation.

Charitable trusts play a significant role in the Western Australian Aboriginal community as they are utilised to hold mining royalties and native title settlement funds.

# Role of the Ombudsman as the Western Australian Charitable Trusts Commission

The role of the Ombudsman, as WACTC, is set out in Section 30 of the CT Act, and is to:

- (a) conduct investigations, including audits of the accounts of charitable trusts under investigation;
- (b) make an investigator's report on each investigation; and
- (c) make recommendations to the trustees of charitable trusts in respect of matters arising out of investigations.

The Ombudsman is afforded specific powers under the CT Act as well as being able to rely on existing powers under the *Parliamentary Commissioner Act 1971* which includes the powers, rights and privileges of a Royal Commission.

The CT Act also provides the Ombudsman with specific investigative powers, including the power to issue a notice requiring a person to provide a document or information relating to a charitable trust or concerning any person involved in the administration of a charitable trust.

The Ombudsman must prepare a report on an investigation and that report must be provided to the Attorney General. The report may be accompanied by a notice for a trustee to take reasonably necessary action(s) in a specified timeframe. Failure to comply with a notice and take those actions is grounds for the removal of the trustee.

#### Complaints and enquiries received

From 1 July 2023 to 30 June 2024, the Office received:

- Three enquiries about Charitable Trusts; and
- Two complaints about Charitable Trusts.

Of the two complaints received, one was resolved by the Office during 2023-24. Two charitable trusts investigations remained ongoing.

If a complaint is outside the Ombudsman's jurisdiction, where possible, the Office provides the complainant with contact details for other State and Commonwealth regulators who may be able to assist with their complaint.

#### **Public Interest Disclosures**

Section 5(3) of the <u>Public Interest Disclosure Act 2003</u> 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 <u>Public Interest Disclosure Act 2003</u>, the <u>Parliamentary Commissioner Act 1971</u> 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 <u>Parliamentary Commissioner Act 1971</u>.

There were no public interest disclosures received during the year.

#### **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 six complaints received during the year.

#### Terrorism

The Ombudsman can receive complaints from a person detained under the <u>Terrorism</u> (<u>Preventative Detention</u>) <u>Act 2006</u> 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 2023-24, 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.

#### **Stakeholder Liaison**

The Office liaised with a range of agencies in relation to complaint resolution in 2023-24, including:

- Department of Communities;
- Department of Education; and
- Various prisons.