



Other Disclosures and Legal Compliance

Ministerial Directives

The Ombudsman reports directly to the Western Australian Parliament rather than to the government of the day, or a particular Minister, and Ministers cannot issue directives to the Ombudsman.

Other Financial Disclosures

Pricing policies of services provided

The Office currently receives revenue for the following functions:

- Costs for the Energy and Water Ombudsman functions are recouped from the Energy and Water Ombudsman (Western Australia) Limited on a full cost recovery basis. These costs are determined by the actual staffing costs involved in delivering the service plus an allowance for overheads and costs of particular operational expenses; and
- Under an arrangement with the Australian Government, the Office handles enquiries and complaints from the Indian Ocean Territories about local governments and Western Australian public authorities delivering services to the Indian Ocean Territories. Each year the Office recoups costs from the Australian Government for any complaints received from the Indian Ocean Territories. Cost recovery is based on the average cost per complaint in the last two years as published in the Office's annual reports. Administrative costs and the costs of any travel to the Indian Ocean Territories by the Ombudsman or staff and any promotional materials are also recouped in full.

Capital works

There were no major capital projects undertaken during 2023-24.

Employment of staff

As at 30 June 2024, there were 92 people (81.9 full-time equivalent positions (**FTEs**)) directly employed by the Office, including 64 full-time employees and 28 part-time employees. This includes people on unpaid leave, contract staff providing short term expertise and backfilling staff during extended leave periods and people seconded out of the Office.

All employees are public sector employees operating in executive, policy, enquiry, investigation and administrative roles. The following table provides a breakdown of the categories of employment for staff directly employed by the Office as at 30 June in 2022-23 and 2023-24.

Employee Category	2022-23	2023-24
Full-time permanent	51	57
Full-time contract	7	7
Part-time permanent	24 (14.7 FTEs)	26 (16.9 FTEs)
Part-time contract	2 (1.5 FTEs)	2 (1.0 FTE)
TOTAL	84 (74.2 FTEs)	92 (81.9 FTEs)

Human resources strategies and staff development

In 2023-24, the Office continued implementation of the Office's *Aboriginal Action Plan*, which includes a range of strategies to enhance the Office's services for, and engagement with, Aboriginal Western Australians. Employment was recognised as a key area of focus, and actions in the *Aboriginal Action Plan* relating to employment include recruitment, retention and professional development for Aboriginal staff. The Office also continued to implement the workforce strategies in its *Disability Access and Inclusion Plan 2020-2025* and committed to further diversity strategies through its *Workforce and Diversity Plan 2021-2026* and *Multicultural Plan 2021-2025*.

In accordance with Commissioner's Instruction 40: Ethical Foundations, the Office implemented an Integrity Framework, which included a review of all integrity related policies and procedures and all staff were required to familiarise themselves with the updated Code of Conduct policy.

- *Accounting for individual performance*

The Office's performance management system was reviewed and updated and includes identifying expectations as well as performance-based recognition. Managers and staff annually formalise a performance agreement that provides a framework to:

- Identify and acknowledge the contribution employees make in the achievement of the Office's operational and strategic goals; and
- Develop and retain skilled employees and assist employees to achieve their professional and personal career aspirations.

- *Continual learning*

The Office implemented a new online learning and development platform, which is available to all staff.

The Learning and Development platform provides staff with high-quality professional and personal development and training opportunities that are relevant

and accessible at any time. The online learning platform includes a comprehensive induction training module as well as mandatory training modules for staff. The Staff Support Program continued to be delivered to all staff during 2023-24. Sessions included EEO Law and Workplace Culture, Health and Wellbeing, Countering Foreign Intelligence and Disability Awareness. In addition to in-house development, staff are encouraged to attend external training, conferences and seminars to improve their skills and knowledge in areas relevant to their work. These opportunities are facilitated through development plans as part of staff annual performance reviews, and the continual learning assists with positioning the Office as an employer of choice.

- *A safe and healthy workplace*

The Work Health and Safety management system, plan, policy and procedures were reviewed and updated to align with the *Work Health and Safety Act 2020*. More information is in the [Work health, safety and injury management section](#).

During the year, the Proactive Wellbeing Strategy was rolled out to all divisions in the Office. The Strategy is a proactive and preventative approach to supporting individual wellbeing by considering the unique challenges faced in the working environment and job roles, and how personal life intersects with this. All staff were offered an initial 90-minute Preventative Wellbeing Coaching session.

The Office continued delivering on key focus areas of the *Workforce and Diversity Plan 2021-2026 (the Workforce Plan)*. with:

- Reviewing the Recruitment Policy and Procedures to recruit high-quality staff, in particular for new functions;
- Attracting and retaining high-quality staff, including enabling flexible working arrangements and through offering internships and seasonal clerkship programs;
- Providing staff development through quality induction, performance management, our Staff Support Program, internal and external training, and study assistance;
- Promoting diversity in the workforce for people from diverse cultural backgrounds, people from Aboriginal and Torres Strait Islander backgrounds, and for people with disability;
- Implementing the strategies in the Office's *Disability Access and Inclusion Plan 2020-2025*, *Aboriginal Action Plan* and *Multicultural Plan 2021-2025*;
- Reviewing and updating the suite of human resource policies in line with the Office's strategies and with guidance provided by the relevant external agencies and staff feedback processes; and
- Providing Corporate Executive with workforce reporting to support evaluation and ongoing review of the strategies in the *Workforce and Diversity Plan*.

Unauthorised use of credit cards

Staff of the Office hold corporate credit cards where their functions warrant the use of this facility.

The Office has robust policies and procedures regulating credit card use, and the use of a credit card for personal purposes is prohibited.

Despite each cardholder being reminded of their obligations annually under the Office's credit card policy, in 2023-24 three employees inadvertently use the corporate credit card for personal expenses. The matter was not referred to disciplinary action as the Chief Finance Officer noted prompt advice and settlement of the personal use amount and that the nature of the expenditures was immaterial and characteristic of an honest mistake.

Personal Use of Credit Cards	2023-24
Number of instances the Western Australian Government Purchasing Cards have been used for personal purposes	3
Aggregate amount of personal use expenditure.	\$383
Aggregate amount of personal use expenditure settled by the due date (within 5 working days).	\$383
Aggregate amount of personal use expenditure settled after the due date (after 5 working days).	Nil
Aggregate amount of personal use expenditure outstanding at 30 June 2023.	Nil
Number of referrals for disciplinary action instigated by the notifiable authority during the reporting period.	Nil

Other Legal Requirements

Expenditure on advertising, market research, polling and direct mail

In accordance with the *Electoral Act 1907* section 175ZE, the Office is required to report on expenditure incurred in relation to advertising agencies, market research, polling (surveys), direct mail and media advertising organisations. The expenditure incurred in relation to those matters in 2023-24 was \$17,729 (Excluding GST) for recruitment advertising and promoting regional visits.

Category of expenditure	Company	Total
Advertising	Initiative Media Australia Pty Ltd	\$ 17,330
	Meta	\$ 399
Media advertising		Nil
Market research		Nil
Polling		Nil
Direct mail		Nil
Total		\$ 17,729

Disability Access and Inclusion Plan outcomes

The Office is committed to providing optimum access and service to people with disability, their families and carers. In 2023-24, the Office continued to implement the strategies under its *Disability Access and Inclusion Plan 2020-2025 (DAIP)*. Current initiatives to address desired DAIP outcomes are shown below.

Outcome 1: People with disability have the same opportunities as other people to access the services of, and any events organised by, the Office.

People can access the complaint handling services provided by the Office by lodging a complaint in various ways including by post, email, online and in person. The online option is available through the Office's website, which meets the website accessibility requirements set out in the *Accessibility and Inclusivity Standard* under the *Western Australia Whole of Government Digital Services Policy*.

Staff ask and record where a person making a complaint to the Office is experiencing disability and, if so, record whether the person with disability requires any assistance to access the Office's services.

The Office is accessible for people with disability who attend in person, and enquiries can be made by telephone using the National Relay Service for people with voice or hearing impairments. Venues for events and meetings are assessed for suitable access for people with disability and dietary requirements are appropriately catered. Organisations that provide information and support to people with disability are specifically informed about the Office's activities as part of its Regional Awareness and Accessibility Program.

In 2023-24, approximately 23.9% of people accessing the Office's complaint handling service were people with disability, compared to 16.4% in the population.

Outcome 2: People with disability have the same opportunities as other people to access the buildings and other facilities of the Office.

The Office's accommodation, building and facilities provide access for people with disability, including lifts that accommodate wheelchairs and feature braille on the access buttons. Accessible and ambulant toilets are located on all floors used by the Office (the Ground Floor, Level 2 and Level 3), and a low reception desk on Level 2 accommodates wheelchair access. The building also includes electronic doors at the entrance and through to the lifts, a ramp at the front of the building, and a disabled parking bay beneath the building.

Outcome 3: People with disability receive information from the Office in a format that will enable them to access the information as readily as other people are able to access it.

All Office documents are in plain English and publications are available in alternative formats on request. The Office's website meets the website accessibility requirements set out in the *Accessibility and Inclusivity Standard* under the *Western Australia Whole of Government Digital Services Policy*. Online documents are published in PDF format, and correspondence can be sent by email and is scanned with Optical Character Recognition to PDF format, compatible with screen reader technology. In 2023-24, the Office commenced the development of an Easy Read booklet and issued a new brochure and poster for the Energy and Water Ombudsman which were checked to ensure they met a lower reading level.

Phone access is available through the National Relay Service for people with voice or hearing impairments calling the Office, and signs are provided in the reception area to assist visitors who have a hearing impairment.

The Office's Energy and Water Ombudsman website also features Browsealoud, a text-to-speech tool that assists people with low literacy or vision impairments to access the information on the website.

Outcome 4: People with disability receive the same level and quality of service from the staff of the Office as other people receive from the staff of the Office.

The services provided by the Office have been adapted to reduce access barriers for people with disability and information is available in various formats on request. The Office has an internal guideline for staff on *Assisting complainants with vision, hearing or speech impairments*. The document is part of the internal Complaint Handling Toolkit and provides useful information, contacts and procedures for all staff when dealing with a complainant with disability.

In 2023-24, staff received training in *Communication Disability*, which included a presentation by a person with lived experience with disability who uses an alternative and augmentative communication (AAC) device. All new staff are asked to complete the *Disability Awareness* online training module produced by the Australian Government as part of their induction, along with information about the Office's DAIP and a video on providing services to people with disability, *You Can Make A Difference* produced by the (then) Disability Services Commission.

Outcome 5: People with disability have the same opportunities as other people to make complaints to the Office.

A key role of the Office is to handle complaints about public authorities and anyone with disability has an equal opportunity to make a complaint. Where necessary, the complaint process is modified to meet the needs of a person with disability. This includes meeting people outside the Office and modifying communication strategies; for example, by using an interpreter (such as the National Relay Service or Auslan interpreter) where required.

Information on reviews of decisions in relation to complaints to the Ombudsman and making a complaint about the Ombudsman's other services is accessible from the website and is available in alternative formats.

Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation by the Office.

Staff and members of the public with disability have an equal opportunity to participate in any consultation process of the Office. Any public consultation conducted by the Office and promoted on the website meets disability access requirements. Documents released for public consultation can also be made available in alternative formats to meet the needs of people with disability.

In 2023-24, the Office commenced a project that included a survey of disability organisations in Western Australia regarding their systems for handling reportable conduct. The outcome of this project will increase awareness of the Reportable Conduct Scheme and promote the safety of children and young people with disability.

Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with the Office.

The Office's accommodation, building and facilities provide access for people with disability, including lifts and walkways that accommodate wheelchairs and feature braille on the access buttons. Accessible and ambulant toilets are located on all floors used by the Office. The Office also provides suitable equipment to enable employees with vision impairments to access electronic information.

People with disability are encouraged to apply for positions in the Office and recruitment processes are modified as required to enable people with disability to have the same opportunity as other people to compete on merit for advertised positions. The Office monitors the proportion of applicants with disability to ensure its recruitment processes are accessible. A report on the proportion of applicants and proportion of staff reporting disability is provided to the Office's Corporate Executive.

Appropriate modifications are made to the duties undertaken, hours of work and/or equipment required to enable employees with disability, or who acquire disability, to maintain productive employment with the Office.

Compliance with Public Sector Standards and Ethical Codes

In the administration of the Office, the Ombudsman has complied with the *Public Sector Standards in Human Resource Management*, the *Code of Ethics* and the Office's *Code of Conduct*.

Procedures designed to ensure such compliance have been put in place and appropriate internal assessments are conducted to satisfy the Ombudsman that the above statement is correct.

The following table identifies action taken to monitor and ensure compliance with public sector standards and ethical codes.

Significant action to monitor and ensure compliance with Western Australian Public Sector Standards
<p>Managers and staff are aware of, and are required to comply with, the <i>Public Sector Standards in Human Resource Management</i> (the Standards). This is supported by policies and procedures relating to the Standards, regular professional development for managers and staff about the Standards and related policies, and the inclusion of the policies in the induction process. Monitoring provisions include:</p> <ul style="list-style-type: none"> • For recruitment, selection and appointment, an individual review of each process is undertaken prior to the final decision to ensure compliance with the <i>Employment Standard</i>; • A review process to ensure that, for acting opportunities and secondments, a merit-based process is used and there are no inadvertent extensions that result in long-term opportunities without expressions of interest or a full merit selection process; • A monitoring process to ensure there are current performance management processes in place for all employees; and • The continuous development of policies and procedures in accordance with the Standards to ensure compliance and relevancy. <p>Compliance issues: Internal reviews have shown compliance with the Standards is achieved before any final decision is made. There have been no breaches found of the Standards.</p>

Significant action to monitor and ensure compliance with the *Code of Ethics* and the Office's *Code of Conduct*

The *Code of Ethics* and the Office's *Code of Conduct* (**Ethical Codes**) are available on the Office's intranet and are part of the Online Induction for new staff. *Guidelines for Ethical and Accountable Decision Making* were reviewed and are a ready reference for staff when dealing with situations related to the Ethical Codes. An Accountable and Ethical Decision Making (**AEDM**) online training module was created and all existing staff were enrolled to refresh their training. All new staff are required to complete the AEDM as part of their Induction program.

The Office's *Code of Conduct* supports the Commissioner's Instruction No. 40: Ethical Foundations and links the Office's corporate values with expected standards of personal conduct. All staff, contractors and consultants who carry out work for, or on behalf of, the Office are required to comply with the spirit of the *Code of Conduct*. On appointment, all staff sign the *Code of Conduct* to confirm their understanding of its application in the workplace and swear an oath or make an affirmation about maintaining appropriate confidentiality. Seventy-nine per cent of staff have acknowledged the updated Code of Conduct issued in September 2023.

Ethics and conduct related policies and procedures are in place for declaring and managing conflicts of interest and gifts, benefits and hospitality. The Ethical Codes and related policies are included in the induction process and there is regular professional development for managers and staff about the Ethical Codes. and the Performance Management and Development process references conduct matters as an expectation of all Ombudsman staff.

The Office has procedures in place for reporting unethical behaviour and misconduct. The Office also has a policy and internal procedures relating to *Public Interest Disclosures* and strongly supports disclosures being made by staff.

Monitoring provisions for Ethical Codes include:

- High level review, and Ombudsman, Deputy Ombudsman or Principal Assistant Ombudsman sign-off, for management of conflicts of interest and gifts, benefits and hospitality, as well as reviews each year by the Deputy Ombudsman of the registers of conflicts of interest and gifts, benefits and hospitality to determine if there are any patterns or trends that need action by the Office;
- High level consideration and sign-off of requests for review of the Office's handling of a complaint and any complaints about the conduct of staff; and
- Seeking opportunities to improve current practices through internal audits and reviewing policies and procedures to ensure compliance and relevancy. Internal audits conducted each year are referred to the Office's Internal Audit Committee and Risk Management Committee.

Compliance issues: There has been no evidence of non-compliance with the Ethical Codes.

Recordkeeping Plans

The Office is committed to maintaining a strong records management framework and aims for best practice recordkeeping practices. The Office is continuously improving recordkeeping practices to ensure they are consistent with the requirements of the [State Records Act 2000](#) and meet the needs of the Office for high quality recordkeeping. The Office's framework includes:

- A *Recordkeeping Plan*, a *Retention and Disposal Schedule*, a *Records Management Policy*, a *Records File Classification Plan* and *Security Framework* and a *Records Disaster Recovery Plan*;
- Content Manager, the Office's electronic document records management system (EDRMS)
- RESOLVE the Office's electronic case management system for managing complaints in the Ombudsman and Energy and Water Ombudsman jurisdictions; and
- A series of guidelines and a user manual, together with an online training module, are made available to staff.

Work commenced on an upgrade to Version 10.1 of Content Manager to further integrate Recordkeeping functionality into workflows present within the Office.

Evaluation and review of efficiency and effectiveness of systems and training

The Office's Retention and Disposal Schedule for Functional Records was approved by the State Records Commission on 13 May 2022, and subsequently implemented in the EDRMS.

The efficiency and effectiveness of the recordkeeping training program is reviewed regularly through monitoring staff use of the EDRMS to ensure that staff are following the recordkeeping requirements of the Office. As part of a program of regular reviews of the effectiveness of the Office's recordkeeping systems, the results of staff recordkeeping surveys are used to develop targeted training and other programs to address common themes across the Office.

Induction and training

All records-related plans, policies, guidelines and manuals are available on the Office's intranet to assist staff to comply with their recordkeeping requirements and include user friendly guides for training staff.

The Office's Online Induction within the Learning Management platform includes a recordkeeping training module. This is part of the induction process for new staff and is also available as a resource for existing staff members. The induction process also includes individual training sessions with new staff members conducted by the Records and Customer Service Manager. Recordkeeping roles and responsibilities are also included in *Accountable and Ethical Decision Making* training and the Office's *Code of Conduct*, which is signed by all staff on appointment.

Government Policy Requirements

WA Multicultural Policy Framework

In 2020-21, the Office developed its *Multicultural Plan 2021-2025* (**Multicultural Plan**). The strategies in the Multicultural Plan are aligned with the Government's Western Australian Multicultural Policy Framework for the Western Australian public sector. The Multicultural Plan is a four-year plan and will act as a key strategic document to guide the Office's service responsiveness, employment opportunities and community outputs for people of CaLD backgrounds.

Below is a summary of the Office's key achievements under its Multicultural Plan in 2023-24.

Policy priority 1: Harmonious and inclusive communities

To increase the cultural competency skills of staff, the *Diverse WA* online module produced by the Office of Multicultural Interests and the Public Sector Commission's Aboriginal and Torres Strait Islander cultural awareness online training are part of the induction of all new staff. As at 30 June 2024, 75% of all staff have completed both online training modules.

The Office supports an inclusive workplace. In 2023-24, the Office's Equity, Diversity and Inclusion (**EDI**) Council developed a calendar of events that are important to CaLD communities. Key events were promoted to staff.

In October 2023, the Office's EDI Council held an interactive staff development session which promoted diversity and inclusion.

Policy priority 2: Culturally responsive policies, programs and services

The Office captures cultural and linguistic data about its staff and about people who access the Office's services to monitor representation of diversity groups, including people from CaLD backgrounds. In 2023-24, the Office continued to collect country of birth information from staff and report the results to the Corporate Executive. Staff ask for, and record, information about country of birth and language so that the Office can continually assess accessibility to its services for people from CaLD backgrounds.

The Office is developing and enhancing its recruitment strategies to improve representation of employees from CaLD backgrounds. In 2023-24, job advertisements and recruitment documents were amended to emphasise the Office's commitment to diversity and to encourage job applications from people of CaLD backgrounds.

The Office is increasing its engagement with, and access for, CaLD communities. In 2023-24, the Office sent information about its regional visits to organisations that work with CaLD communities.

Policy priority 3: Economic, social, cultural, civic and political participation

The Office is developing initiatives that support people from CaLD backgrounds to enter leadership positions. In 2023-24, the Office monitored representation of people from CaLD backgrounds across employment levels.

Work health, safety and injury management

Commitment to work health and safety and injury management

The Office is committed to ensuring a safe and healthy workplace. The goal is for a workplace that is free from work-related injuries and diseases by developing and implementing safe systems of work and by continuing to identify hazards and control risks as far as practicable.

The Office maintains a Work Health and Safety (**WHS**) framework that includes:

- Safe work practices;
- Managing and reporting workplace hazards, incidents and injuries;
- Injury management, including a Return to Work Program that extends to non-work related injuries;
- Emergency procedures;
- Trained first aid officers and regular checks of first aid supplies; and
- General employee health and wellbeing, including an Employee Assistance Program.

All employees are made aware of their WHS responsibilities through mandatory online training. The Office's WHS policies and guidelines are also accessible to employees through the Office's intranet.

There is a strong executive commitment to the health, safety and wellbeing of staff. Hazards and other issues relating to health, safety and wellbeing can be raised with elected WHS representatives or directly with a member of the Corporate Executive, and key issues are brought to the attention of the Ombudsman, who is committed to their prompt and effective resolution.

Consultation

The Office promotes a consultative environment in which management, staff and other stakeholders work together to continually improve WHS practices. Formal mechanisms for consultation with employees and others on WHS matters include:

- The Office has WHS responsibilities within its tenancy and also works closely with the building management at Albert Facey House to ensure a safe working environment is maintained;
- The Office has an elected WHS Representative who acts as an important link between management and staff, so that they can work together and arrive at solutions to make the workplace safe;
- The Staff Consultative Committee has WHS responsibilities and the Office's WHS Representative is a standing member of the Committee. WHS matters are a

standing item on the agenda to allow Committee members to refer matters raised by staff to the Committee for resolution and inform their team of issues and safe working practices raised at Committee meetings;

- The Management Consultative Committee has WHS as a standing item on its agenda and managers receive training in their WHS responsibilities;
- There is dissemination of WHS information and discussion at team meetings; and
- There is training on WHS matters for both management and staff.

Statement of compliance

The Office complies with the injury management requirements of the [Workers' Compensation and Injury Management Act 1981](#) and is committed to providing injury management support to all workers who sustain a work related injury or illness with a focus on a safe and early return to their pre-injury/illness position. Rehabilitation support is also provided to employees with non-work related injuries or when recovering from a protracted illness.

As part of this approach, the Office encourages early intervention in injury management, and ensures there is early and accurate medical assessment and management of each injury, work related or not.

Assessment of WHS systems

The Office has implemented a *WHS Management Plan* in accordance with the *Work Health and Safety Act 2020*, which includes guidelines detailing WHS roles and responsibilities within the Office and outlining the approach to identify, assess and control hazards and the associated risks. The Office's WHS systems are included in the Internal Audit Program.

Internal evaluation of the accommodation at Albert Facey House is ongoing and workplace inspections are undertaken regularly by the Office's elected WHS Representatives. Any WHS changes identified are promptly addressed.

There is ongoing review of the Office's emergency procedures, including for dealing with unreasonable conduct by visitors to the Office, and there are regular trial evacuations of Albert Facey House, where fire alarms are activated and all staff within the building are evacuated for drill purposes.

Annual performance

During 2023-24, no workers' compensation claims were recorded. The Office's WHS and injury management statistics for 2023-24 are shown below.

Measure	Actual Results			Results Against Target	
	2021-22 Actual	2022-23 Actual	2023-24 Actual	2023-24 Target	Comment on Result
Number of fatalities	0	0	0	0	Target achieved
Lost time injury/disease (LTI/D) incidence rate	0	0	0	0	Target achieved
Lost time injury/disease severity rate	0	0	0	0	Target achieved
Percentage of injured workers returned to work within (i) 13 weeks; and (ii) 26 weeks.	NA	NA	NA	Greater than or equal to 80% return to work within 26 weeks	NA
Percentage of managers and supervisors trained in work health and safety and injury management responsibilities.	100%	100%	73%	>80%	Target not achieved