

Report on Operations – Explanation of Performance

Complaint investigation and resolution

Introduction

This section provides an overview of our core function - complaint investigation and resolution. Here we provide information on the number and subject of complaints, as well as case studies that demonstrate the range and possible outcomes to the complaints we deal with. We also provide information on complaints about prisons and prison transport, local government, the Department of Housing and Works, and the public education sector. Together these make up more than 50 percent of all the complaints we received during the year.

Over the past year, we continued to take a strong focus on reducing the backlog of older cases and improving the timeliness of our investigations. While we received 1,152 complaints involving 1,275 separate allegations during the year, we finalised 1,542 allegations, 267 more than we received. This resulted in the number of allegations on hand at the end of the year falling from 481 at 30 June 2006 to 214.

We have also continued to make significant improvements in the timeliness of our investigations. By giving priority to older, more complex cases, we were able to reduce the number of allegations on hand more than 12 months old by 47% over the course of the year (from 97 at 30 June 2006 to 46 at 30 June 2007). We have also been successful in reducing the number of cases older than six months from 199 to only 84 over the same period. Overall, the average age of allegations on hand at 30 June 2007 has fallen from 271 days in 2006 to 235 days in 2007.

During the year, we continued to focus on resolving complaints quickly and informally, where appropriate, without undertaking detailed investigation. More than three quarters of complaints (77%) received during the year were finalised at the initial assessment stage as outlined in the [Overview of the Ombudsman's Office](#). This is slightly higher than the previous year, when 72% were finalised at the initial stage, and significantly higher than in 2005, when 60% were finalised at the assessment stage.

The achievements outlined above occurred in the context of a decrease in the number of complaints received during the year, compared to 2006 and 2005. While the number of complaints has declined, there has been a marked increase in the complexity of complaints made to the office in recent years, affecting both the time and level of skills needed to undertake investigations. Ombudsmen in other jurisdictions have reported a similar experience.

A range of factors may be contributing to the trend. Perhaps the most important of these is the improvement in agencies' internal complaint handling process which has occurred since 2004, following introduction of the Government's policy on complaint handling. As a result, straightforward complaints are increasingly being resolved at agency level, and complaints referred to the Ombudsman tend to be the more complex and intractable matters. This is a positive outcome for complainants and agencies, and means that the resources and expertise of our office can be directed to the areas where it is most needed.

[Appendix A](#) gives details of all allegations received and finalised about individual departments, authorities and local governments during the reporting period.

Complaints and allegations received

As a complaint can involve one or more allegation, statistics relating to the work of the office record both complaints and allegations in an attempt to reflect the differing amount of work involved. However, the amount of work involved in an investigation varies considerably from case to case. As there is no quantitative or qualitative weighting of relative importance or complexity, allegations requiring major investigations are treated in the same way statistically as straightforward ones.

Table 4 shows the number of complaints and allegations received since 2003.

Table 4 - Complaints and allegations received 2003-2007*

	2003	2004	2005	2006	2007
Complaints received					
Police	1,170	789	176	173	130
Railway special constables	14	9	1	-	-
Other State Government departments and agencies and local governments	1,435	1,338	1,166	1,106	1,022
TOTAL	2,619	2,136	1,343	1,279	1,152
Allegations received					
Police	1,574	872	182	205	136
Railway special constables	20	13	1	-	-
Other State Government departments and agencies and local governments	1,878	1,670	1,401	1,397	1,139
TOTAL	3,472	2,555	1,584	1,602	1,275

*From 2004 the figures reflect the transfer of the police complaints jurisdiction to the Corruption and Crime Commission on 1 January 2004. We continue to receive complaints about Police and Railway Special Constables and consider these under our general jurisdiction.

Table 5 shows the geographical origin of the allegations received based on the electoral districts of Western Australia.

Table 5 - Geographical origin of allegations received					
	2003	2004	2005	2006	2007
Number of allegations received*					
Metropolitan electorates	2,477	1,903	1,076	1,068	770
Country electorates	942	610	476	420	380
Unknown	53	42	32	114	125
TOTAL	3,472	2,555	1,584	1,602	1,275
Number of allegations per 10,000 electors					
Metropolitan electorates	28	21	11	11	8
Country electorates	30	19	15	13	11

*Figures from 2004 reflect the transfer of the police complaints jurisdiction to the Corruption and Crime Commission.

Complaints and allegations finalised

We finalised 1,270 complaints containing 1,542 allegations during the reporting period as shown in Table 6.

Table 6 - Manner in which allegations finalised		
	Number of allegations	% (approx)
Finalised at initial stage		
No jurisdiction*	228	15
Discretion exercised not to investigate	765	49
Withdrawn or not proceeded with	60	4
Finalised to satisfaction of complainant	19	1
Referred back to agency	109	7
Finalised by completed investigation		
Withdrawn or not proceeded with	42	3
Could not be determined	28	2
Sustained partly	29	2
Sustained wholly or substantially	61	4
Not sustained	201	13
Total allegations finalised	1,542	100

*Includes 24 misconduct matters referred to the Corruption and Crime Commission

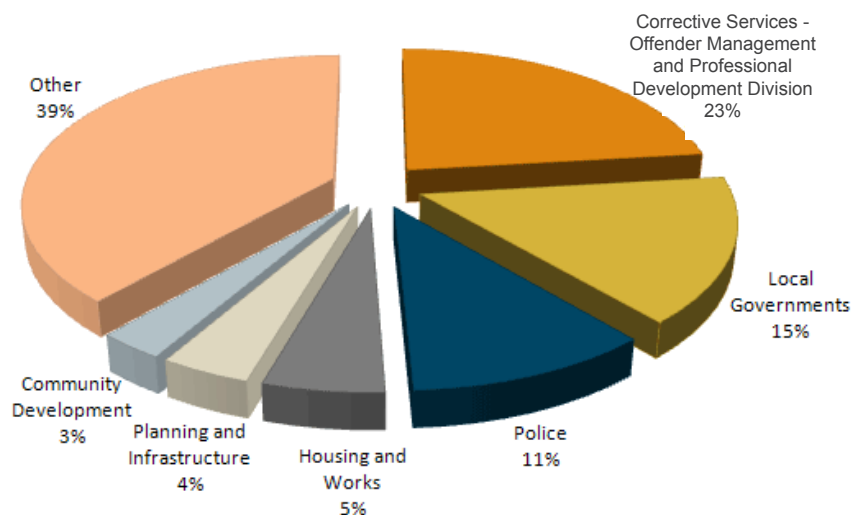
Remedial action

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy the problem they have complained about. Table 7 illustrates remedial action by agencies resulting from our investigations.

Table 7 - Remedial action - allegations finalised by investigation	
	Number of actions
Direct benefit for complainant	
Apology given	4
Act of grace payment made	4
Action/decision expedited	6
Explanation or reasons provided by agency	3
Monetary charge reduced, withdrawn or refunded	4
Reversal or significant variation of original decision	4
Other assistance	8
Changes to law, practice or procedure	39

This year 56% of allegations investigated were not sustained. In many cases, we concluded the agency had acted reasonably and within its powers. However, some allegations could not be sustained due to a conflict of evidence that could not be resolved. While a complainant may believe a public officer has acted unreasonably, we often find that the cause is simply human error. We look for evidence of poor systems or processes, and always aim to ensure circumstances giving rise to a particular complaint do not recur.

Figure 2. Allegations received in 2006-2007



Primary focus of agency complaints

This section of the report provides additional information on complaints received about prisons and prison transport, local government, the Department of Housing and Works, and the public education sector, as they comprised more than half of all complaints we received.

Prisons and prisoner transport

Complaints from prisoners account for a significant proportion of all complaints received. Complaints from people in custody are provided for in the Act, including the ability for prisoners to send mail to our office done using special envelopes marked “confidential” that are freely available throughout prisons. The sealed envelope is then deposited in a locked box for confidential mail. This box is separate from other mail that requires scrutiny by prison staff in accordance with the *Prisons Act 1981*. There is no requirement for prisoners to identify themselves on the yellow envelopes. Prisoners also have confidential telephone access to our office.

Allegations received

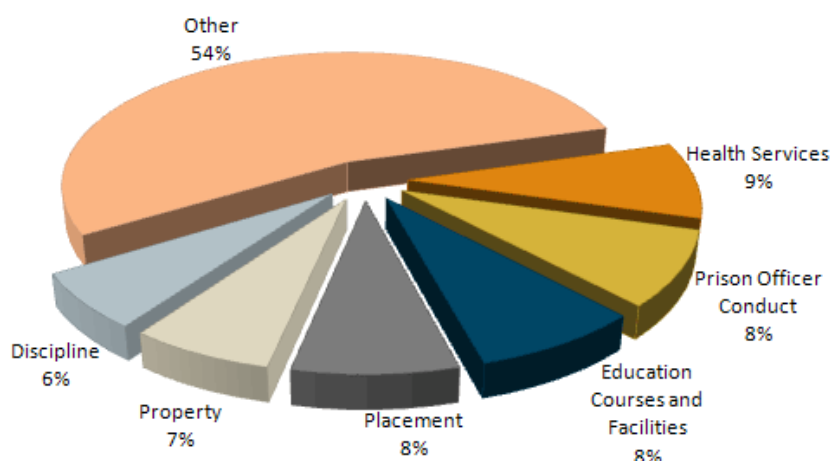
We received 319 allegations about offender management during the reporting period. Of these, 317 related to prisons (22 to Acacia Prison (SERCO) and 295 to Department of Corrective Services (DCS) prisons), and two related to prisoner transport services provided by Australian Integration Management Services Corporation (AIMS). The 317 allegations we received about prisons during the year represents an 11% decrease in allegations from the previous year. Table 8 shows the source of allegations received over the past five years.

Table 8 - Source of allegations received 2003–2007

Prison	2003	2004	2005		2006		2007	
Acacia Prison (Serco)	245	133	107	23%	50	14%	22	7%
Acacia Prison (Department of Corrective Services)	4	20	18	4%	4	1%	34	11%
Albany Regional Prison	12	6	13	3%	10	3%	32	10%
Bandyup Women's Prison	64	40	30	6%	20	6%	30	9%
Banksia Hill Detention Centre	-	5	-	-	1	-	1	-
Boronia Pre-release Centre for Women					10	3%	2	1%
Broome Regional Prison	5	2	2	-	5	1%	10	3%
Bunbury Regional Prison	13	14	13	3%	6	2%	14	4%
Casuarina Prison	70	121	105	21%	57	16%	48	15%
Eastern Goldfields Regional Prison	8	4	19	4%	12	3%	3	1%
Greenough Regional Prison	16	16	10	2%	9	2%	15	5%
Hakea Prison – Remand	2	2	7	1%	-	-	-	-
Hakea Prison	159	113	85	17%	87	24%	60	19%
Karnet Prison Farm	13	15	9	2%	6	2%	7	2%
Nyandi Prison	3	9	5	1%	-	-	-	-
Pardelup Prison Farm	Closed							
Rangeview Remand Centre	-	5	3	-	3	1%	5	2%
Riverbank Prison	Closed							
Roebourne Prison	4	9	9	2%	6	2%	2	1%
Wooroloo Prison Farm	37	18	6	1%	6	2%	8	3%
Not allocated to a prison	50	62	53	10%	63	18%	24	7%
TOTAL	705	594	494	100%	355	100%	317	100%

Table 9 shows the nature of allegations received by category during the year.

Table 9 - Nature of allegations received 2006–2007	
Health services	28
Prison officer conduct (including failure to assist, harassment, threat or rudeness)	27
Education courses and facilities	25
Placement	24
Prisoner's property	21
Discipline (incl. loss of privileges/prison charges)	20
Visits	15
Facilities and conditions	14
Canteen/spends issues	11
Communication	11
Individual Management Plan	10
Sentencing/parole issues	9
Prisoner grievance procedure	7
Drug detection (prisoners)	7
Food and diet	4
Transport	4
Assault (by prison officer or SERCO officer)	3
Security classification	3
Protection	3
Rehabilitation programs	2
Prisoner employment	1
Authorised absences/funerals	1
Other	67
TOTAL	317

Figure 3. Nature of prison allegations received in 2006-2007**Allegations finalised**

This year, we finalised 366 prison-related allegations, as shown in Table 10.

Table 10 - Manner in which allegations finalised

	SERCO — Acacia Prison	DCS Prisons	Total
Finalised without investigation			
Misconduct matter within CCC jurisdiction	-	4	4
No jurisdiction	1	15	16
Discretion exercised not to investigate*	11	204	215
Withdrawn or not proceeded with	4	19	23
Finalised to satisfaction of complainant	1	1	2
Referred back to the agency	4	52	56
Sub-total	21	295	316
Finalised by completed investigation			
Sustained wholly or substantially	-	4	4
Sustained partly	-	-	-
Not sustained	10	22	32
Could not be determined	4	4	8
Withdrawn or not proceeded with	1	5	6
Sub-total	15	35	50
TOTAL ALLEGATIONS FINALISED	36	330	366

*Includes cases where enquiries were made and assistance provided without and investigation being commenced

Prison visits

This year we visited Hakea and Acacia Prisons and Broome Regional Prison. The visits to Hakea and Broome were conducted in conjunction with inspections by the Office of the Inspector of Custodial Services (OICS). As on previous occasions, our focus was to look at prisoner access to internal grievance and confidential mail processes. Our reports on the grievance and complaints process included a number of suggestions for improvement. Most of these have been implemented by the prisons and we will continue to liaise with the prisons involved to monitor these processes.

The visit to Acacia was specifically for talking to peer support prisoners and prison staff about the role of the Ombudsman, particularly in relation to the grievance and complaints process. These meetings provided a useful opportunity to clarify a number of misconceptions. For example, many prisoners are unaware that we generally do not become involved in day to day prison operations and cannot direct the prison or DCS on matters such as security rating, placement or sentencing. Some prison officers believe that the Ombudsman is an advocate for prisoners, which is also incorrect.

The visit to Broome Regional Prison was conducted in conjunction with an own motion investigation into access to the grievance processes by Indigenous prisoners (as detailed in the Major Investigations section below).

Case Study 1

A woman was seriously injured when a stand holding watermelons in a shop collapsed and she was crushed beneath it. She incurred significant medical and other expenses. Public liability insurance was not available because the business proprietor had entered into an unauthorised sub-lease at the shopping centre, and had no personal insurance or financial resources to compensate the injured woman.

The government provider that owned the shopping centre had outsourced its property management functions to a private contractor. At the time of the accident, regular inspections of the shopping centre were not being carried out by the contractor, and the government provider was not enforcing the contract requirements. We formed the view that the government provider did not have adequate procedures in place to supervise its contractor's performance.

As a result of the Ombudsman's recommendations, the government provider made an act of grace payment to the injured woman, is reviewing all its rental properties for compliance with standards, and has changed its procedures for contractors.

Prisoners' telephone calls

Prisoners in regional and outer metropolitan prisons use the freecall 1800 number to telephone us. We understood that prisoners in metropolitan prisons had to pay for their calls, which did not appear to be a problem. However in late 2006, we became aware that a Bandyup prisoner had been unable to telephone us as she had no money in her account.

We checked with other prisons and found the policy was inconsistent across prisons. We asked DCS for a status report and expressed the view that there should be no barriers to prisoners contacting us. As a result of these enquiries we were advised by DCS in June 2007 that the anomalies would be corrected and all prisoners would now have free calls to our office.

Future planning

We remain committed to working cooperatively with DCS, AIMS and Serco to develop more effective processes for handling prisoner complaints. Depending on resource availability, this could include developing more information for prisoners about the Ombudsman's office and an education program for all prison staff and peer support prisoners.

We will also continue to participate in targeted prison inspections in conjunction with OICS.

Local government

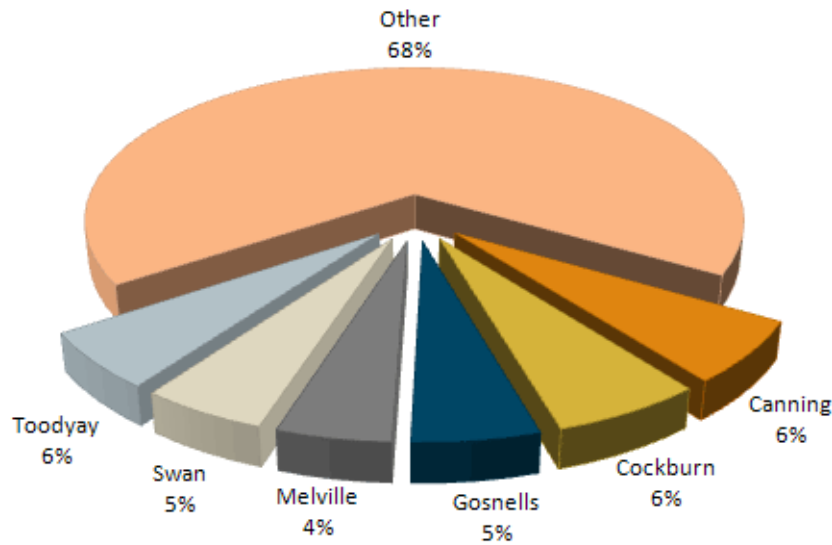
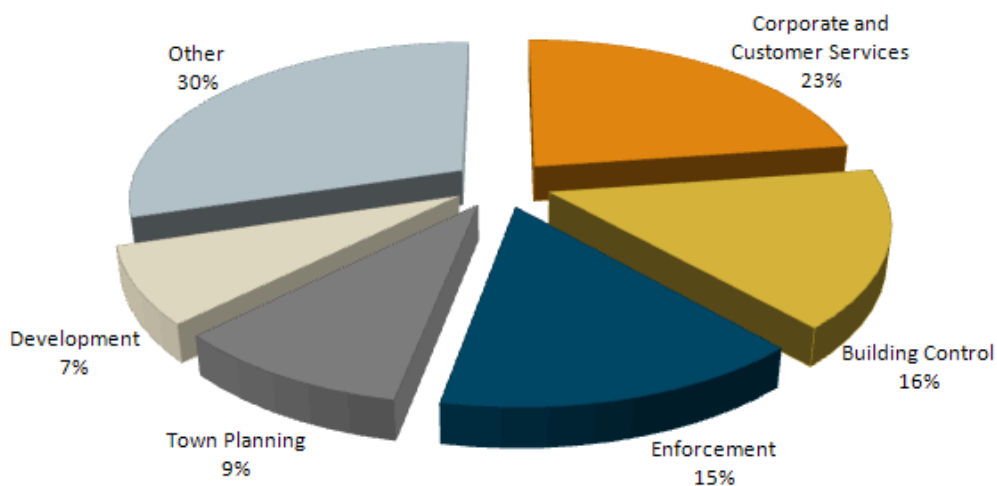
While analysis of cases closed over the year failed to exhibit any dominant trends, two areas in local government continue to give rise to complaints.

The first involves difficulties resulting from local government's role in building and planning approvals. In particular, complainants often do not understand that there is no right of appeal for third parties regarding the approval of neighbouring developments. This will continue to be an issue with the increasing occurrence of two storey buildings on small blocks. Also at issue is councils failing to check what has actually been built until they receive a complaint. While understandable in light of resourcing constraints, it can result in all parties taking issue with the council.

The second significant area causing problems is the tendency of councils to decline insurance or compensation claims based on their insurers' advice that they are not legally liable. This is contrary to our view that it may be fair and reasonable for the council to make some contribution towards losses suffered by complainants that are a result of defective administration by councils. Two case studies in this report illustrate these types of complaints.

Allegations received

This year we received 164 complaints involving 198 specific allegations, compared to 135 complaints involving 203 allegations last year. These concerned 65 of the State's 142 local governments (up from 51 last year). Overall, allegations about local governments represented 16% of all allegations received by our office in the reporting period. Figures 4 and 5 illustrate the allegations received about local governments.

Figure 4. Allegations received about local governments in 2006-2007**Figure 5. Nature of allegations received about local governments in 2006-2007**

Allegations finalised

There were 210 local government allegations finalised this year. Of these, 157 were finalised at the assessment stage. Of the 53 finalised by an investigation, three allegations could not be determined, 24 were not sustained, seven were sustained in part and 10 were sustained wholly or substantially. The other nine were withdrawn or not proceeded with. Table 11 shows the remedial action provided to complainants resulting from our involvement.

Table 11 - Remedial action - allegations finalised by investigation

	Number of actions
Apology	2
Charge reduced or rebate given	1
Reversal or significant variation of original decision	2
Other Action	11
Explanation only	37
TOTAL	53

Department of Housing and Works

We received 61 complaints involving 67 allegations about the Department of Housing and Works in 2007. Complaints and allegations received since 2003 are shown in Table 12.

Table 12 - Complaints and allegations received 2003–2007

	2003	2004	2005	2006	2007
Number of individual complaints	66	100	61	72	61
Number of allegations	125	138	68	90	67

Most allegations (50) concerned the rental operations program of the Department. Of these, 18 allegations concerned the property allocation and transfer process. Six allegations involved property condition and maintenance issues, two of which related to the maintenance of acceptable property standards by tenants, particularly floor treatments and coverings, and tenant liability charges incurred.

A number of complainants were dissatisfied with the Department's consideration of their medical conditions as the basis for their housing requirements. With ever-increasing demand for housing and limited availability, not all priority requests can be met. Generally, priority assistance and transfers are only offered where current housing is likely to worsen the condition, and medical evidence provided to the Department shows a causal link. Complainants are generally not aware of this requirement.

The Department's provision of information to prospective tenants remains a significant issue in relation to the property allocation and transfer process. As a result of one complaint, we suggested the Department consider making it clear that if a tenant vacates a property prior to the approval of a transfer application, even due to safety concerns, any right to appeal a transfer decision may be forfeited.

Table 13 shows the number of allegations received this year compared with the past four years across a range of categories.

Table 13 - Nature of allegations received 2003-2007					
	2003	2004	2005	2006	2007
Actions of agency officers/employee management issues	-	-	-	-	-
Administration	25	16	6	7	6
Rental operations					
- Property allocations and transfers	47	39	21	21	18
- Tenant liability	4	4	10	11	3
- Property condition and maintenance	23	22	2	11	6
- Behaviour of tenants/evictions	6	29	12	10	7
- Rental/bond assistance	5	2	1	1	3
- Debt repayments	2	4	-	2	1
- Other	3	12	9	12	12
Property purchase	-	3	-	3	2
Construction and development	-	1	-	2	2
Other	10	6	7	10	7
TOTAL	125	138	68	90	67

Tables 14 and 15 show the outcome of complaints finalised during the reporting period. As with last year, a higher number of allegations (76) were finalised in 2006–2007 than were received (67).

Table 14 - Manner in which allegations finalised		
	Allegations	%
Finalised without investigation		
Discretion exercised not to investigate	44	59
Withdrawn or not proceeded with	1	1
Finalised to satisfaction of complainant	3	4
Referred back to Department	3	4
No jurisdiction	4	5
Finalised by completed investigation		
Sustained wholly or substantially	4	5
Sustained partly	1	1
Not sustained	13	17
Could not be determined	1	1
Opinion unnecessary	2	3
TOTAL	76	100

Table 15 - Remedial action – allegations finalised by investigation	
	Number of actions
Benefit for complainant	
Action/decision expedited	3
Reversal or significant variation of original decision	2
Other assistance given	5
TOTAL	10

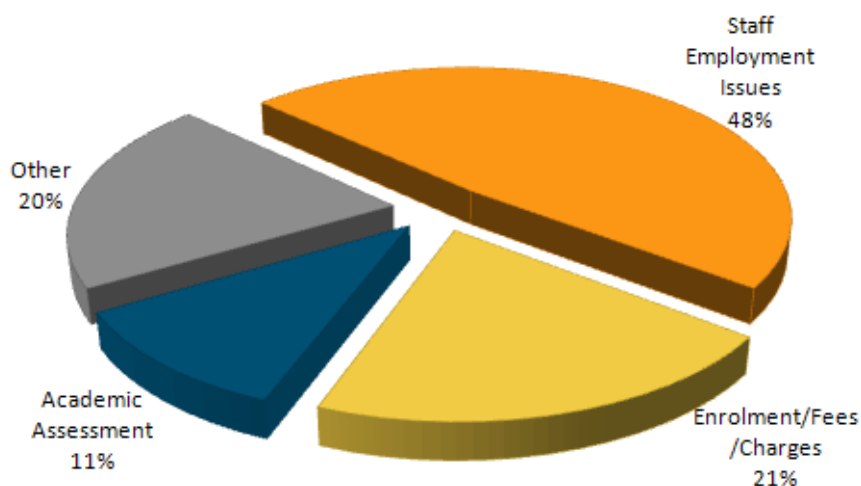
Public education sector

We received 60 allegations about the Department of Education and Training, the Department of Education Services, individual government schools, universities and TAFE colleges, and finalised 93 allegations. Table 16 shows details of allegations received and finalised during the year compared with the previous year, together with the institutions complained about.

Table 16 - Allegations received and finalised

Agency	2005/2006		2006/2007	
	Allegations Received	Allegations Finalised	Allegations Received	Allegations Finalised
Department of Education and Training (administration and individual schools)	34	39	32	44
Curriculum Council	3	-	-	2
Curtin University	5	14	11	12
Edith Cowan University	8	1	3	2
Murdoch University	7	16	4	10
University of Western Australia	10	7	4	6
Central TAFE	4	2	4	6
Central West College of TAFE	1	2	-	-
Challenger TAFE	-	-	2	10
Pilbara TAFE	1	-	-	1
West Coast TAFE	-	1	-	-
TOTAL	73	82	60	93

Figure 6. Nature of allegations received about the public education sector in 2006-2007



The 93 allegations finalised during the year involved the general areas described in Table 17.

Table 17 - Manner in which allegations finalised

	No.	%	As compared to 2005-06 %
Withdrawn or not proceeded with prior to commencement of investigation	1	1	7
No jurisdiction	3	3	2
Discretion exercised not to investigate	48	52	35
Referred back to agency	5	5	11
Finalised after investigation	36	39	45
TOTAL	93	100	100

Of the 36 allegations investigated, 10 were resolved wholly in favour of the complainant, seven were partly sustained, 11 were not sustained, and eight could not be determined.

Remedial action provided to complainants for matters finalised by investigation is shown in Table 18.

Table 18 - Remedial action - allegations finalised by investigation

	No. of instances	As compared to 2005-06
Act of grace payment	4	-
Apology given	1	3
Explanation by Ombudsman and/or agency	16	11
Other	2	1
TOTAL	23	15

Systemic changes

In response to specific recommendations by the Ombudsman or voluntary action by an agency, changes to legislation, agency policies and procedures occurred following a number of investigations. These included:

- The *Vocational Education and Training (VET) Regulations* were significantly amended to clarify the basis on which hours are used to calculate fees for VET courses. The TAFE Student Enrolment Form was also amended to reflect this change, clarifying the number of hours and the various ways courses were delivered.
- The Curriculum Council modified its moderation policy and procedures so that in future in special cases direct guidance will be provided to teachers to help them to meet Council's requirements. It also formalised an arrangement giving teachers the opportunity to comment independently on moderation reports to their school principal and the Council.
- A University clarified its promotions policy and provided training to members of its selection panel about the need to give unsuccessful applicants adequate written reasons for decisions.

Requests for review

We are committed to providing complainants with a service that reflects best practice administration. We always give reasons for a decision and handle requests for review of a decision in a fair, timely and professional manner. This includes decisions not to investigate a complaint or to discontinue an investigation, as well as conclusions reached after an investigation.

If a complainant requests a review, we treat this as opportunity to identify whether there are any weaknesses in our systems. If we find problems with our investigative and decision-

making process or with the way we have communicated our decision, we aim to correct these to keep improving our service. The review helps us satisfy ourselves that we have acted fairly and reasonably in dealing with the complaint.

As reviewing a decision can require substantial resources, we review a decision only once. Unless there are special circumstances, requests for review will only be considered up to 12 months after the date of our initial decision.

Reviews are not conducted by the staff member who handled the original complaint. Wherever possible, the reviewer will be more senior and have had no previous involvement with the case.

The reviewer generally considers all documents in the case and may make further inquiries. In some cases, following a review, the original decision may be changed or the case re-opened and some further action taken.

Our current complaints management system does not allow us to record requests for review. However, our records indicate we conducted 23 complaint reviews this year, or approximately 2% of the total number of complaints received.

Case Study 2

A complainant had built a new home, to which there was no mountable kerb. She contacted the City in which she lived and was advised that a kerb would be installed and the crossover inspected at the same time.

It was alleged that the City took more than four weeks to inspect the crossover and a further ten weeks to install the kerbing. During this time, heavy rain had caused the complainant's crossover and part of her driveway to deteriorate. As a result, the crossover needed to be replaced, and the complainant engaged her own contractor to do this. The City then advised that the crossover had not been constructed in accordance with required specifications and proposed that the City's contractor undertake repairs at the complainant's expense.

The complainant acknowledged that her contractor had failed to install the crossover correctly and she had been prepared to pay for its repair. However, she alleged that the City's delays had meant that the entire crossover and part of the driveway needed to be replaced. She also alleged the City had failed to respond to her communications and was generally dissatisfied with its customer service.

In response to our enquiries, the City accepted partial responsibility for the crossover's deterioration and acknowledged that communication breakdown had caused the complainant unnecessary frustration and distress. The Mayor explained that the City's staff had been under extreme pressure due to record numbers of new homes being built over the previous year and industry-wide labour shortages. In a gesture of good faith, the City offered to meet the full cost of rebuilding the crossover and arranged its contractor to do so.

Monitoring the implementation of recommendations

During the reporting period we reviewed the outcomes of 32 complaints closed over the past six years where our recommendations and suggestions were accepted by the agency concerned, but for which we had not received a final report on implementation. It is pleasing to note that our recommendations were accepted and have been implemented in 30 of these cases.

Our processes have been improved to include automatic audit of the implementation of recommendations and suggestions to agencies after six months. We also plan to strengthen our case management system by introducing an electronic tracking method to ensure agencies are acting on their commitments to improve public sector processes.

Major investigations and other projects

In addition to investigating complaints from individuals about public sector agencies, we also conduct a number of major investigations and other projects directed toward the office's mission to assist the Parliament to be confident that the public sector is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

Own motion investigations

Report by the Ombudsman on complaints management processes in the Department of Education and Training

In November 2006 we published the [*Report by the Ombudsman on Complaints Management Processes in the Department of Education and Training*](#). This followed an own motion investigation in response to a number of complaints about the Department's approach to complaints management.

The investigation focused on whether the Department's approach was transparent, procedurally fair and dealt with risks to school communities. A number of systemic issues were identified and we made five recommendations. The Department acknowledged the deficiencies in its complaints management processes and stated its commitment to implement the recommendations. We anticipate a follow-up report on the Department's progress in addressing these matters will be completed by the end of 2007.

Grievance process for Indigenous prisoners

In December 2006 we commenced an own motion investigation into the complaint process, or 'grievance system', for Indigenous prisoners. The investigation followed the previous Ombudsman's May 2006 report, [*Own Motion Investigation into the Department of Corrective Services' Prisoner Grievance Process*](#) which noted that:

- Indigenous prisoners are less likely than other prisoners to access the prisoner grievance process, and while constituting approximately 40 percent of the average prison population (04-05), they only represented 15 percent of the grievances logged on the Department's Total Offender Management System for the 2004-05 year
- the current prisoner grievance system is primarily written-based, which is an impediment for prisoners with poor written skills
- a paper-based process may be culturally inappropriate for Indigenous people.

We decided to review the grievance process at a regional prison with a high level of adult Indigenous prisoners. In March 2007 two staff from the office visited Broome Regional Prison, in conjunction with the planned OICS inspection, to gain an appreciation of the issues faced by Indigenous prisoners in lodging grievances, and by prison staff in administering the prisoner grievance system for Indigenous prisoners. We anticipate reporting the outcome of our investigation to the Department in late 2007.

Formal investigations

[Report on Allegations Concerning the Treatment of Children and Young People in Residential Care](#)

This report was tabled in Parliament on 31 August 2006. It dealt with an investigation that arose from a disclosure made to the Ombudsman under the *Public Interest Disclosure Act 2003* (the PID Act). It was alleged that the former Department for Community Development had failed to properly address institutionalised practices amongst its staff at a small number of metropolitan residential care facilities (hostels) resulting in consistent abuse of the young people residing there.

The disclosure highlighted a number of incidents, the handling of which raised concerns about the administrative framework in the Department's residential care facilities for the protection of children and young people from maltreatment. It also raised further concerns about how the Department had responded to the informant's allegations, including the adequacy of the Department's own investigation into the informant's original disclosure to it under the PID Act.

Our investigation included detailed examination of files and policies associated with the incidents of the initial disclosure, and built upon insights from a substantial number of other agency inquiries in the area of child protection. The issues raised by the disclosure were placed within the broader context of current and historical trends in child protection and the management of children and young people in care.

We made 23 recommendations to help the Department improve its service in the hostels, particularly in the areas of providing better information to children and young people in the hostels, guidelines to staff and administrative reforms to policies and procedures. We also recommended that the Department apologise to the informant.

Some issues raised by the investigation were relevant to the protection of all young people in the State's care. Four additional recommendations relating to these issues were made for consideration at a whole-of-government level.

We are pleased the Department responded positively to our recommendations, accepting all those about the Department's functions and expressing support for the whole-of-government recommendations. Since the report was published, the recommendations directly related to the Department (now the Department for Child Protection) have been implemented (or implemented as far as they can be, given the nature of some of the recommendations). The whole-of-government recommendations are currently being considered by a Steering Committee convened by the Department of the Premier and Cabinet.

Department of Corrective Services

We conducted a formal investigation into a complaint from a prisoner that she was subjected to a forced internal body search in the presence of male prison officers. The investigation raised serious issues and resulted in us making nine formal recommendations to the Department of Corrective Services. The Department advised that it accepted all recommendations and has commenced action to implement them.

Community outreach

We are committed to raising awareness of the role of the Ombudsman in Western Australia. The size and diversity of our State and limited dedicated resources present significant challenges in achieving this goal.

This year our outreach and awareness raising activities targeted particular prisons. This followed concerns raised in own motion investigation into the prisoner grievance system and inspections conducted jointly with the Office of the Inspector of Custodial Services.

For the first time, and at the request of Serco, we provided training on the role of the Ombudsman to new and existing staff at Acacia Prison. Presentations to trainee prison officers provided them with an understanding of our processes for investigating prisoner complaints. These

presentations were also an opportunity to convey our expectations of the types of complaints and grievances that should be capable of internal resolution.

We also met with key prisoner support staff and peer support prisoners at Hakea and Acacia Prisons. At the request of a prisoner, and in consultation with the Department of Corrective Services, we also wrote an article about the role of the Ombudsman for circulation in prisons.

We continue to respond to other requests from agencies, service clubs, associations and professional bodies to present papers, speak to groups and participate in seminars and conferences.

In the next year we will review our outreach activities to ensure the most effective use of resources to increase awareness and understanding of the Ombudsman's services throughout the Western Australian community.

Case Study 3

A complainant vacated a residential property that she had rented from a government department for nearly 16 years. She incurred significant tenant liability costs for the removal and disposal of carpet, the removal of adhesive carpet backing from the floor and various other cleaning and maintenance charges. The complainant appealed to the department through its internal appeals system, which waived some of the charges.

Following enquiries by our office, the department waived two further tenant liability charges but stated that it would not waive the charges associated with the carpets and vinyl as they were stained. According to the department's policies, stains to floor coverings did not constitute normal wear and tear.

We considered this stance unreasonable as the carpet had been laid by a previous tenant and was at least 16 years old. Information from the Australian Taxation Office indicated that for depreciation purposes, the effective life of carpet is 10 years. Enquiries were also made with two public housing bodies in other states which advised that charges were not raised for carpet that had been installed for more than 10 years.

We met with the department's officers and they agreed to review the file. As a result, the department agreed to waive the tenant liability charges for the removal and disposal of the carpet, and the adhesive carpet backing from the floors. It also waived costs associated with other property faults that ongoing property condition reports had failed to mention.

Integrity Coordinating Group (ICG)

The [Integrity Coordinating Group](#) (ICG) is a cross-agency initiative established in 2005 by the Ombudsman, Commissioner for Public Sector Standards, Corruption and Crime Commissioner and Auditor General. The Ombudsman chaired the ICG from February 2006 to February 2007.

The ICG fosters greater policy coherence and operational coordination amongst these core integrity bodies with the aim of strengthening integrity across the sector. Its Terms of Reference include:

- fostering cooperation between public sector integrity bodies
- encouraging coordinated research, evaluation and monitoring of the implementation of integrity and accountability
- fostering operational cooperation and consistency in communication, education and support in public sector organisations
- providing ongoing advice to government and the public through existing mechanisms on institutional and law reforms needed to maintain and develop integrity in the WA public sector
- sponsoring comparative research, evaluation and policy discussion regarding integrity mechanisms in Western Australia and other jurisdictions, nationally and internationally.

One of the key activities of the ICG since its inception has been the development of a conflict of interest toolkit, containing background information on conflict of interest and scenario sheets. Agencies can use these to help identify actual and perceived conflicts of interest. The toolkit was reprinted this year due to popular demand, particularly from local government and statutory authorities.

The ICG's current priority is to support Griffith University's project, *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in the Australian Public Sector*. Along with other government agencies and oversight bodies with a shared interest in reviewing Australian laws, the ICG member agencies joined this national research project to review Australian public disclosure law and practice.

The ICG attended hearings of the Joint Standing Committee on the Corruption and Crime Commission on 13 September 2006 and 20 June 2007, in order to provide details of the ICG's membership and its current and planned activities.

Indonesian-Australian Ombudsman Linkages and Strengthening Program

In 2005 our office entered into a joint program with the Commonwealth and New South Wales Ombudsmen, and the National Ombudsman Commission of Indonesia (NOC). The program is funded by AusAID under the Government Partnerships Fund and was initiated under the five-year Australia Indonesia Partnership for Reconstruction and Redevelopment program which was established after the 2004 tsunami.

The overall goal of the program is to provide greater access across a larger portion of Indonesia to more effective and sustainable Ombudsman and other complaint management services.

The program objectives are to:

- build linkages and understanding between Australian and Indonesian Ombudsmen and their staff
- strengthen institutional capacities at both the national, representative and emerging local levels of Ombudsman services in Indonesia
- assist the NOC in promoting the rights to good governance and participating in Indonesian democracy.

In August 2006, we took part in needs analysis studies of Indonesian Ombudsman offices in Yogyakarta, Asahan, Pangkal Pinang and Bangka. The outcome was reported to a workshop in Jakarta in November 2006 which was attended by representatives from a range of Ombudsman offices in Indonesia, members of the Indonesian Parliament and interested stakeholders. The previous Ombudsman, Ms Deirdre O'Donnell, presented a paper on the role of the WA Ombudsman and principles for strengthening decentralised Ombudsmen.

Following this, a comprehensive work program was developed for 2007 involving a number of activities aimed at strengthening decentralised Ombudsman services and the central functions of the NOC.

A key activity supported by our office is a program of placements. Generally held over two-week periods, they involve comprehensive work schedules designed to maximise linkages between the NOC and our office and strengthen investigative skills. The first placement was in November 2006, when a NOC staff member spent two weeks in Perth.

In February 2007, one of our officers undertook a two week placement in Indonesia in the NOC's Jakarta and Yogyakarta offices. The officer also visited the local Ombudsman's office in Yogyakarta and the private Ombudsman in Yogyakarta. During the placement, a number of presentations to Ombudsman staff and external stakeholders were made

Successful management of the program is facilitated through regular Monitoring and Evaluation meetings. In May 2007, we hosted this meeting and agreed to continue supporting placement activities.

Redress Guidelines

[The Ombudsman's Redress Guidelines](#) were released in September 2006, and endorsed and tabled in Parliament by the Joint Standing Committee on the Corruption and Crime Commission in October 2006. They aim to help agencies better manage their business, improve the transparency of their processes and enhance public confidence in their operations.

The redress guidelines help public sector managers address a complainant's sense of grievance when they are dissatisfied with service from a government agency. They provide information on circumstances that warrant redress, principles involved when considering redress, limitations and external factors, the redress process and forms of redress available to agencies.

Website development

A significant project of our new Communications Unit this year was to redesign our [website](#). In particular, we were concerned with bringing content up to date and improving accessibility. Special consideration was given to W3C international web standards and best practice recommendations. As part of the project, all content was reviewed or rewritten and the navigational structure rebuilt. The overall design incorporates our new logo and colours.

The new website draws complaints information into one section to help those wanting to make a complaint do so more easily. The redesign also groups resources and publications in one location and includes a new page for media. Planned future additions to the website include frequently asked questions and case studies.