

# Agency Performance – Report on Operations

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## Key Financial and Performance Outcomes

### Summary of Financial Performance

The key financial outcomes compared to the budget targets for the Ombudsman's office for the year ending 30 June 2009 are summarised below.

Further details are provided in the Financial Statements under **Disclosures and Legal Compliance** and a more detailed explanation of expenditure and funding is contained in note 29.

	2008-09 Target (\$'000)	2008-09 Actual (\$'000)	Variation (\$'000)
Total Cost of Services (Expense Limit)	4,780	5,512	732
Net Cost of Service	4,262	4,689	427
Total Equity	1,116	1,454	338
Net Increase/(Decrease) in Cash Held	(1)	(152)	(151)

	2008-09 Target (\$'000)	2008-09 Actual (\$'000)	Variation (\$'000)
Approved Full-Time-Equivalent (FTE) Staff Level	48	45	3

### Comparison of Actual Results and Budget Targets

#### Total Cost of Services

During 2008-09 the Ombudsman's initial expense limit of \$4.80 million increased due to approved expense adjustments in 2008-09. These included approved increases in funding for the new child death review jurisdiction, and increased expenses for the Energy Ombudsman function as a result of a review to identify and recognise work done in a range of positions across the office. The Energy Ombudsman expenses were fully offset by an increase in revenue.

Compared to 2007-08 the total cost of service increased by \$1.12 million, mainly reflecting additional expenses associated with approved funding for the establishment of the new child death review jurisdiction, handling appeals from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*, and normal salary and cost escalations.

#### Financial Position

Our net asset position in 2008-09 is \$1.45 million, an increase from \$1.34 million in 2007-08, primarily due to the installation of a new telephone system during the year.

The decrease in the cash held compared to the budget target reflects unspent funds from previous years that were used to reduce aged cases and undertake project work associated with the implementation of the child death review jurisdiction.

## Summary of Performance Outcomes

The key effectiveness indicators of the Ombudsman's office report on the extent to which public authorities have improved their decision making, practices and conduct as a result of recommendations and suggestions made by the Ombudsman.

The key performance outcomes compared to the targets for the Ombudsman's office for the year ending 30 June 2009 are summarised below. Further details are provided under **Disclosures and Legal Compliance**.

Key Effectiveness Indicators	2008-09 Target	2008-09 Actual
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	95%	100%
Number of improvements to practices or procedures as a result of Ombudsman action	25	29
Key Efficiency Indicators		
<b>Service 1: Investigating Complaints about Public Authorities</b>		
Percentage of allegations finalised within three months	75%	82%
Percentage of allegations finalised within 12 months	95%	96%
Percentage of allegations on hand at 30 June less than three months old	50%	71%
Percentage of allegations on hand at 30 June less than 12 months old	86%	96%
Cost per finalised allegation	\$3,095	\$2,759
<b>Service 2: Telecommunications Intercept Inspections</b>		
Average cost per inspection	\$4,909	\$2,583

### Comparison of Actual Results and Budget Targets

The percentage of recommendations accepted has exceeded the target of 95 per cent for the last two years, with 100 per cent of recommendations being accepted in both 2007-08 and 2008-09.

The number of accepted recommendations and suggestions for improvements to practices or procedures was 29 in 2008-09, above the target of 25. A very pleasing observation is that agencies are initiating improvements to their practices prior to the conclusion of an investigation. In 2008-09 agencies advised the Ombudsman of 40 voluntary actions by agencies compared to 27 in 2007-08.

Efficiency indicators show a substantial improvement in the timeliness of complaint handling in 2008-09, with all indicators exceeding the target.

The cost per finalised allegation is below the target because, in 2008-09, the actual number of allegations (1,479) was higher than expected (1,244) but resources for complaint resolution remained similar to last year.

The average cost per telecommunications intercept inspection has declined in 2008-09 due to an increased number of inspections this year, arising from enhanced processes.

## Complaint Resolution

This section provides an overview of one of the Ombudsman's core functions – complaint resolution and investigation. It also deals with the office's enquiry function. Information is provided on the number and nature of complaints and enquiries. Case studies are used to demonstrate the range and possible outcomes to the complaints dealt with. Information is also provided on eight complaint areas that made up 64 per cent of all complaints received during the year. These complaint areas are corrective services, local government, public housing, public education, police, planning and infrastructure, child protection, and public health services. **Appendix 1** gives details of all allegations received and finalised for each public authority during the reporting period.

Details of the process for assessing and handling complaints and enquiries together with details of complaint outcomes referred to in this section of the report are provided at **Appendix 2**.

### Case Study

#### Ombudsman helps to protect right to privacy

A complainant rang the Ombudsman's office concerned that her personal information was available publicly after she had enrolled her children online in a government-run program. Due to an error in the program the complainant's personal information remained on the enrolment web page so that when the next person came to enrol their children, the complainant's details came up as default. The information that was available included the complainant's name, her children's names and ages, her home and email addresses.

The complainant was advised of the error by another parent attempting to enrol their children in the program online. The complainant contacted the public authority and was told they were not going to remove the web site or the web page while they were fixing the problem.

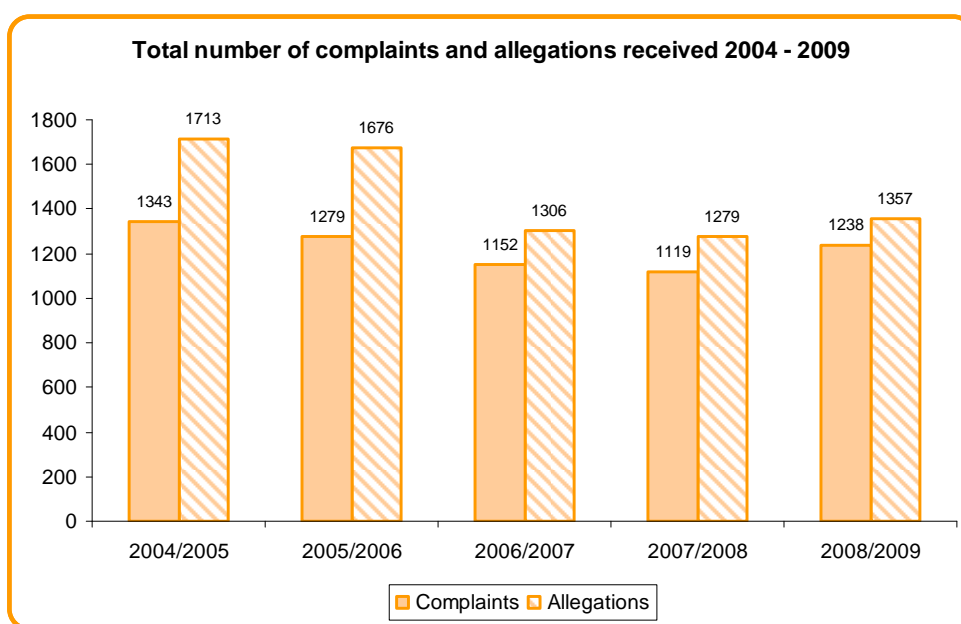
After the Ombudsman's office telephoned the public authority it was agreed that the web page would be removed until the problem was fixed. The public authority noted that although the problem had been immediately referred to the IT department, there were some concerns about the way the matter had been handled that would be reviewed.

The public authority agreed to work with the complainant to resolve any outstanding issues with respect to potential breaches of privacy.

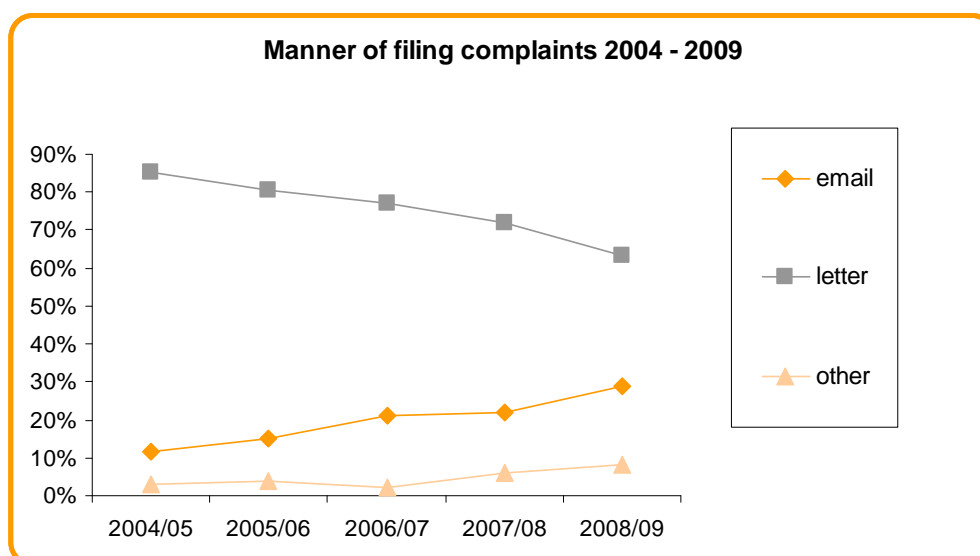
## Complaints and Enquiries Received in 2008-09

### Complaints Received

The number of complaints and allegations received by the office in 2008-09 is the highest in three years. As shown by the chart below, the office received 1,238 complaints involving 1,350 separate allegations. There were a further seven allegations arising from complaints made in the previous reporting period.



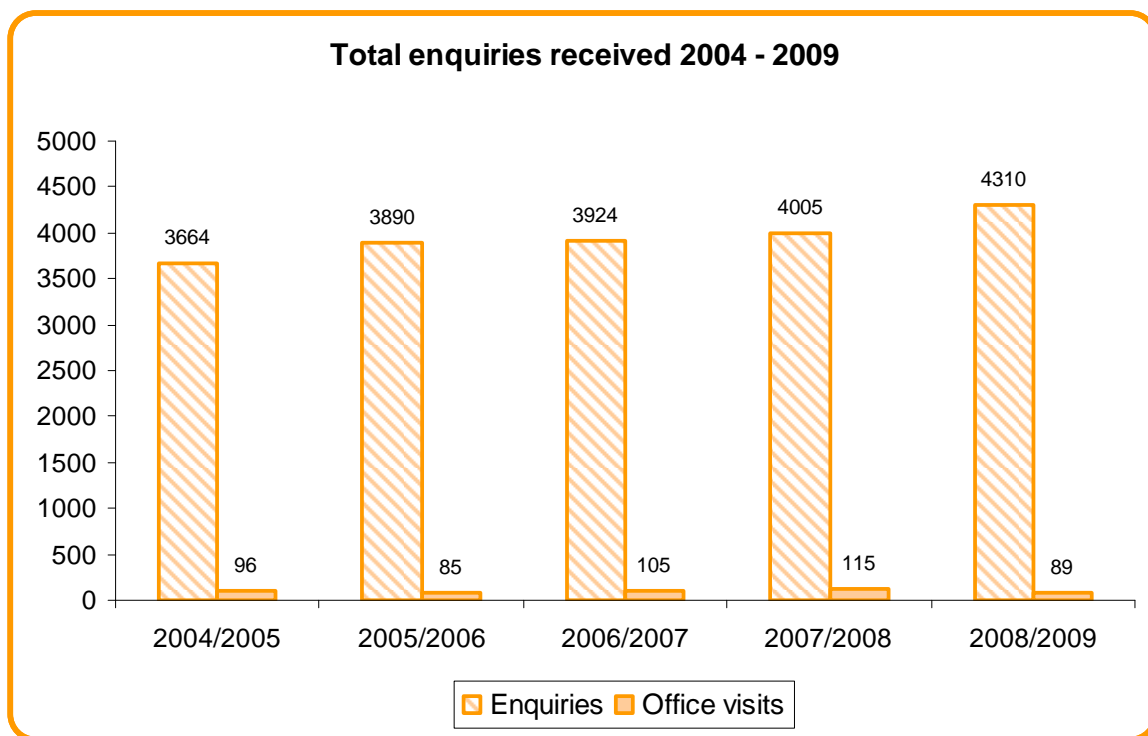
The use of email to make complaints continues to increase. In 2008-09, 29 per cent of complaints were received by email compared to 22 per cent in 2007-08. As shown in the chart below, the use of email to access the Ombudsman's complaint service has been increasing steadily over the last five years and now accounts for nearly a third of all complaints received.



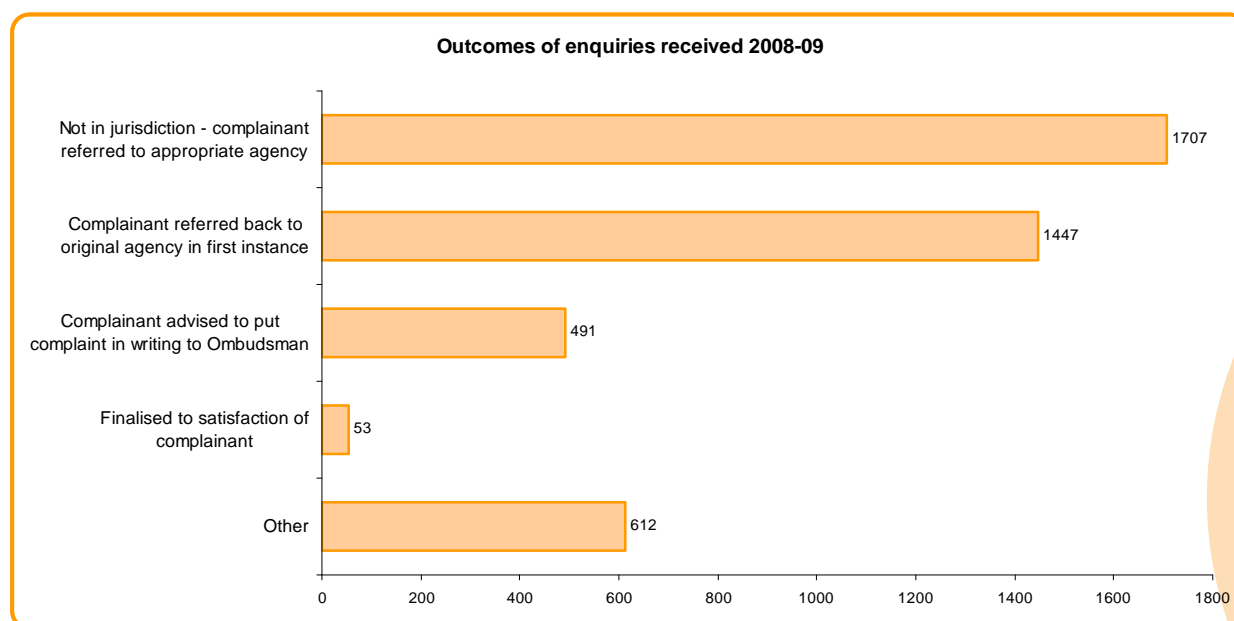
To increase accessibility to the office's complaint service from regional and Indigenous Western Australians, the Ombudsman initiated a Regional Awareness and Accessibility Program in January 2009. The Program involves visits to regional locations in Western Australia to raise awareness of, and accessibility to, the Ombudsman. During regional visits, staff ran complaint clinics where people can make complaints about the public authorities located both within the region and in Perth. Forty one percent of complaint allegations received from people living in the Goldfields-Esperance region in 2008-09 were received during the regional visit to Kalgoorlie in May 2009. Complaints received during the regional visit to Geraldton will be reported in the 2009-10 reporting period. Two further regional visits are proposed for the 2009-10 year.

### Enquiries Received

The Ombudsman's office handles enquiries via the telephone or from people visiting the office. Enquiries come from the public seeking general information and from public authorities seeking advice, but most are from people seeking advice on how to make a complaint. The chart below indicates that there has been an increasing number of enquiries over the past five years.



The office's new database, implemented during the year, enables staff to record and report in greater detail the nature and outcomes of enquiries received by the office. The chart below shows the outcomes of enquiries received.



### Timeliness of Complaint Handling in 2008-09

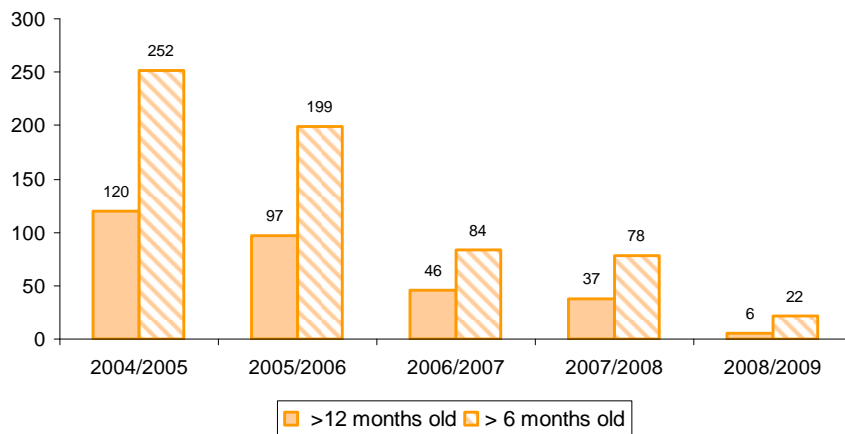
In 2008-09 the office continued to focus on improving the timeliness of the complaint resolution process while maintaining the quality and consistency of the advice and assistance given to complainants and public authorities. This has resulted in significant reductions in the time taken to finalise allegations and the number of older cases on hand:

- The average time to finalise allegations has improved by 61 per cent during the year from 196 days to 76 days; and
- The number of open allegations more than six months old fell by 72 per cent over the year (from 78 cases at 30 June 2008 to 22 cases at 30 June 2009). The number of cases on hand older than 12 months fell by 84 per cent (from 37 at 30 June 2008 to 6 at 30 June 2009).

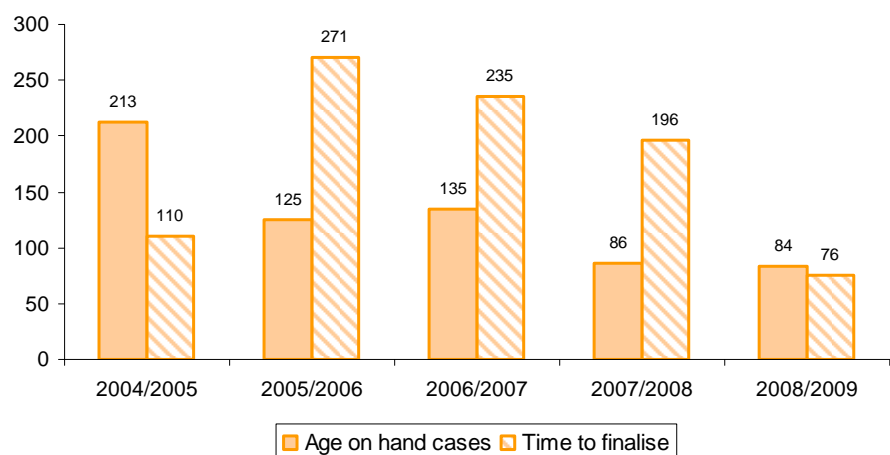
Most complaints are finalised at the initial stage. Examples of complaints that are resolved quickly include those that are referred back to the public authority in the first instance, referred to a more appropriate body or are out of jurisdiction. These cases take an average time of 25 days to resolve. Complaints that are finalised after a more detailed investigation are often complex and require longer to resolve. The average time taken for these complaints is 260 days.

The tables below demonstrate the significant improvements in these timeliness measures over the last five years.

**Allegations on hand older than six and twelve months  
2004 - 2009**



**Average age of allegations on hand and  
time to finalise complaints 2004 - 2009**



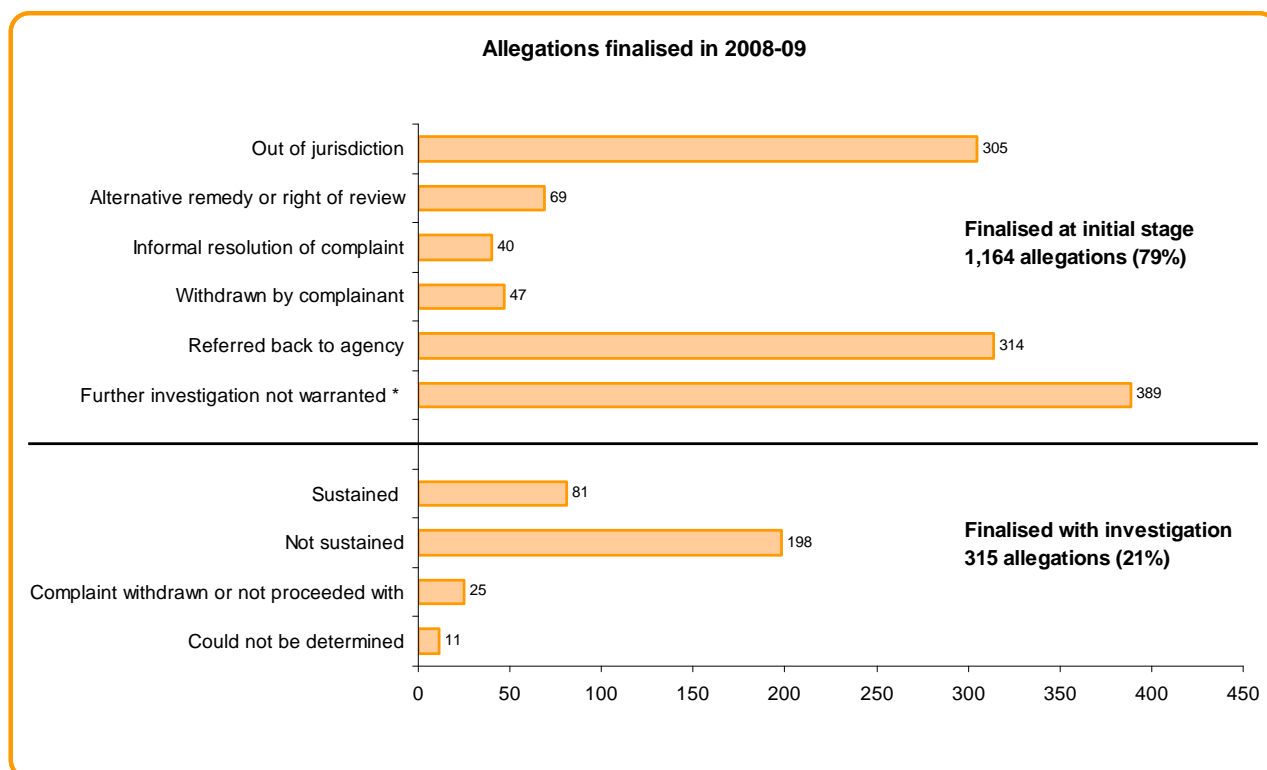
### The Consistent, Efficient and Effective Complaint Handling Project

In early 2009, the Ombudsman's office initiated a major project to strengthen the office's capacity to handle complaints consistently, effectively and efficiently. One of the goals of this project is to build on the significant improvements in the time taken to resolve complaints achieved to date. The project aims to achieve benefits for the public and public authorities through improved timeliness and improved consistency in outcomes and reports. The project will also provide the office with a number of new resources and tools to assist it to further improve the timeliness and quality of its complaint handling function.



## Complaints and Allegations Finalised

In 2008-09, 1,277 complaints were finalised during the reporting period containing 1,479 allegations. The majority of these were finalised at the initial stage (79%). The remaining allegations (21%) were finalised following an investigation. Details are shown in the chart below.



There was a 41 per cent increase in the number of investigated complaint allegations, with 315 investigated in 2008-09 compared to 223 in 2007-08. Of the 315 allegations that were investigated in 2008-09, 81 were sustained. In 2007-08, 60 allegations were sustained. The proportion of investigated allegations that was sustained in 2008-09 was one in four, which was similar to 2007-08. In most cases, where a complaint was not sustained, the Ombudsman concluded that the public authority had acted reasonably and within its powers.

**Appendix 1** gives details of all allegations received and finalised about public authorities during the reporting period. **Appendix 2** provides details of the definitions for complaint outcomes described in the above chart and **Appendix 1**.

## Action to Benefit the Complainant

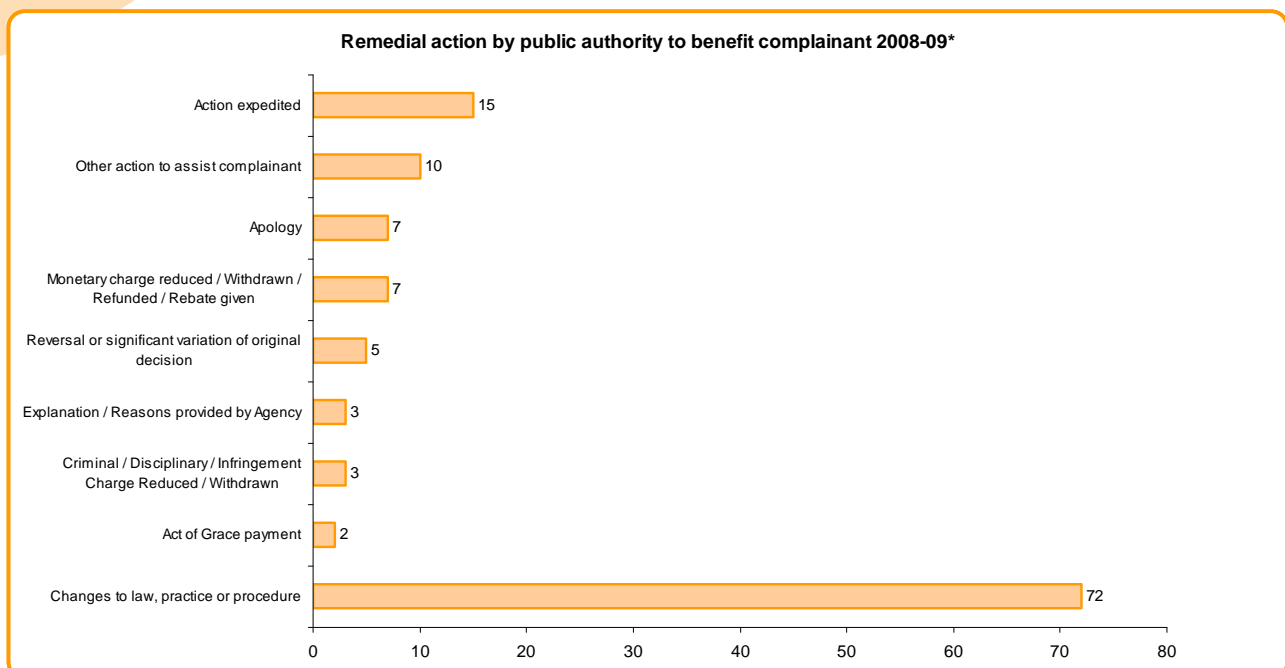
Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy the problem they have complained about. Such assistance may involve the public authority:

- Issuing an apology;
- Expediting action;
- Reducing or withdrawing a monetary charge or infringement;

- Providing a refund or rebate;
- Reversing or varying a decision;
- Making an act of grace payment; and/or
- Providing an explanation or giving reasons for action taken.

In some cases, the complainant benefits from the involvement of the Ombudsman even though the complaint is not sustained, for example where the authority voluntarily changes its practices.

In 2008-09 there were 124 remedial actions to benefit the complainant compared to 89 in the previous year. The nature of the remedial actions by public authorities to benefit the complainant as a result of Ombudsman investigations is shown in the chart below.



\* Changes to law, practice and procedure can occur that may benefit both the complainant and others in the future.

### Case Study

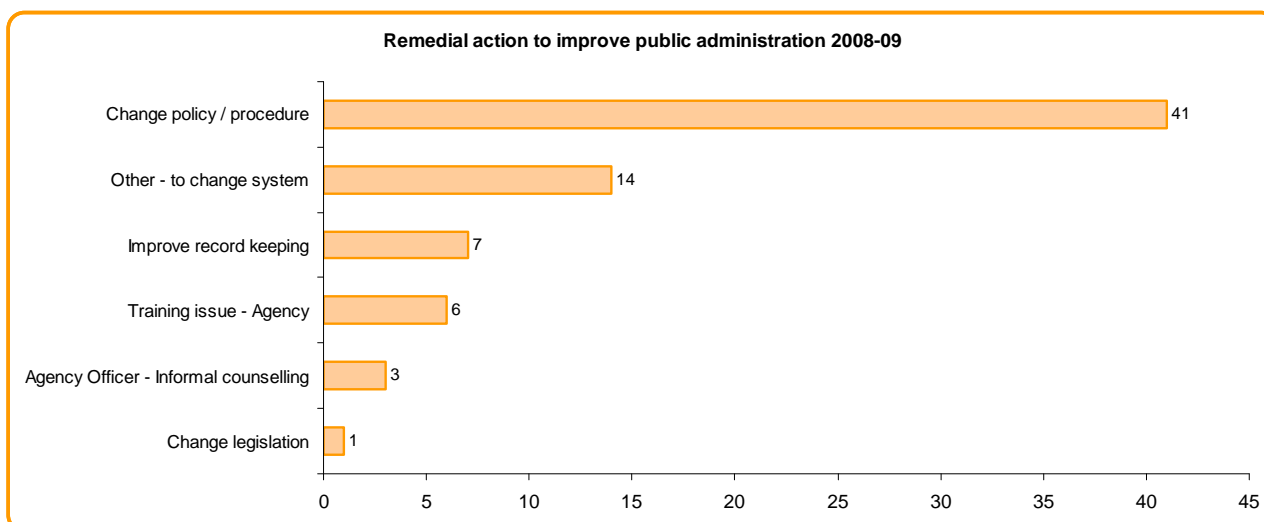
#### Correction of errors leads to home loan approval

The complainant alleged that the Department's Keystart Home Loans unfairly refused her application for a home loan.

Enquiries by the Ombudsman revealed that the Department had made an administrative error that disadvantaged the complainant's application for a home loan. As a result, the Department took action to rectify its error and the original decision, which was based on incorrect and incomplete information. The complainant's application for a home loan was then accepted and approved.

## Action to Improve Public Administration

Improved administration may include changes to policy and practices, other changes to improve systems or record keeping, training of staff and action to address staff conduct. The actions taken by public authorities to improve their administrative practices and staff conduct as a result of complaints received by the Ombudsman is shown in the chart below.



In 2008-09, there were 72 actions taken by public authorities to improve their processes and procedures as a result of the Ombudsman's involvement compared to 53 in 2007-08. These were achieved through:

- 29 recommendations and suggestions for administrative improvement accepted by the public authorities;
- 40 actions for administrative improvement initiated by public authorities as a result of the Ombudsman's involvement; and
- 3 occasions of training or counselling for specific identified officers.

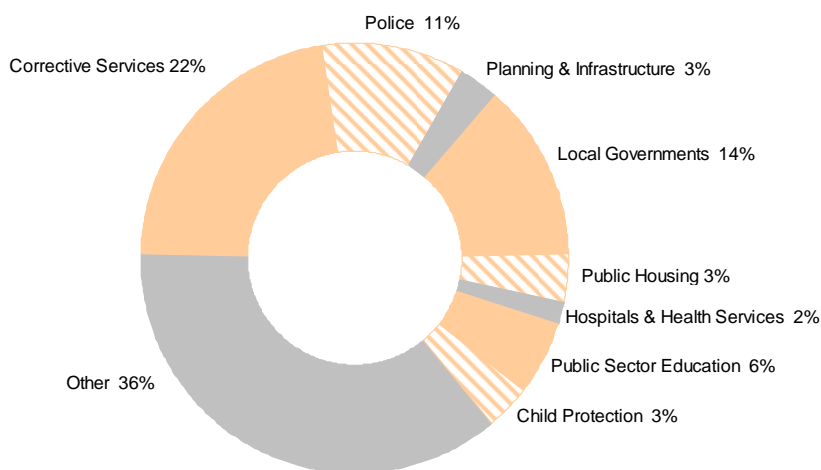
## Primary Focus of Complaints

The majority of complaints (64%) received by the Ombudsman are about eight key industry sectors covering Corrective Services (in particular prisons), local governments, public housing, public education including overseas students, police, planning and infrastructure, child protection and health and hospitals.

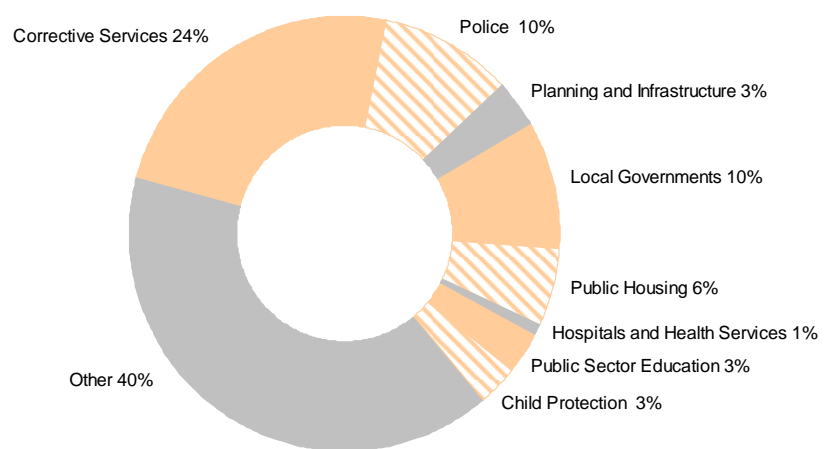
This section of the report provides information about complaints and enquiries received by the Ombudsman relating to these sectors. It should be noted that these areas are likely to have more complaints because they have a large customer base.

The proportion of complaints and enquiries received about these sectors is shown below.

**Complaints by agency group 2008-09**



**Enquiries by agency group 2008-09**



## Corrective Services

Of all the complaints received by the Ombudsman in 2008-09, 22 per cent related to corrective services. Twenty four per cent of enquiries related to corrective services.

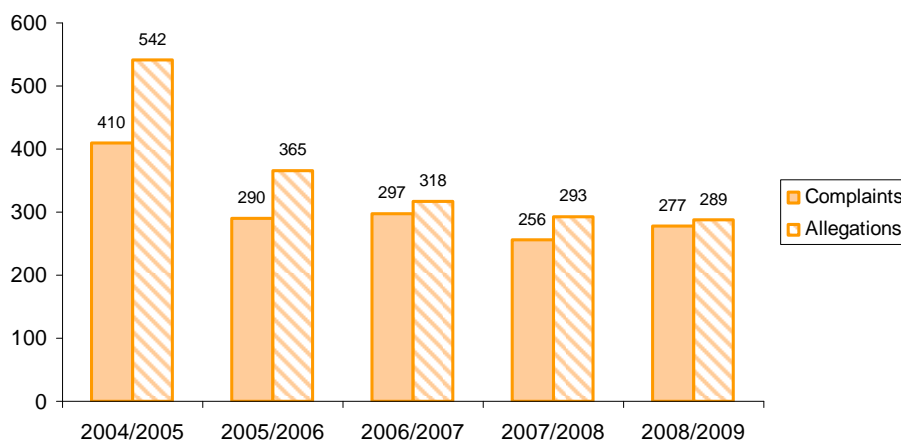
### Complaints and Allegations Received

The majority of complaints received about corrective services are from people in custody. These people use a confidential mail system to access the Ombudsman's services. They do not need to identify themselves on confidential mail envelopes and such mail is not subject to prison mail scrutiny. People in custody can also make free confidential telephone calls to the Ombudsman's office. As shown in the chart below, the number of complaints and allegations received about corrective services has been relatively steady over the last three years.

In 2008-09 there were 277 complaints involving 289 allegations. The main areas complained about were:

- Facilities and conditions
- Health services
- Prison officer conduct

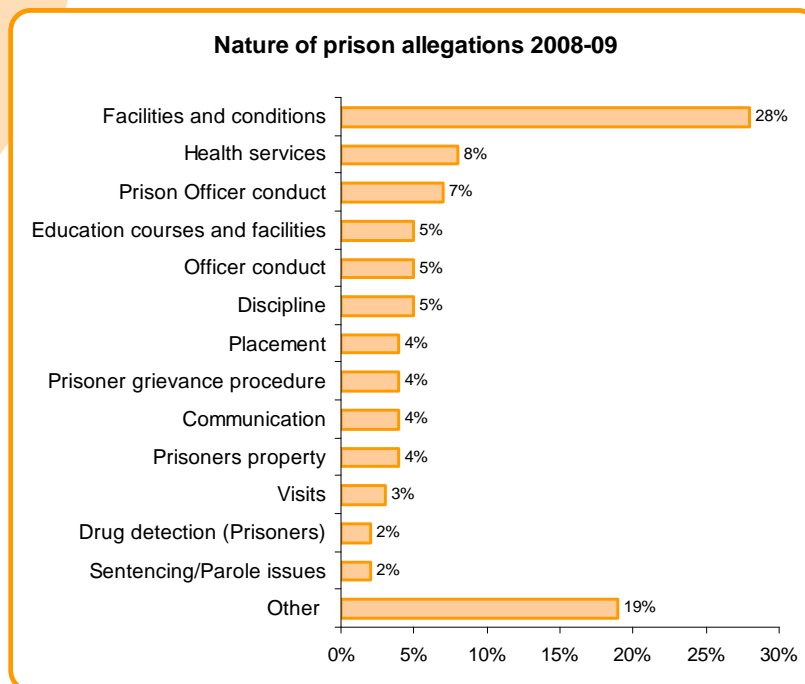
**Complaints and allegations received about Corrective Services  
2004 - 2009**



In 2008-09, 69% of allegations about corrective services related to metropolitan prisons, 15% were about regional prisons and 16% were about other areas of corrective services.

## Nature of Allegations Received

The nature of allegations is varied covering a diverse range of services to prisoners as well as matters concerning their placement and the conduct of prison officers. Details are shown in the chart below. The 'Other' category includes issues such as canteen spends, alleged assaults and food and diet concerns.



## Allegations Finalised

During the year, 316 allegations in 286 complaints about corrective services were finalised. Two hundred and eighty five allegations were finalised at the initial stage without the need for investigation, with 98 (34%), of these being referred back to either the prison or the prison Complaints Management Unit, ACCESS. Thirty one allegations were finalised after an investigation was undertaken.

### Outcome of investigated complaints

Sustained wholly or partly	10
Not sustained	14
Other*	7

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant or to Improve Public Administration

In 2008-09, remedies to benefit the complainant or to improve administrative practices as a result of complaints made to the Ombudsman included:

- The procedure for prisoner management transfers for a particular prison were re-written to ensure transfers are timely, well organised and in accordance with the principles of procedural fairness;

### Remedy for the complainant

Disciplinary charge dismissed	1
Other assistance or explanation	2

**Direct benefit for complainant** **3**

- A prison officer assisted a prisoner to prepare a letter to the Prisoner Review Board after previous letters had been blocked due to content;
- A prison agreed to review a prisoner's security rating after a disciplinary charge against the prisoner was dropped. This resulted in the prisoner being returned to a minimum security prison; and
- A prison agreed to erect signage at the entrance to warn visitors they would have to pass through a metal detector scan before being admitted. The prison had not complied with an operational instruction about this matter and as a result a visitor wearing a heart defibrillator complained about the risk to his health caused by the metal detector scan.

#### Improved public administration

Changes to policies/procedures	1
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Change to system	1
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<b>Improved public administration</b>	<b>2</b>
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### Enquiries from Prisoners

Phone calls relating to corrective services made up 24 per cent of enquiries made to the office. Although these calls were primarily from prisoners, family members, friends and other people who were affected in other ways by decisions or practices of the Department of Corrective Services contacted the office. The nature of issues raised by people making enquiries included placement, sentencing and parole, health services and communication.

Sixty one per cent of enquiries relating to corrective services were referred back to the prison Complaints Management Unit, ACCESS in the first instance. People who were referred to ACCESS were advised that they could complain further to the Ombudsman if they were dissatisfied after ACCESS had dealt with their complaint.

#### Case Study

### Ombudsman explanation clarifies health management arrangements for diabetic prisoner

A diabetic prisoner wrote to the Ombudsman for assistance after hearing about a prison directive requiring glucometers, which are used to take blood sugar level readings, to be withdrawn from use within a prison. The prisoner managed his medical condition by taking four readings each day using a glucometer, followed by four insulin injections. The prisoner was concerned about the potential impact of the directive on his disease management.

The Ombudsman's office contacted the prison about the matter and found that, although the Director of Health Services did issue an instruction to the prison to withdraw glucometers from use, the instruction was only meant for stable diabetic prisoners on oral control.

The Ombudsman's office was able to reassure the prisoner that the instruction did not apply to him, there would be no change to the way he managed his diabetes and that he could continue to use a glucometer to take blood sugar level readings.

## Local Government

Complaints about local governments continued to be the second largest source of complaints received, contributing 14 per cent of total complaints received during the year. Complaints were received about 57 of the 141 local governments. Ten per cent of enquiries received related to local governments.

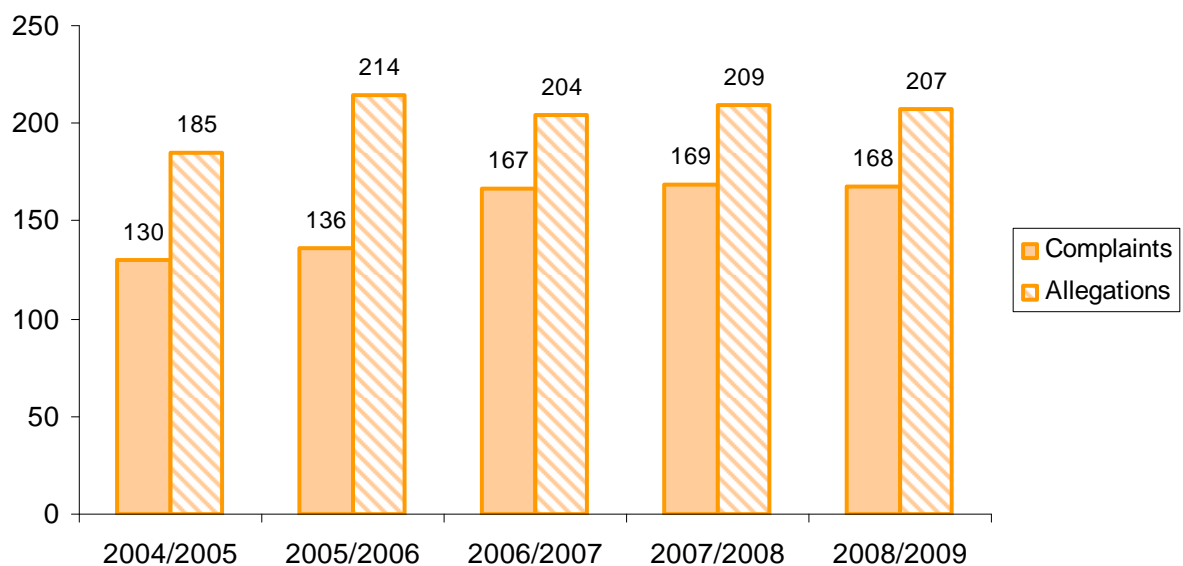
### Complaints and Allegations Received

The local government sector provides a diverse range of services to local communities. Services including planning and building approvals, community facilities, parking enforcement, maintenance of local roads and footpaths have the potential to generate complaints. As shown in the chart below, the number of complaints received by the office has remained relatively steady over the last three years.

In 2008-09 there were 168 complaints involving 207 allegations. The main areas complained about were:

- Administration and customer service
- Building and development approvals
- Enforcement action

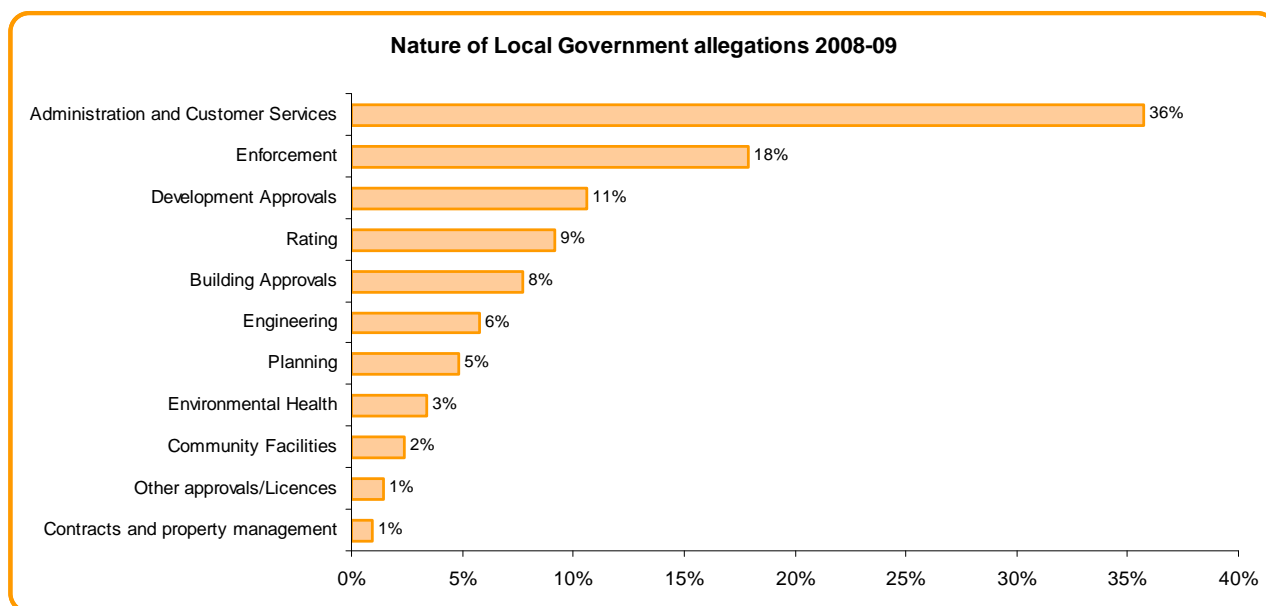
**Complaints and allegations received about Local Government  
2004-2009**





## Nature of Allegations

The nature of allegations covers a diverse range of local government functions. Details of the nature of allegations for 2008-09 are shown in the following chart.



## Allegations Finalised

During the year 211 local government allegations were finalised. One hundred and seventeen (55%) were finalised at the initial stage without the need for investigation. Ninety four allegations (45%) were finalised after an investigation was conducted.

### Outcome of investigated complaints

Sustained wholly or partly	27
Not sustained	62
Other*	5

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration taken by local governments during the year is summarised below.

- A local government conducted a survey about the noise from an annual fund raising event, prior to confirming an offer of alternative accommodation for the complainant during the event;
- A local government reviewed procedures dealing with the clearance of subdivision conditions involving the release of security bonds;
- A local government introduced policies and procedures to improve communication with ratepayers about major developments;

### Remedy for the complainant

Action/decision expedited or varied	8
Apology	2
Monetary remedy	2
Other assistance or explanation	2
<b>Direct benefit for complainant</b>	<b>14</b>

- A local government introduced a policy relating to the release of information provided by developers in order to avoid sensitive or confidential advice being provided in error;
- A local government reviewed its outstanding rates collection procedures to avoid situations where the legal fees incurred in collecting rates were in excess of the outstanding amount to be recovered;
- A local government reviewed information provided on its website about resident parking permits to avoid confusion about the circumstances when such permits may be issued;
- A local government introduced a building licence endorsement to ensure that any excavations, backfilling and retaining walls would not detract from the amenity or safety of adjoining property; and
- A local government agreed that advice would be provided to applicants on the legislative requirements relating to situations where retaining or excavation is proposed within three metres of an adjoining building, and notification processes for adjoining property owners.

#### Improved public administration

Changes to policies/procedures	14
Public authority training	4
Individual staff training	1
Changes to system	2

<b>Improved public administration</b>	<b>21</b>
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### Enquiries Received

The Ombudsman received 351 enquiries relating to local governments in 2008-09. These were about a range of matters including administration and customer service, enforcement, building and development approvals and rating. Forty two per cent of people making enquiries were referred back to the relevant local government in the first instance. Thirty seven per cent were invited to make a written complaint with the Ombudsman's office.

#### Case Study

#### Improved local government website information clarifies permit arrangements

One of the factors influencing a complainant to enter into a 12 month lease on an inner city residential unit was her belief that she and her housemates would be entitled to on-street parking because they were residents. Otherwise, the parking was short-term and metered. However, she was refused a permit because her unit had one off-street parking bay and, in accordance with the local government's policy, she was not entitled to additional parking. She stated that her understanding of the entitlement was based on information on the local government's website that she alleged was misleading.

In response to the Ombudsman's enquiries, the local government acknowledged that, although not misleading, the website was not totally comprehensive and it voluntarily created extra links on its website to avoid any future misunderstanding.

The Ombudsman concluded that, had the website been clearer at the time of the complainant's enquiry, the problem would not have arisen. Ombudsman staff suggested to the local government that it may be appropriate to exercise their discretion to issue the complainant with a parking permit for the duration of her lease. The local government accepted the Ombudsman's suggestion and issued the parking permit.

## Public Housing

Complaints about the Department of Housing make up three per cent of complaints received by the Ombudsman. Six per cent of enquiries received by the office relate to public housing.

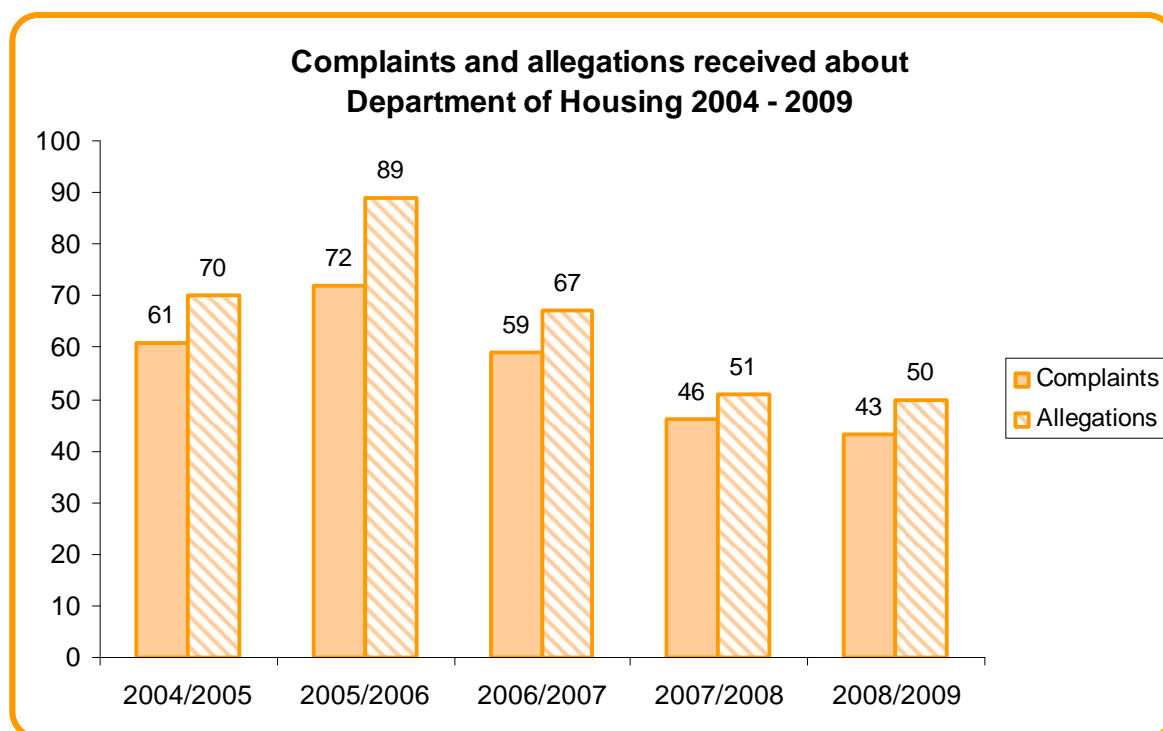
### Complaints and Allegations Received

The Department of Housing provides a diverse range of services to the community. These include public and community housing, Indigenous and regional housing, Keystart Home Loans, property sales, major government projects, capital works projects and property and facilities maintenance and services.

In 2008-09 there were 43 complaints involving 50 allegations. 73% of allegations were about the Department's Rental Operations Program. The main areas complained about were:

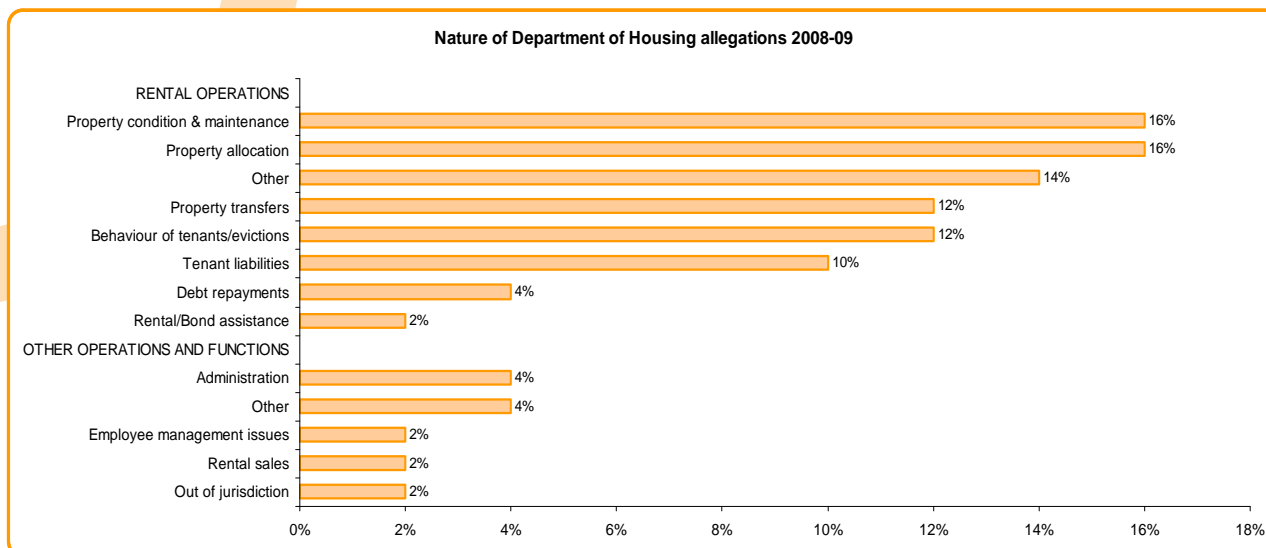
- Property allocation and transfer
- Property condition and maintenance issues

The Department has an internal appeals process that allows people to seek a review of many decisions made by the Department that may affect them. The Department also has a central complaints contact for complaints not dealt with by the appeals process. These processes would enable many complaints to be handled by the Department without the need for the person to come to the Ombudsman. As shown in the chart below, the number of complaints and allegations received about the Department in 2008-09 was similar to last year.



## Nature of Allegations

As shown in the chart below, the nature of allegations about the Department of Housing covers a number of functions under the Rental Operations Program, as well as other operational areas in the Department. The nature of issues complained about in 2008-09 is broadly similar to previous years.



## Allegations Finalised

Thirty seven allegations (73%) were finalised at the initial stage without the need for investigation. Of these, 17 (46%) were referred back to the Department. Fourteen allegations (27%) were finalised by investigation.

### Outcome of investigated complaints

Sustained wholly or partly	3
Not sustained	8
Other*	3

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- The Department agreed to review its procedures relating to decisions of the Housing Review Panel to provide appellants with the information considered in the Housing Review Panel's deliberative process and the reasons for decisions in relation to appeals and reviews;

### Remedy for the complainant

Action/decision expedited or varied	2
Monetary remedy	1
<b>Direct benefit for complainant</b>	<b>3</b>

- The Department met with a complainant to discuss a neighbour's concerns about their behaviour after the complainant made allegations that his concerns were not being addressed and he was not getting a reply to his correspondence. The Department also agreed to change its practices for filing correspondence to ensure all correspondence was responded to and filed according to record keeping principles;
- The Department corrected an administrative error that had resulted in a complainant being denied a home loan. This resulted in the complainant receiving their home loan; and
- Tenant liability charges were waived for a complainant who had not been informed of charges to be made and that direct debit deductions were being made from their account without consent. The Department also undertook to train its officers about the correct procedures for deducting tenant liability charges from Centrelink income support benefits.

#### Improved public administration

Changes to policies/procedures	1
Improved record keeping	1
Staff training	1
<b>Improved public administration</b>	<b>3</b>

#### Enquiries Received

The Ombudsman received 204 enquiries relating to the Department of Housing in 2008-09. The majority of enquiries received concerned the Department's Rental Operations Program.

#### Case Study

#### Ombudsman guides public authority in giving clearer reasons for decisions

A complainant contacted the Ombudsman concerned that their appeal for transfer to another public housing tenancy had been unsuccessful. The complainant's transfer application had been declined on the grounds that they were adequately housed.

During the enquiries, the Ombudsman was provided with a copy of the letter on the outcome of the appeal in which the appeal body advised the complainant that, in reaching its decision to dismiss the appeal, it had reviewed all associated documents and listed the folios of the files held by the Department. The Ombudsman's view was that it would be more helpful if the letter contained details of the information considered.

The public authority agreed that reference to the files and folio numbers reviewed by the appeal body was not meaningful and indicated that the practice would be reviewed to ensure that any information provided to clients could be understood.

## Public Education Sector

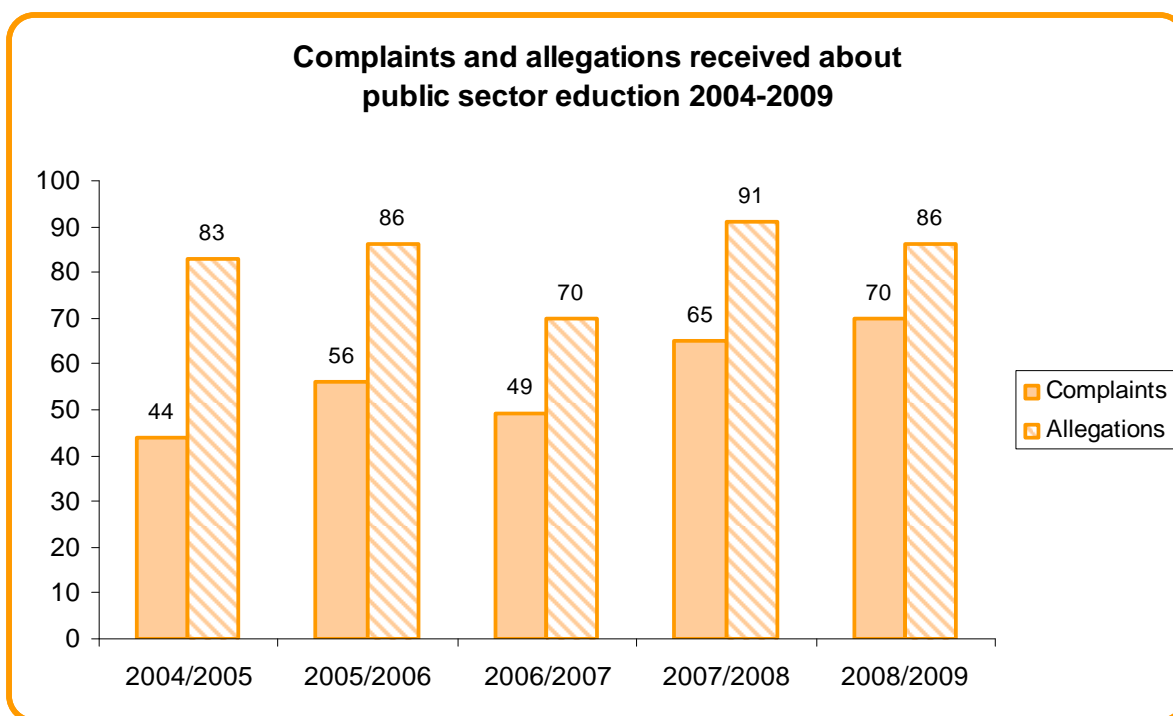
The public education sector includes the Department of Education and Training (including individual schools), the Department of Education Services, the Curriculum Council, Technical and Further Education (TAFE) colleges and public universities. There were 70 complaints received about the education sector comprising 86 allegations and a total of 106 allegations were finalised. The public education sector made up six per cent of all complaints received and three per cent of enquiries.

### Complaints and Allegations Received

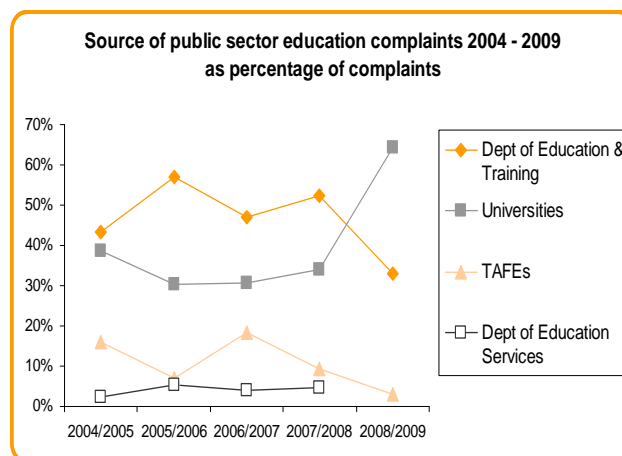
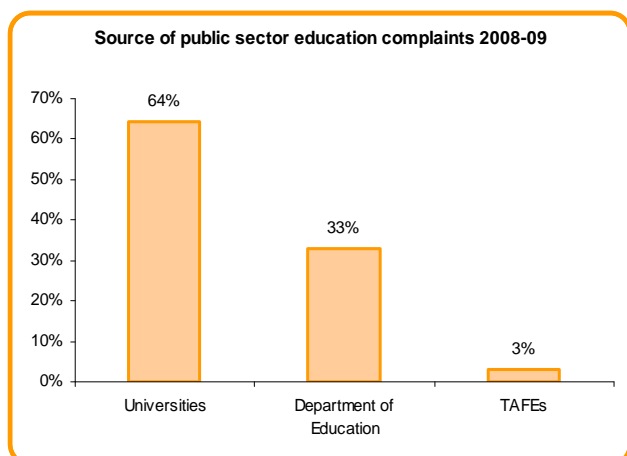
Complaints about the education sector have increased in the last two years, primarily due to a 51 per cent increase in complaints about universities. This is largely due to the introduction of a new **National Code of Practice for Registration Authorities and Providers of Education and Training**

In 2008-09, 34% of allegations received about the public education sector were received under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students*

**to Overseas Students 2007 (the Code)**, which gives international students the right of appeal to an external and independent body - such as the Ombudsman - if their internal appeals at school or university level were unsuccessful. The Code has been in operation for the last two years. Further information about the Ombudsman's role under the Code is provided later in this section. Details of the trend in complaints and allegations received over the last five years are shown in the chart below.

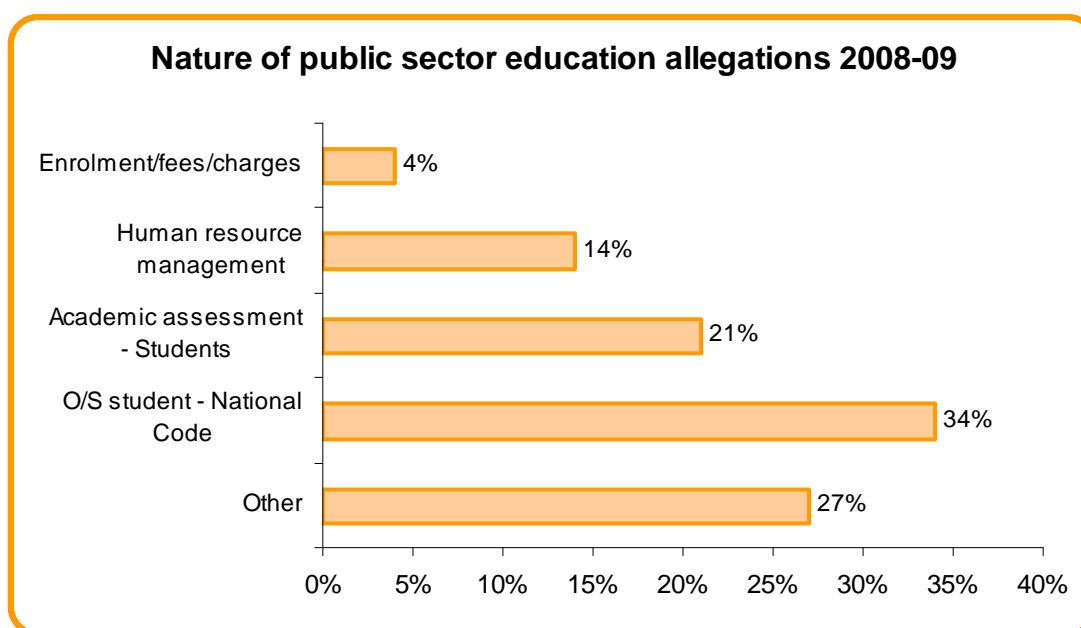


An indication of the trends in the source of complaints is illustrated in the charts below.



### Nature of Allegations

As shown in the chart below, allegations about public education relate to four main categories. The 'Other' allegation category includes allegations such as the quality of teaching, organisation of courses and student discipline.



### Allegations Finalised

During 2008-09, 106 allegations from 68 complaints were finalised. Forty two allegations (40%) were finalised at the initial stage without the need for investigation. Sixty four allegations (60%) were finalised after an investigation was undertaken.

#### Outcome of investigated complaints

Sustained wholly or partly	11
Not sustained	50
Other*	3

\* Discontinued, withdrawn or could not be determined



## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- A public authority implemented suggestions to improve administrative practices in relation to enrolment and re-enrolment of students and the fees associated with the enrolments;
- A university student's terminated status was referred back to the head of school for review;
- A university removed a finding against a student that they had breached the Student Discipline Statute and the University implemented a review of student policies and procedures;
- A university accepted an out of time appeal from an international student whose enrolment had been terminated after it was discovered that the student had not lodged an appeal before contacting the Ombudsman; and
- A university agreed to clarify policies made available to students to ensure that students were made aware that they are entitled to have a support person in any appeals hearing.

### Remedy for the complainant

Action/decision expedited or varied	1
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Disciplinary finding removed from student record	1
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Other assistance or explanation	3
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<b>Direct benefit for complainant</b>	<b>5</b>
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### Improved public administration

Changes to legislation	1
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Changes to policies/procedures	9
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Changes to system	4
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<b>Improved public administration</b>	<b>14</b>
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## Enquiries Received

One hundred and six enquiries relating to public sector education services were received last year. Major areas of concern included academic assessment and human resource management within the Department of Education and Training. Forty one per cent of people making enquiries were invited to submit a written complaint to the Ombudsman. Thirty nine per cent were referred back to the original agency in the first instance.





## Case Study

### Ombudsman expedites resolution of disputed payment of professional registration fees

The complainant paid her annual professional registration fees on time. However, due to an administrative error, the public authority did not process the transaction correctly and both the complainant and her employer received reminder notices stating that she was not registered to teach in 2008.

The complainant contacted the public authority by phone, and in writing, but after four months the matter was still not resolved. The public authority asked the complainant to organise a cheque trace with her bank and advised that it would reimburse any bank costs. The bank traced the cheque and found that it was cashed by the public authority some four months earlier (at the time it was originally paid). Although the public authority acknowledged this information and gave the complainant a verbal confirmation of her current membership, she did not receive anything in writing.

The complainant wrote to the Ombudsman's office seeking written confirmation of her registration paperwork and membership card, reimbursement of the bank audit fees and an apology for the inconvenience.

The Ombudsman made informal enquiries with the public authority and expedited a remedy for the complainant. The registration certificate, membership card and \$15 reimbursement for the cheque trace were sent to the complainant, together with an apology for the inconvenience caused to the complainant.

## International Students

Approximately 21,500 international students on temporary student visas are currently enrolled with public education service providers in Western Australia, including universities, TAFE colleges and schools. An international student's visa can be cancelled if they fail to meet certain educational requirements. However, a student can no longer be reported to immigration authorities by their educational institution until they have followed an internal complaints and appeals process and have been given the opportunity to appeal to an external independent body, such as the Ombudsman, if dissatisfied with the internal process. The right to an external appeal is provided under the **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007** (the Code), which is part of the Federal framework regulating international education services.

Four universities in Western Australia have nominated the Ombudsman to perform this external appeals function. During the year, the Ombudsman's office received 25 appeals from international university students, a significant increase on the nine appeals received in the previous year.

Over the past year, Ombudsman staff have worked with local public universities to ensure that the Code is applied consistently and appropriately and that international students are adequately informed about their appeal rights.

The office's internal processes also continue to be refined to ensure an efficient and effective service that recognises the particular implications of appeal decisions for a student's visa status. A specific complaint form for international student appeals, and a factsheet explaining the scope and limitations of the Ombudsman's jurisdiction in relation to this function, are currently under development.

### Case Study

#### Recognition of special circumstances results in university acceptance of out of time appeal

An international student lodged a complaint with the Ombudsman about her university's decision to exclude her. However, the Ombudsman's office can only accept complaints from international students under the Code if they have first been through the university's internal appeals process.

Following receipt of information from the university it became apparent that the student had missed the university's deadline to appeal against its decision to exclude her, because she had appealed to the Ombudsman instead. As a result of discussions with the Ombudsman's office, the university agreed to accept an out of time appeal from the student.

## Western Australia Police

Complaints about Western Australia Police made up 11 per cent of the complaints received in 2008-09. Ten per cent of enquiries related to Western Australia Police.

### Complaints and Allegations Received

As shown in the chart below, the number of complaints received about Western Australia Police in 2008-09 is consistent with the previous two years.

In 2008-09 there were 132 complaints involving 137 allegations. The main areas complained about were:

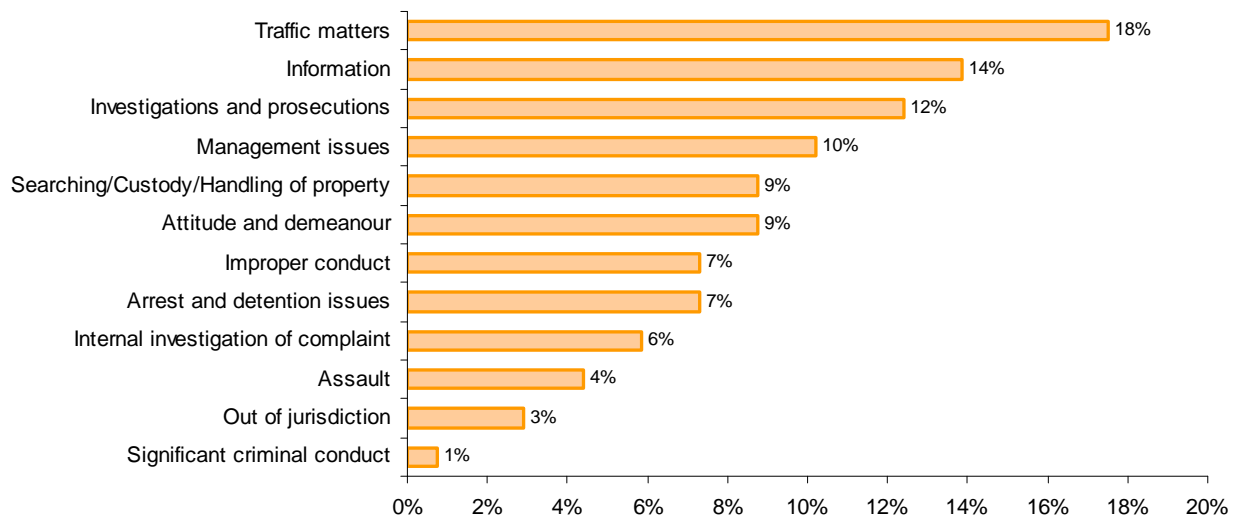
- Traffic issues
- Failure to provide information, inaccurate records and inappropriate disclosure of information



## Nature of Allegations

The nature of allegations received in 2008-09 was varied, covering a range of police functions. Details are shown in the chart below. Investigation and prosecution complaints included concerns about the failure to prosecute and inadequate police investigation.

**Nature of Western Australia Police allegations 2008-09**



## Allegations Finalised

One hundred and forty one police allegations were finalised in 2008-09. Ninety four per cent of these were finalised at the initial stage. Eighty two (59%) of these were referred back to Western Australia Police. The remainder of complaints were investigated.

### Outcome of investigated complaints

Sustained wholly or partly	4
Not sustained	4
Other*	1

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

Following complaints made to the Ombudsman, Western Australia Police undertook several actions voluntarily to improve its practices and procedures or to provide remedial action to the complainant. An example of this was the return of a complainant's missing mobile phone the day after Ombudsman staff made enquiries with Police Complaints Administration Centre.

## Enquiries Received

The Ombudsman received 362 enquiries relating to Western Australia Police in 2008-09. The most common enquiries related to police conduct, investigations and prosecutions, and provision of information. Sixty nine per cent of enquiries were referred back to Western Australia Police in the first instance. Complainants are commonly referred to the Police Complaints Administration Centre.

### Case Study

#### Ombudsman helps prompt correction of records needed for insurance claim

The complainant's son had been involved in a motor vehicle accident and was having problems with insurance because his driver's licence had been incorrectly recorded as being suspended. The complainant needed to provide a letter from either Western Australia Police or the Fines Enforcement Registry to the Insurance Commission stating that his son's licence was not under suspension on the date of the accident. The complainant had not been successful in getting the required letter from either public authority.

The matter was resolved satisfactorily through informal enquiries by the Ombudsman with Western Australia Police and the Fines Enforcement Registry. The complaint also prompted improved liaison between Western Australia Police and the Fines Enforcement Registry, which is likely to result in improved public administration.

## Department for Planning and Infrastructure

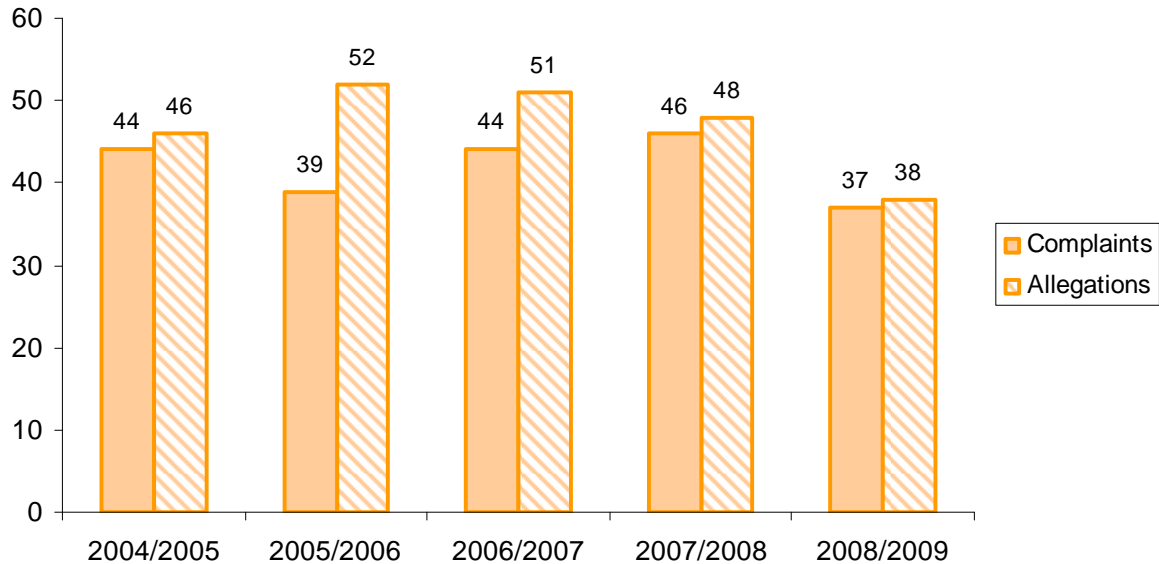
Complaints about the Department for Planning and Infrastructure made up three per cent of complaints received and three per cent of enquiries in 2008-09.

### Complaints and Allegations Received

The Department for Planning and Infrastructure provides a diverse range of services to the community relating to driver licensing and town planning. The number of complaints and allegations received for the last five years is shown in the chart below.

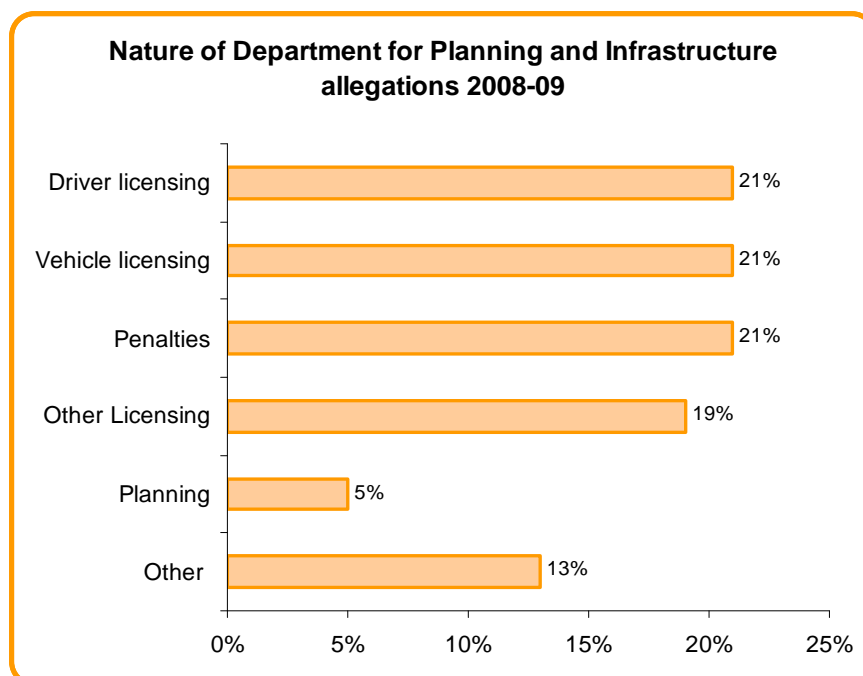
In 2008-09 there were 37 complaints involving 38 allegations. The main areas complained about were vehicle and driver licensing issues

**Complaints and allegations received for  
Department for Planning and Infrastructure 2004 - 2009**



## Nature of Allegations

The nature of allegations received about the Department for Planning and Infrastructure is shown in the following chart.



## Allegations Finalised

Forty six allegations were finalised in 2008-09. Thirty nine (85%) were finalised at the initial stage with nearly one third of these (31%) being referred back to the Department. Seven allegations were finalised after investigation.

### Outcome of investigated complaints

Sustained wholly or partly	3
Not sustained	3
Other*	1

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- Apologies were given to complainants where decisions of the Department were a result of an administrative error. In one case the Department also undertook to create instructions to ensure the error did not occur again. In both cases, fines paid were refunded;

### Remedy for the complainant

Action/decision expedited or varied	4
Apology	2
Act of grace payment/monetary benefit	2
<b>Direct benefit for complainant</b>	<b>8</b>

- The Department agreed to reconsider the cancellation of the licence of a business on the basis that there were mitigating factors that the Department had not considered in its original decision;
- Errors in records were corrected;
- Where the Department had failed to respond to a complainant in a reasonable time, follow up by the Ombudsman achieved a response and in some cases, a refund for the complainant; and
- A vehicle licence that had been refused was issued after it was shown that there was inconsistency between the Department's policy and practices. The issue was referred for legal advice and the Departmental policy was reviewed pursuant to the legislation governing the matter. The Department's policy, procedures and website were reviewed and updated on this issue.

#### Improved public administration

Public authority training	2
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Informal counselling of officer	2
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Improved record keeping	2
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<b>Improved public administration</b>	<b>6</b>
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### Enquiries Received

One hundred and twenty seven enquiries were received about the Department for Planning and Infrastructure. The majority of these related to licensing issues. Over fifty per cent of enquiries were referred back to the agency in the first instance.

#### Case Study

#### Ombudsman involvement results in policy update and withdrawal of incorrect infringement notice

The complainant received an infringement notice for failing to return his number plates after his vehicle licence had expired. Although the complainant believed an error had been made by the public authority, he paid the infringement as he was told by the public authority that he could not re-licence his vehicle until the infringement had been paid.

As a result of the Ombudsman's investigation, the public authority acknowledged that the complainant had been misinformed and therefore denied the right of election to have the matter dealt with by a court. It withdrew the infringement notice and refunded the penalty amount.

The public authority also reviewed its policy on the payment of infringements and found it to be out of date. As a result, the public authority issued a new instruction to all staff regarding applications for the re-issue of expired vehicle licences.



## Department for Child Protection

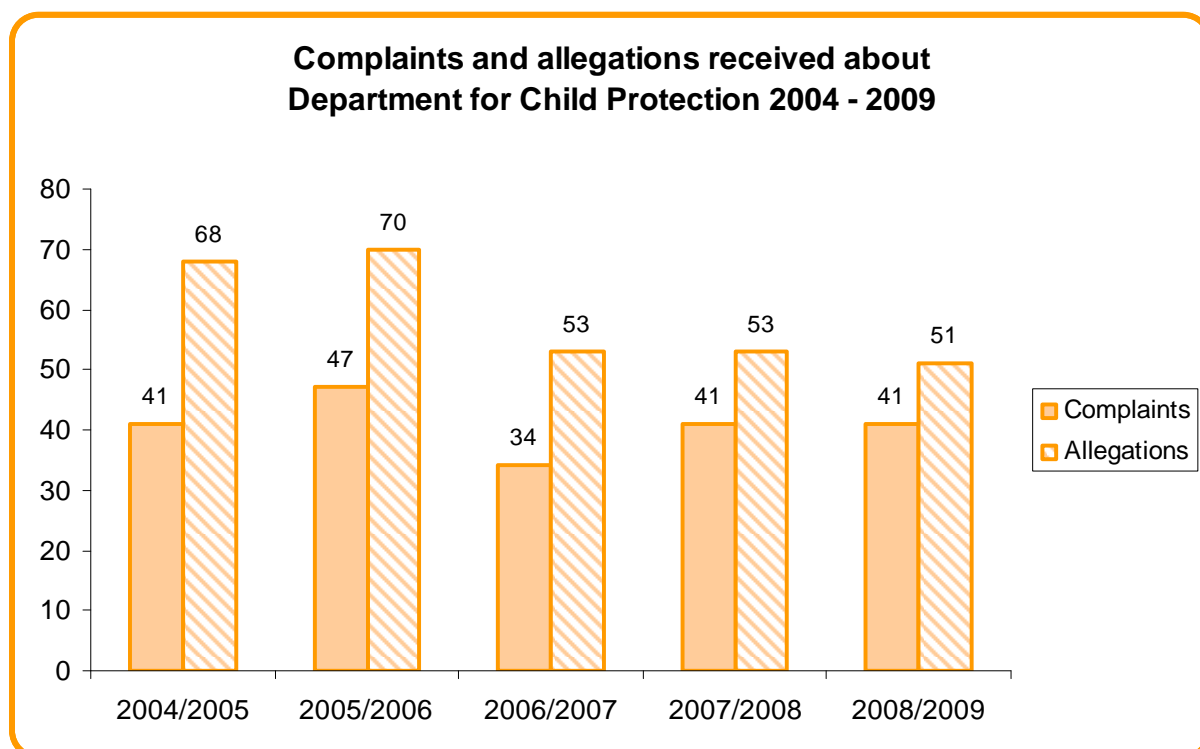
The Department for Child Protection made up three per cent of complaints received in 2008-09. The number of complaints received about the Department has been consistent over the last three years. Three percent of enquiries related to the Department for Child Protection.

### Complaints and Allegations Received

The Department for Child Protection works to meet the needs of vulnerable children and families. It is responsible for protecting and caring for children, and supporting people at risk of crisis.

Details of complaints and allegations received in the last five years about the Department are shown in the chart below.

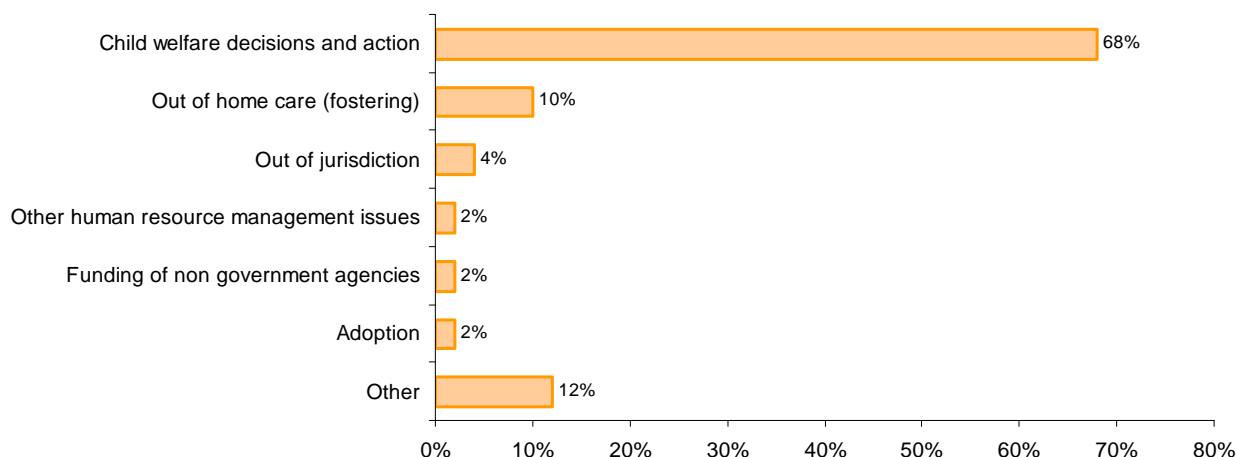
In 2008-09 there were 41 complaints involving 51 allegations. The main areas complained about were decisions and actions on child welfare issues.



## Nature of Allegations

The nature of allegations received about the Department for Child Protection during the year is outlined in the chart below.

**Nature of Department for Child Protection allegations 2008-09**



## Allegations Finalised

A total of 64 allegations were finalised in 2008-09. Forty eight allegations (75%) were finalised at the initial stage without the need for investigation. Twenty four of these (50%) were referred back to the Department's Complaints Management Unit which deals with complaints about decisions and actions taken by the Department in relation to child protection through a three-step process. Sixteen allegations were finalised after investigation.

### Outcome of investigated complaints

Sustained wholly or partly	2
Not sustained	10
Other*	4

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The Department agreed to a suggestion from the Ombudsman that it report back to the Ombudsman at the beginning of 2010 on the number of children in provisional protection and care between April and December 2009, and the rate of compliance with the *Children and Community Services Act 2004*.

## Enquiries Received

One hundred and thirteen enquiries were received relating to the Department for Child Protection. These mostly covered issues relating to child welfare decisions and actions, out-of-home care and departmental human resource management.

Sixty three per cent of people making enquiries were referred back to the Department in the first instance and advised that if they remain dissatisfied with the Department's decision or actions, to write to the Ombudsman again.

### Case Study

#### Ombudsman involvement results in provisional care plans for children in care being prioritised

The complainant raised issues regarding the case management practices and decisions of the Department in regard to her children, who were placed under the provisional protection and care of the Director General of the Department for Child Protection in accordance with the provisions of the *Children and Community Services Act 2004*.

The Ombudsman conducted a formal investigation, which identified that there was a failure by the Department to prepare provisional care plans within seven days of the children being placed in provisional protection and care as required by the Act.

In response, the Department informed the Ombudsman that the completion of provisional care plans has now been identified as an 'elevated priority' for field staff and strategies have been implemented to assist with compliance.

## Health and Hospitals

Complaints relating to the Department of Health and public hospitals comprise two per cent of allegations and complaints received by the Ombudsman in 2008-09. The Office of Health Review also handles complaints about health services. Arrangements are in place to refer matters to the Office of Health Review where appropriate. One per cent of enquiries related to health and hospitals.

### Complaints and Allegations Received

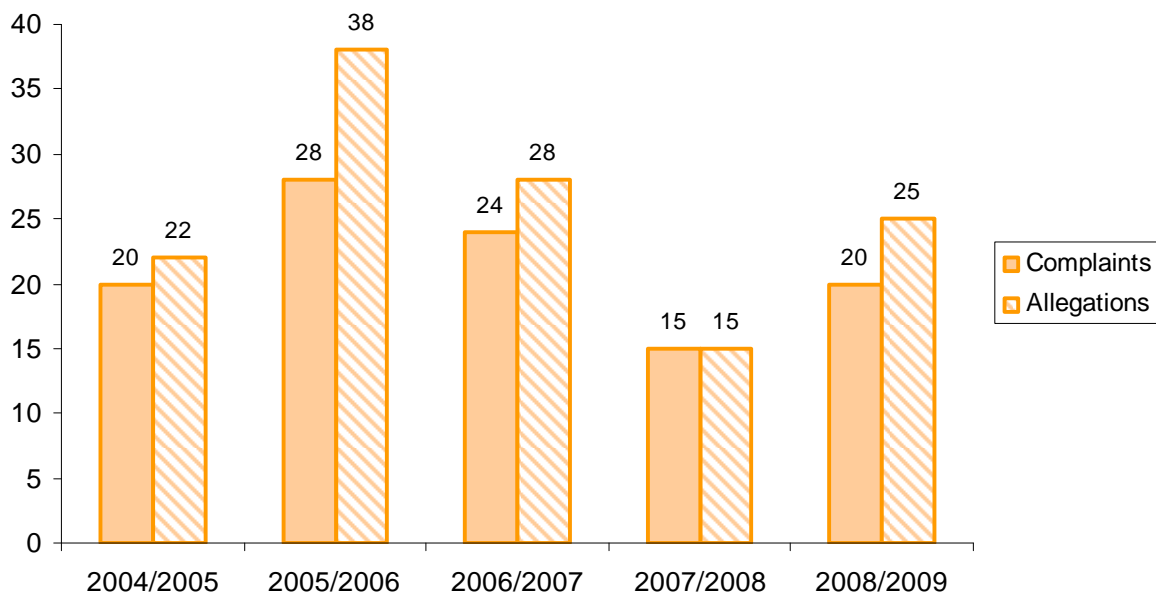
The number of complaints and allegations about health matters received in the last five years is shown below.

After a decline in complaints and allegations received in 2007-08, the number has increased in 2008-09 to a level similar to the number received in 2006-07.

In 2008-09 there were 20 complaints involving 25 allegations. The main areas complained about were:

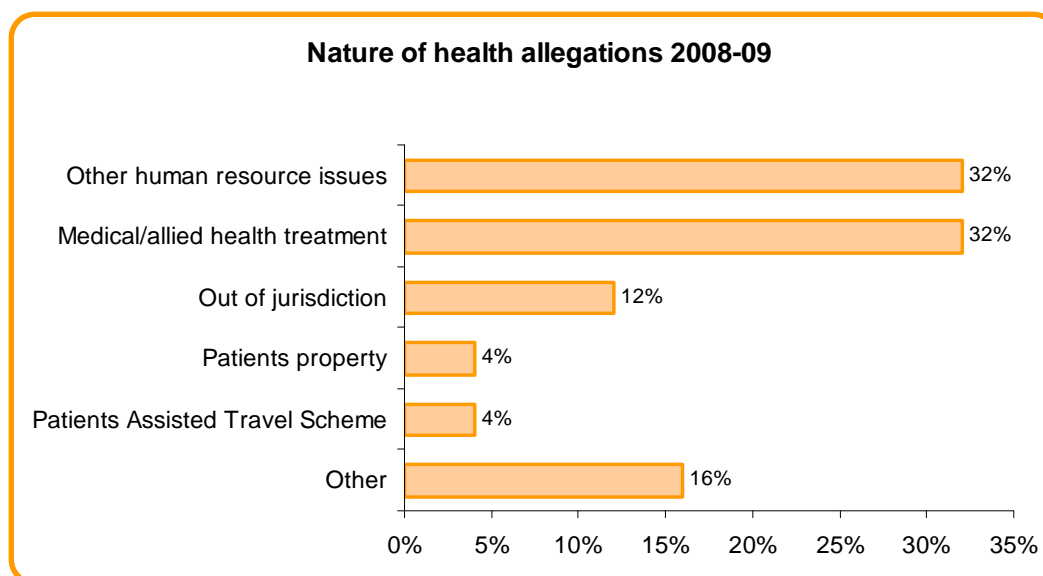
- Patient treatment issues
- Employee issues

**Complaints and allegations received about health 2004 - 2009**



## Nature of Allegations

The nature of allegations is shown in the following chart.



## Allegations Finalised

Twenty nine allegations were finalised in 2008-09. Seventeen (59%) were finalised at the initial stage. Twelve allegations were finalised after investigation.

### Outcome of investigated complaints

Sustained wholly or partly	2
Not sustained	5
Other*	5

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- Compensation was paid to a patient for lost property after it was found that the hospital had not complied with its procedures for recording and handling patient property. The hospital also agreed to establish a working committee to review the hospital's property handling practices;

### Remedy for the complainant

Apology	1
Monetary remedy	2
Other assistance or explanation	1
<b>Direct benefit for complainant</b>	<b>4</b>

- Administration apologised for an error that led to an employee incorrectly recording his income for the financial year, which resulted in interest being charged by the Australian Taxation Office. The employee was also reimbursed for the additional costs incurred due to the error; and

- The Department agreed to recalculate the payment of income arrears for an employee after the employee disputed an earlier calculation. This showed an error in the initial calculation. The Department agreed to make a second lump-sum payment of income arrears covering a four year period. The Department also provided an itemised account of the employee's payment increments as calculated.

#### Improved public administration

Changes to policies/procedures	1
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Improved public administration	1
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### Enquiries Received

Thirty nine enquiries were received relating to health and hospitals. The majority of these related to patient health treatment matters and employee issues. In two thirds of these cases, Ombudsman staff provided information to assist people to take their concerns to the health service provider, the Department of Health or the Office of Health Review.

#### Case Study

#### Ombudsman helps resolve complaint about lost property and prompts review of policies

A complainant alleged that her personal property was lost by a hospital. However the hospital and its insurer denied liability for the loss.

As a result of the Ombudsman's enquiries, the hospital agreed to reimburse the complainant for the loss. The hospital also agreed to conduct its own internal review of its property handling policies and procedures. The hospital formed a working committee of senior medical staff and hospital administrators and commenced its review on the terms of reference suggested by the Ombudsman's Office.

### Requests for Review

The Ombudsman's office is committed to providing complainants with a service that reflects best practice administration. The office provides the opportunity for people dissatisfied with the outcome of their complaint to have the matter reviewed. Twenty nine requests for reviews were received this year, or less than one per cent of the total number of complaints finalised. Twenty four reviews were completed this year. One review resulted in the original decision being amended and in all other cases, the original decisions were upheld.

## Other Complaint Handling Functions

### Public Interest Disclosures

The Ombudsman is one of the authorities nominated in section 5(3) of the **Public Interest Disclosure Act 2003** (the **PID Act**) to receive disclosures about particular types of 'public interest information'. Persons can make disclosures to the Ombudsman where the information relates to:

- A matter of administration that can be investigated under section 14 of the **Parliamentary Commissioner Act 1971**; or
- A public officer other than a member of Parliament, a minister of the Crown, a judicial officer or an officer referred to in Schedule 1 of the *Parliamentary Commissioner Act 1971*.

The information provided is assessed having regard to the legislation and relevant guidelines, and a decision made as to whether the disclosure is a matter requiring investigation. Subject to the requirements of the PID Act regarding confidentiality, the process for investigation of a disclosure is the same as that applied to the investigation of complaints received under the *Parliamentary Commissioner Act 1971*.

During the year the Ombudsman continued the investigation of one disclosure carried over from the previous year and received two others.

As required under the PID Act the office reported the number of disclosures received and the outcome of any investigation to the Office of the Public Sector Standards Commissioner. Any outcomes resulting in changes to public authority practices and procedures are included in the Ombudsman's annual report statistics without identifying that they were the result of a particular public interest disclosure.

### Terrorism

The Ombudsman can receive complaints from a person detained under the **Terrorism (Preventative Detention) Act 2006**, about administrative matters connected with his or her detention. There were no complaints received in this category during the year.

### Indian Ocean Territories

Under the service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman's jurisdiction that operate in the Territories at the Commonwealth's request. There were no complaints from the Indian Ocean Territories during 2008-09.

## Energy Ombudsman

The functions of the Energy Ombudsman are in addition to, and separate from, the Western Australian Ombudsman's role.

During the reporting period, 252 gas-related complaints were received and 98 per cent of these were resolved within 10 business days. A total of 962 electricity complaints were received, 96 per cent of which were resolved within 10 business days.

Ombudsman staff provide support to the Energy Ombudsman team by assisting with complex cases and case reviews. In 2008-09, staff also contributed to strategic Energy Ombudsman projects including:

- A review of the Energy Ombudsman budget for 2009-10; and
- Undertaking the statutory review of the Energy Ombudsman scheme, which is required every two years. The review showed that:
  - The Energy Ombudsman scheme meets the scheme objectives;
  - The scheme achieves the 1997 Australian Government *Benchmarks for Industry-Based Customer Dispute Resolution Schemes*, which cover accessibility, independence, fairness, accountability, efficiency and effectiveness;
  - Process improvements have been put in place to address issues arising from the last review undertaken in 2006; and
  - Overall, the scheme is operating at a very high level.

The Economic Regulation Authority commended the Energy Ombudsman on the comprehensive nature of the review.

Further details are available in the **[Energy Ombudsman Annual Report 2008-09](#)**.



## Improved Public Administration

There are a number of ways in which the Ombudsman achieves outcomes that result in improvements to public administration. These are:

- Identifying and investigating concerns about the decision making and practices of the Western Australian public sector that affect broader sections of the community;
- Making suggestions and recommendations to improve public administration and reporting on and monitoring the implementation of our recommendations;
- Identifying and promoting good decision making and practices through relevant publications, communications, workshops and training;
- Providing guidance and support to public authorities for the development of their internal complaint handling systems; and
- Providing leadership in integrity in the Western Australian public sector, including working collaboratively with other integrity agencies and co-located accountability agencies.

### Ombudsman Investigation and Reviews

The Ombudsman contributes to the continuous improvement of public administration through the identification and investigation of concerns affecting broader sections of the community. During the year, the office established a new Administrative Improvement Team to reinvigorate this role. The team works to identify emerging trends and topics of public interest and concern suitable for investigation.

#### Criteria for Topic Selection

Topics to investigate are selected on the basis of criteria including:

- The number of complaints received by the Ombudsman;
- The likely public interest in the identified issue of concern;
- The number of people likely to be affected;
- Whether other reviews of the issue have carried out recently or are in progress;
- The potential for an investigation to improve administration across the public sector; and
- Whether investigation of the chosen topic is the best and most efficient use of office resources.

To maximise the benefit to public administration, topics selected for investigation are likely to raise issues that are relevant to a number of agencies across the public sector.

## Investigation Topics in 2008-09

Work commenced during the year on two investigation topics and will continue into 2009-10:

- **The management of personal information by State Government agencies and local governments:** Members of the community are required by statute to provide personal information to State Government agencies and local governments for a range of reasons. Legislation allows agencies to share this personal information with each other and to disclose it to third parties in certain circumstances. The way in which agencies manage personal information has become an ongoing source of community concern and complaint, particularly in light of recent examples of its unauthorised use and release. The Ombudsman therefore decided to conduct an investigation to determine how well agencies comply with good practice principles for the management of personal information.
- **The effective administration of complaint handling systems in State Government agencies and local governments:** In line with good practice complaint handling principles, the Ombudsman's office refers complainants back to agencies' complaint handling processes in the first instance, with the option to advise the Ombudsman if the problem cannot be resolved. It is generally more efficient and effective for complaints to be resolved at the local level wherever possible. However, two previous surveys of public sector complaint systems found that very few agencies complied with national standards. The Ombudsman will conduct a further survey in 2009-10 to determine the standard and effectiveness of agencies' complaint handling processes.

The Ombudsman consults regularly with public authorities involved in major reviews and investigations to ensure that the facts and understanding of the issues are correct and any findings are evidence based.

## Follow Up of Ombudsman Investigation into the Complaints Management Process in the Department of Education and Training

In November 2007, the Ombudsman published the **Progress Report on the Implementation of the Ombudsman's Recommendations by 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 report of the investigation - published in November 2006 - identified a number of systemic issues and five recommendations were made.

The Progress Report noted that the Department had made positive progress towards improving its complaints management processes and had commenced a comprehensive reform of its complaint handling processes involving changes to policies, procedures and practices.

The Department's commitment to improving its complaints management system is to be commended.

## Ombudsman Suggestions and Recommendations

Investigations undertaken by the office are a key mechanism through which administrative improvements are achieved. In a number of cases, the Ombudsman makes recommendations or suggestions to a public authority for improvements to processes or procedures as a result of shortcomings identified during the office's enquiries. Some improvements occur because a public authority voluntarily initiates a review of its processes and procedures where, as a result of the Ombudsman's enquiries, it realises there were gaps in its service delivery that should be addressed. There were 29 improvements to the practices and procedures of public authorities during the year as a result of recommendations or suggestions made by the Ombudsman. Twenty four per cent of these improvements were to public authority complaint handling systems.

In addition, there were 43 instances where public authorities voluntarily initiated changes to practices or procedures, or initiated training for staff, as a result of complaints being made to the Ombudsman. A number of these improvements related to communication of information to the public. Some public authorities updated information provided on web sites about their processes and procedures, others updated standard letters, information sheets and information provided to people about appeal mechanisms. There were also improvements to processes for providing reasons for decisions and in record keeping systems.

### Case Study

#### Ombudsman involvement results in improved monitoring of conditions for resource industry projects

A resource industry project was approved subject to certain conditions. The Ombudsman received a complaint that the conditions were not being monitored appropriately by the relevant public authority and that complaints about the issue had not been adequately addressed.

The Ombudsman investigation showed inadequacies in the monitoring procedures and associated record keeping, and shortcomings in the handling of complaints made about the matter.

The Ombudsman made recommendations to overcome the problems identified in the investigation and the public authority reported on a number of initiatives to address the issues raised. The recommendations had broader application across the authority's role in monitoring conditions related to project approvals. In addition, the public authority accepted that its dealings with the complainant had not been adequate and reviewed its complaint handling processes.

## Portfolio Liaison

Ombudsman staff liaise regularly with public sector authorities to promote good public administration. This is done through:

- The Ombudsman meeting with Directors General and Chief Executive Officers;
- Ombudsman staff meeting with senior staff of Complaint Handling Units in public authorities;
- Training on the role and function of the Ombudsman and complaint resolution; and
- Seminars for Ombudsman staff on public authority roles and functions to enhance the development of practical recommendations and suggestions for administrative improvement for complaints received.

Liaison may occur in response to individual complaints or as part of managing portfolios within the office. It provides opportunities for Ombudsman staff to share and exchange information with public authorities, and report on complaint trends and emerging systemic issues. Key outcomes achieved in this area during 2008-09 are outlined below.

### Corrective Services

The Complaint Resolution Team conducted the following activities during the year:

- Regular meetings were held with senior Corrective Services staff to keep them updated on developments, trends and issues. These meetings provided an opportunity to share information and address systemic issues relating to the well-being of prisoners;
- ACCESS staff and the Ombudsman's office shared statistical information on the complaint referral process to assess if pathways for prisoner complaints are effective for prisoners;
- Past and present prisoner enquiries and complaints were monitored to identify systemic issues and ensure prisoner concerns were handled appropriately;
- Meetings were held with staff of the Office of the Inspector of Custodial Services four times during the year to discuss issues of mutual concern and ways to address them in the future;
- Enquiries and complaints from Indigenous prisoners were monitored as this is an area of common interest for the Department of Corrective Services, the Inspector of Custodial Services and the Ombudsman; and
- A meeting was held with the contract management division of the Department of Corrective Services and its private contractors to address issues of mutual concern and establish proactive ways of working together to resolve complaints. In the future, the Complaint Resolution Team will participate in monthly forums for public authorities and private contractors to jointly address issues as they arise.

## Prison Officer Training

Training of new prison officers about the role and expectations of the Ombudsman in relation to prisoner complaints was a strong commitment of the Ombudsman's office during the year. Staff talked to trainee officers about the processes for dealing with prisoner complaints and outlined the types of grievances that should be able to be resolved at the local prison level. Over 10 training sessions were conducted with highly positive feedback from the participants.

## Prison Visits

During the year, staff from the Ombudsman's office attended two prison visits. The Ombudsman attended Bandyup Women's Prison for the launch of the self care unit and toured the facility. The new self care unit is an important rehabilitation development for the prisoners.

As part of the **Regional Awareness and Accessibility Program** visit to Kalgoorlie in May, the Ombudsman and senior staff from the office visited Eastern Goldfields Regional Prison. Staff met with senior prison staff including the Superintendent, members of the Aboriginal Visitors Scheme and Peer Support Prisoners. They also toured the prison buildings and grounds, especially noting the location of telephones and confidential mailboxes to enable prisoners to contact the Ombudsman's office.

The visit provided an excellent opportunity for Ombudsman staff and prison staff to meet and discuss issues of concern, give updates on new policies and procedures and to discuss the best ways to address prisoner complaints. The prison was supplied with guidelines and information sheets including the new brochure **Complaining to the Ombudsman – Information for prisoners**, which were well received. Prison officers asked for ongoing contact with the Ombudsman as a way of staying informed about efficient complaint resolution. The visit was an important reminder that developing local networks supports timely and effective complaint resolution.

Incorporating a visit to the local prison into the Regional Awareness and Accessibility Program has been successful. Visits to regional prisons as part of the Program will continue in 2009-10.

## Local government

Complaints about local government can be very complex when they relate to planning, development and building approvals. They require considerable knowledge of the relevant rules, regulations and codes relating to these areas. The following action was taken during the year to strengthen the capacity of Ombudsman staff in relation to local government issues:

- Two Ombudsman officers attended the Western Australian Local Government Association (WALGA) Local Government Compliance Officers Forum;
- The Director Access and Resolution spoke about *Good decision making in government* at the 2008 West Australian Rangers Association International Professional Development Conference;
- Two staff attended the Planning Institute Forum; and

- A guest speaker from local government gave a presentation to Ombudsman staff about the issues faced by local government relating to property rating and collection of rates.

### Child Protection

The following activities were undertaken by the Complaint Resolution Team in 2008-09:

- Discussions with the Department for Child Protection's Complaints Management Unit regarding the most effective and efficient approach to resolving complaints about the Department and the referral of complainants between the two agencies for assistance;
- Presentation by the Department's Complaint Management Unit for Ombudsman staff on the new complaint management system;
- In-house training of Ombudsman staff on the Department's new complaint management system;
- Discussions with the Department regarding a trial Department of Child Protection/Centrelink strategy of income management and their clients rights of appeal; and
- Liaison meetings between the Department for Child Protection and Ombudsman staff to familiarise each other with respective roles in relation to issues, trends and concerns relating to complaints.

### Housing

After observing that an increasing number of complaints about anti-social behaviour of tenants were becoming more complex, and in response to growing concerns about the issues raised in such complaints, Ombudsman staff met with Department of Housing staff to discuss the implementation of a departmental trial strategy to address tenant anti-social behaviour issues. Ombudsman staff propose to monitor complaints received in this area and will continue to liaise with departmental staff in relation to the strategy.



## Promoting Good Administrative Practices

Improvements to public administration can be achieved through assistance, education and training programs. The office provides high level strategic advice to public authorities on their administrative practices and complaint handling systems.

### Assistance with Good Administrative and Decision Making Practices

#### ICG Forum 2008 – Taking Action on Integrity Issues

In 2008-09, the **Integrity Coordinating Group (ICG)** presented the *ICG Forum 2008 - Taking Action on Integrity Issues* to give public authorities an insight into how the accountability agencies deal with integrity issues.

The ICG Forum 2008, influenced by feedback to the 2007 Forum, took a practical approach, adopting hypothetical scenarios using professional actors. The ICG produced a DVD of the forum for use by public authorities in staff training and education. The DVD is also an important mechanism to facilitate the ICG's shared commitment to communicating about integrity issues throughout the State.

Over 170 senior staff from State Government agencies, local governments and public universities attended the ICG Forum to hear the views of the integrity agencies on issues such as misuse of corporate credit cards, theft of government resources, inappropriate access and disclosure of confidential information and mismanagement of grievance processes. Attendees received the ICG's latest information brochure *Taking Action on Integrity Issues*, giving guidance for managing integrity issues.



Feedback from attendees was extremely positive with 97% saying that they were either very satisfied or satisfied with the overall quality of the event.

The *Taking Action on Integrity Issues* brochure can be downloaded from the ICG website at [www.opssc.wa.gov.au/icg](http://www.opssc.wa.gov.au/icg) or received electronically by emailing [icg@ombudsman.wa.gov.au](mailto:icg@ombudsman.wa.gov.au). For more information on the Integrity Coordinating Group, see **Working Collaboratively**.

#### Good Public Administration Workshop

The office worked collaboratively with the New South Wales Ombudsman's office and the Queensland Ombudsman's office during the year to develop workshop materials to deliver at a joint workshop on good public administration. The workshop will be held as part of the Australian Public Sector Anti-Corruption Conference in July 2009.

## Guidelines on Good Administrative and Decision Making Practices

The Ombudsman's office publishes a range of brochures, guidelines and information sheets to assist public authorities to improve their administrative practices and procedures. These cover procedural fairness, good record keeping, guidelines for conducting administrative investigations and providing redress. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) or requests for hard copy publications can be made to the office. A full list of current publications is listed in **Appendix 3**.

In addition, significant work has been undertaken to develop new guidelines on exercising discretion in administrative decision making and providing reasons for decisions. These new documents will be released later in 2009.

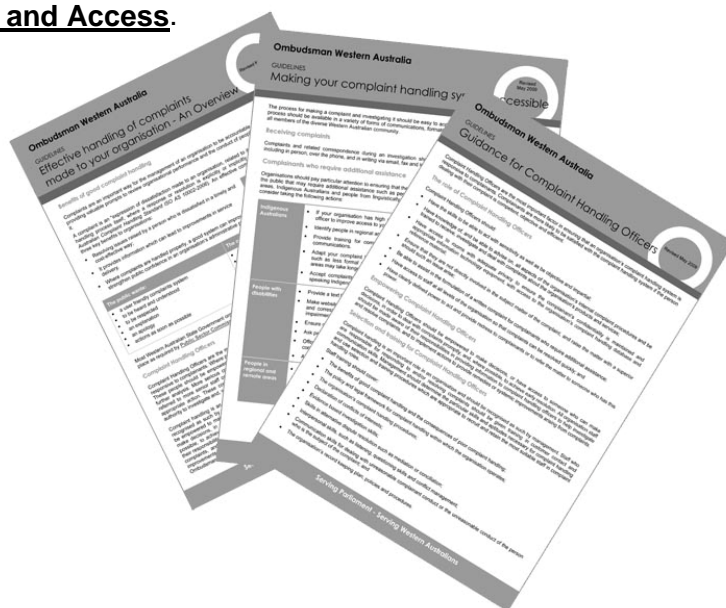
## Assistance with Complaint Handling Practices

### Guidelines and Resource Materials on Good Complaint Handling Systems

During the financial year, the office developed new complaint handling guidelines to assist public authorities to resolve complaints. These include guidelines on complaint handling systems, a complaint handling systems checklist, guidelines on making complaint handling systems accessible and guidance for Complaint Handling Officers. The guidelines complement the range of other resource material published by the Ombudsman's office. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) or requests for hard copy publications can be made to the office. A full list of current publications is listed in **Appendix 3**.

### Complaint Handling Workshop

Following the release of the office's complaint handling guidelines, workshop materials were developed for use with public authorities. The workshops covered topics including what is a complaint, the benefits of effective complaint handling, advice for complaint handling officers, complaint investigation and resolution, remedies and redress and dealing with unreasonable complainant conduct. The workshop will be delivered initially as part of the Regional Awareness and Accessibility Program later in 2009 and may be presented at other forums throughout the next reporting year. Further details of the Regional Awareness and Accessibility Program can be seen under **Communication and Access**.





## Working Collaboratively

The Ombudsman's office worked collaboratively on a number of programs and initiatives and was represented on a number of groups and committees throughout the year.

Program/Initiative	Agencies involved	Details
Regional Awareness and Accessibility Program	Ombudsman Western Australia Commonwealth Ombudsman Office of the Public Sector Standards Commissioner Office of the Information Commissioner Office of Health Review	The Ombudsman launched the Regional Awareness and Accessibility Program in 2008-09 to significantly enhance awareness of, and accessibility to, the office's services for regional and Indigenous Western Australians. Further details of the Program can be seen under <b><u>Communication and Access</u></b> .
Indonesian-Australian Ombudsman Linkages and Strengthening Program	Ombudsman Western Australia Commonwealth Ombudsman New South Wales Ombudsman Ombudsman of the Republic of Indonesia	The 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. Program activities help to strengthen the links between Ombudsman offices in Indonesia and Australia and strengthen the complaint handling and investigation capacity of staff. The Ombudsman's office has been involved with the program since 2005 and supports the program through staff placements in Indonesia and Australia.
Dealing with Complainants whose Behaviour is Challenging	Ombudsman Western Australia Led by New South Wales Ombudsman, involving Parliamentary Ombudsmen from all other Australian jurisdictions	<p>Since 2006, the office has been part of a national research project led by the New South Wales Ombudsman to develop better strategies for managing complainants whose behaviour is challenging. During the project, an interim practice manual was developed in 2007 for Ombudsman staff to assist them to deal with challenging behaviour.</p> <p>In 2008-09, the office invited several Western Australian public authorities to trial the practice manual to gauge whether it would have broader application. The feedback was very positive. The manual was put on the office's website for wider distribution. A final manual was released by the New South Wales Ombudsman's office in June 2009. This will be made available to public authorities in the 2009-10 year through the office's website.</p>

Groups/Committees	Agencies involved	Details
State Records Commission	Ombudsman Western Australia Information Commissioner Auditor General	<p>The Ombudsman is a member of the State Records Commission, which was established in July 2001 under the <b><u>State Records Act 2000</u></b>. The Commission monitors the operation of, and compliance with, the legislation, monitors record keeping compliance by government bodies and makes enquiries into alleged breaches of the legislation. The Commission reports direct to Parliament.</p> <p>The Ombudsman participated in four meetings of the Commission during the financial year.</p>
Integrity Coordinating Group	Ombudsman Western Australia Commissioner for Public Sector Standards Corruption and Crime Commissioner Auditor General	<p>The <b><u>Integrity Coordinating Group</u></b> (ICG) was formed to promote and strengthen integrity in Western Australian public bodies.</p> <p>The group works collaboratively in:</p> <ul style="list-style-type: none"> <li>• fostering cooperation between public sector integrity bodies;</li> <li>• encouraging coordinated research, evaluation and monitoring of the implementation of integrity and accountability;</li> <li>• fostering operational cooperation and consistency in communication, education and support in public sector organisations; and</li> <li>• providing ongoing advice to government and the public on integrity issues.</li> </ul>
Australia and New Zealand Ombudsman Association (ANZOA)	16 Parliamentary and industry-based Ombudsmen from Australia and New Zealand including the Ombudsman Western Australia and the Energy Ombudsman Western Australia.	<p><b><u>ANZOA</u></b> is a peak body industry association for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. ANZOA acts as a network for consultation and discussion for Ombudsman schemes/offices on matters of interest, concern or common experience.</p> <p>The Ombudsman's office supports the network by attending meetings and submitting a quarterly report on activities in Western Australia.</p> <p>The Director Access and Resolution is involved in ANZOA's First Contact Group for staff working directly with complaints received from the public.</p>

## Child Death Review and Investigations

There are two outcomes related to the new child death review and investigations function highlighted in the office's Strategic Plan 2009-11. These are:

- Reviewing, investigating and making recommendations to the Department for Child Protection and other public authorities in relation to preventable deaths of children; and
- Advancing good decision making and practices in services to children and their families, and strengthening collaborative approaches across the public sector to child safety and well-being.

Prudence Ford undertook an independent review of the former Department for Community Development in 2007 (**Review of the Department for Community Development, Prudence Ford, January 2007**). The report made three recommendations relating to the Ombudsman:

- That the Department develop a three tier complaints process, in conjunction with the Ombudsman and the Corruption and Crime Commission (Recommendation 30);
- That the child death review function be transferred from the ministerial Child Death Review Committee to the Ombudsman (Recommendation 31); and
- That a small specialist investigative unit be established within the Ombudsman's office to investigate complaints and examine cases of child deaths involving a number of agencies (Recommendation 32).

These recommendations were endorsed and funding approved by the State Government during 2008-09. Work then commenced on transferring the child death review function to the Ombudsman's office during the reporting year.

Legislative changes were required to enable the transfer of the new function. Amendments to the **Parliamentary Commissioner Act 1971** were passed by the Western Australian Parliament in June 2009 and the new jurisdiction became effective on 30 June 2009.

The new powers enable the Ombudsman to review and investigate the sudden or unexpected deaths of certain children known to the Department for Child Protection. The Ombudsman can:

- Monitor and review the investigable deaths of children;
- Exercise existing powers to investigate administrative actions that relate to investigable deaths; and
- Make recommendations to the Department for Child Protection and other public authorities within the Ombudsman's jurisdiction, relating to policies, practices and systems for the prevention or reduction of deaths of children and to advance good decision making practice.

During the year, significant work was carried out on developing policies, procedures and systems to support a small investigative unit to carry out the new function which will be known as the Child Death Review Team.

## Audit and Review of Statutory Compliance

The office is involved in the audit and review of statutory compliance in the areas of telecommunications intercepts used by Western Australia Police and the Corruption and Crime Commission and reviewing appeals by international students. Issues around international university students has been an emerging topic of significant interest for the office over the reporting year.

### Audits of Telecommunication Intercepts

The **Telecommunications (Interception) Western Australia Act 1996**, the *Telecommunications (Interception) Western Australia Regulations 1996* and the Commonwealth *Telecommunications (Interception and Access) Act 1979* permit certain designated 'eligible authorities' to carry out strictly regulated telecommunication interceptions. In this State, Western Australia Police and the Corruption and Crime Commission are eligible authorities.

Under the Regulations, the Ombudsman is appointed as the Principal Inspector to inspect the interception activities of both Western Australia Police and the Corruption and Crime Commission to ensure they are meeting their legislative requirements and carrying out interceptions lawfully. The Ombudsman must inspect the telecommunications interception records of Western Australia Police and the Corruption and Crime Commission at least twice a year and report on the outcome to the relevant Western Australian and Australian Government ministers within three months of the end of the financial year.

During the year, the office implemented processes to enhance the efficiency of the telecommunication interception inspection process. This was done by updating the inspection manual, in consultation with eligible authorities, increased training for inspection officers and revising the timing of inspections to better align with eligible authorities' telecommunication interception processes.

In 2008-09, Ombudsman staff undertook 33 inspections at eligible authorities and reported in accordance with the legislation.

### Reviewing Appeals by International Students

The Ombudsman's office reviews appeals by international students who are facing cancellation of their visas because of failure to meet educational requirements. The right to an external appeal is provided under the **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007** (the Code) which is part of the Australian Government framework regulating international education services.

A full overview of this function and the work carried out during the reporting period can be seen under the **Report on Operations – International students**.

## Communications and Access

In 2008-09, the office continued exploring ways to raise awareness of the role of the Ombudsman in the Western Australian community. A dedicated Communications Manager was appointed during the year and a review was conducted of existing communications materials and activities.

Development of a draft communications strategy commenced with the key objectives of raising the profile of, and promoting accessibility to, the Ombudsman among stakeholder groups. The communications strategy will be finalised in the 2009-10 financial year in line with the outcomes of the office's strategic planning initiatives.

During the year, key messages and target audiences were identified and a number of new communications initiatives were implemented as detailed below.

### Regional Awareness and Accessibility Program

The Ombudsman launched the Regional Awareness and Accessibility Program (**the Program**) in 2008-09 as a key initiative in strengthening relationships with regional and Indigenous Western Australians. These groups are currently under-represented among complainants.

The Program aims to improve access to, and understanding of, the Ombudsman's services to regional Western Australians. It also promotes good administrative practices, effective complaint/dispute resolution, ethical conduct and appropriate access to information in the public sector.



**Geraldton Regional Visit June 2009.**

L-R: Information Commissioner Sven Bluemmel, Gary Savill, Treasury and Finance, Ombudsman Chris Field, Beverley Hills, Advocare and Roslyn Miller, Shire of Carnamah.

While the Program is coordinated by the Ombudsman's office, it incorporates the work of other agencies including the Office of the Public Sector Standards Commissioner, Office of Health Review, Office of the Information Commissioner and the Commonwealth Ombudsman's office.

Visits were held in the Goldfields-Esperance Region in May 2009 and the Mid West Region in June 2009.

Activities undertaken as part of each regional visit included:

- Complaints clinics to provide an opportunity for people to speak with complaint resolution staff face to face. Where possible, complaint issues were resolved during the regional visits;
- Seminars for regionally-based public sector agencies and local governments to discuss the office's role, relevant issues and trends related to complaints and good administrative practice;
- A seminar for community groups to discuss the role of the Ombudsman and how to make a complaint;
- A workshop with Indigenous community groups on challenging issues and ways to improve accessibility to the Ombudsman's office; and
- Individual meetings with key regional stakeholders and visits to regional prisons.

Key outcomes of the Program to date include:

- Increased awareness and accessibility derived from the Program will contribute to the development of a comprehensive strategy for working with regional and Indigenous groups;
- Providing public authorities with key contacts for skills development, workshops and information sharing;
- The establishment and maintenance of networks and relationships with regional stakeholders for the dissemination of information and improved accessibility;
- Insight into the issues and challenges facing people in regional areas; and
- Development of two-way communications channels to build mutually beneficial relationships.

More visits are planned for other regional locations in 2009-10 including a visit to the Peel region in November. For more details on the Program visit the website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au).

### 'Ask the Ombudsman' on 6PR Nightline

The Ombudsman continued to appear regularly on 'Ask the Ombudsman' on the 6PR Nightline program. Listeners who had queries for the Ombudsman's office have the opportunity to email or call in and discuss their complaints with the Ombudsman live on air.

The appearances assist with the continued promotion of the role and function of the Ombudsman to the Western Australian public. The Ombudsman appeared on 6PR Nightline in September, December, February and May.



## Newsletter

The **Western Australian Ombudsman Newsletter** was issued in July, November, February and June. The newsletter is a key vehicle for promoting office achievements, upcoming events and new materials and resources to key target audiences.

The newsletters included articles on Ombudsman initiatives and projects; public sector responses to Ombudsman recommendations; office achievements; case studies; helpful information and resources; a series of team work profiles; and Ombudsman staff profiles.

The newsletter is published on the Ombudsman's website and an email with a link to the newsletter is sent directly to all public authorities, members of Parliament and interested members of the public.

As part of the Communications Strategy, the newsletter will undergo a reinvigoration during 2009-10.

**Western Australian Ombudsman**

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**Goldfields-Esperance visit improves access and awareness in the region**

Over three days in early May, the Western Australian Ombudsman and Energy Ombudsman held a series of seminars, workshops and complaints clinics in Kalgoorlie.

The purpose of these events was to meet with community members, community groups, Indigenous groups, government agencies, local governments and others to resolve complaints and promote good administrative practice.

The event was organised with the Commissioner for Public Sector Standards, Office of Health Review, Freedom of Information Commission and Commonwealth Ombudsman who joined the Ombudsman's office on the visit.

Western Australian Ombudsman, Chris Field, said the Regional Awareness and Accessibility Program visit was an important priority for his office.

"We want to ensure that the services of our agencies are as accessible as they can possibly be to Western Australians living and working in regional areas," said Mr Field.

"We want to go to the regions and learn from the community what we can do to better serve their needs".

During the visit, the accountability agencies held a number of Complaints Clinics to give local people the opportunity to discuss their unresolved concerns about government services with the accountability agencies.

"We were very pleased to be able to offer quick, informal resolution to the concerns community members had about government services," Mr Field said.

*Continues on Page 4*

Serving Parliament - Serving Western Australians

## Ombudsman Speeches and Presentations

An important way for the office to promote awareness of its role is through presentations at conferences and seminars. In 2008-09, the Ombudsman delivered speeches or presentations to:

- New members of the Western Australian Parliament on *The role of the Ombudsman* in September 2008;
- The Integrity Coordinating Group Forum in October 2008;
- The Public Sector Governance Conference 2008 on *Accomplishing successful leadership through integrity* in November 2008;
- The Economic Regulation Authority Water Managers Forum on *The role of the Energy Ombudsman and the proposed Water Ombudsman* in March 2009; and
- The Institute of Public Administration at a Twilight Seminar on *Meet the Integrity Group: The Role of the Ombudsman* in March 2009.

Copies of these speeches are available at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

## Attendance at Conferences, Events and Seminars

Ombudsman staff represented the office at a number of external conferences, events and seminars throughout the year. Highlights for 2008-09 include:

- The Deputy Ombudsman attended the *IXth International Ombudsman Institute World Conference* and *The Swedish Parliamentary Ombudsmen 200 Year Anniversary* celebrations in Stockholm in June; and
- The Ombudsman attended the annual 2008 W.S. Lonnie Awards in June where the Ombudsman's office received a Silver Award in the 'Less than 100 FTE' category and sponsored the 'Outstanding Complaint Handling' award.

## Publications

The office publishes a range of brochures, guidelines and information sheets to assist complainants and public authorities to understand the services the office delivers. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) and hard copies can be mailed on request. A full list of publications is shown in **Appendix 3**.

During 2008-09, the content and design of all guidelines and information sheets were reviewed. A number of new publications were issued during the period:

- Information Sheet for Complainants - How to complain to the Ombudsman;
- Information Sheet for Agencies - About the Ombudsman;
- Effective handling of complaints made to your organisation;
- Effective handling of complaints – Checklist;
- Making your complaint handling system accessible; and
- Guidance for Complaint Handling Officers.

## Accessibility for People from Diverse Backgrounds

The Ombudsman's office is committed to ensuring that it is accessible to people with special needs and from diverse backgrounds. The office strives to publish all documents in plain English. Publications and information are available in alternative formats on request. TTY phone access is available for people with a hearing impairment.

Where necessary, the complaint process is modified to meet individual needs. This includes meeting with people who have difficulty attending the office or using translation services.

Information about the role of the Ombudsman and how to complain will be available on the new public website (to be launched later in 2009) and in hard copy on request in 15 languages appropriate to the cultural and linguistic diversity of the office's clients. Further translations can be made on request.