

Report on Operations

This section of the report provides detail about the core work of the office, including major achievements, initiatives and projects for the year.

- Outcomes Summary
- Complaint Resolution
- Administrative Improvement
- Child Death Review
- Communications and Collaboration



Resolving
Complaints &
Improving Public
Administration

Outcomes Summary

Summary of Performance Outcomes

Key Effectiveness Indicators

The Ombudsman aims to improve the decision making, practices and conduct in public authorities by making recommendations and suggestions that are practical and effective. Key indicators are the percentage of recommendations and suggestions accepted by public authorities and the number of improvements that occur as a result.

Key Effectiveness Indicators	2009-10 Target	2009-10 Actual	Variance
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	100%	100%	0%
Number of improvements to practices or procedures as a result of Ombudsman action	40	49	+9

In addition to recommendations and suggestions, public authorities also initiate their own action to improve their decision making and practices. This year there were a further 45 actions initiated by public authorities to improve their practices as well as 111 actions to provide a remedy for the complainant as a result of the Ombudsman's investigations.

Comparison of Actual Results and Budget Targets

As for the previous three years, in 2009-10 there has been 100 per cent acceptance of recommendations and suggestions made by the Ombudsman. This year there were 49 improvements to administrative practices as a result of both complaint resolution activities and administrative improvement projects. This exceeds the target of 40 due to a larger than expected number of accepted suggestions arising from administrative improvement projects undertaken by the office this year.

Key Efficiency Indicators

The key efficiency indicators relate to timeliness of complaint handling, the cost per finalised allegation about public authorities and the cost per finalised notification of the sudden and unexpected death of a child.

Key Efficiency Indicators	2009-10 Target	2009-10 Actual	Variance
Percentage of allegations finalised within three months	80%	82%	+2%
Percentage of allegations finalised within 12 months	95%	99%	+4%
Percentage of allegations on hand at 30 June less than three months old	50%	63%	+13%
Percentage of allegations on hand at 30 June less than 12 months old	85%	97%	+12%
Average cost per finalised allegation	\$2,860	\$1,999	-\$861
Average cost per finalised notification of the sudden or unexpected death of a child	NA	\$9,377	NA

Comparison of Actual Results and Budget Targets

The office has continued to build on a substantial improvement in the timeliness of complaint handling over the previous three years due to a strong focus on internal efficiency processes. All timeliness indicators exceeded the target for 2009-10.

In 2009-10 there were 2,015 allegations finalised compared to 1,478 in 2008-09. As there has been only a modest increase in resources for complaint resolution, the increase in finalised allegations has contributed to a decline in the cost per finalised allegation in 2009-10.

This year the office received additional funding to establish the child death review function. A new indicator has been introduced for the first time this year, on the cost per finalised notification of the sudden or unexpected death of a child.

Summary of Financial Outcomes

The Ombudsman's estimated cost of services increased in 2009-10 due to an approved budget increase associated with the new child death review function which commenced in the office on 30 June 2009.

Financial Performance	2009-10 Target ('000s)	2009-10 Actual ('000s)	Variation ('000s)
Total cost of services (expense limit) (details from income statement)	5,913	6,965	1,052
Net cost of services (details from income statement)	5,274	6,012	738
Total equity (details from balance sheet)	1,514	1,301	-213
Net increase / (decrease) in cash held (details from cashflow statement)	14	60	46
Approved full time equivalent (FTE) staff level	52	59	7

Comparison of Actual Results and Budget Targets

Total Cost of Services

The increase in total cost of services of \$1.05 million was primarily due to increased staffing expenses due to:

- An additional three staff needed to handle a 62 per cent increase in complaints under the Ombudsman's jurisdiction, funded through \$300,000 in supplementary funding;
- An additional two staff needed to handle an increase in complaints under the Energy Ombudsman jurisdiction, fully offset by \$264,000 in additional revenue; and
- Increased leave liability for the additional staff for the new child death review function.

There was also an increase in depreciation expenses, associated with previously approved capital purchases.

Net Cost of Services

The net cost of services increased by a lesser amount of \$738,000 due to a higher than estimated revenue, primarily due to an additional \$264,000 approved by the Board of the Energy Ombudsman Western Australia to cover the increased costs of complaint resolution under the Energy jurisdiction.

Total Equity

During 2009-10 the Ombudsman's total equity declined by \$153,000 to \$1.30 million, primarily due to higher than estimated provisions for leave liability associated with the additional staff appointed to carry out the new child death review function.

Net increase (decrease) in cash held

Cash held increased slightly more than expected due to a lower than expected expenditure of asset purchases arising from a deferral of the purchase of a database for case management of child death reviews to 2010-11.

Complaint Resolution

This section provides details about a core Ombudsman function, resolving complaints received from the public about public authorities.

Contacts

Each year, thousands of people contact the Ombudsman's office. Some of these contacts result in complaints being received by the office, while others are enquiries from people seeking advice about an issue or information on how to make a complaint. The office provides assistance to the public by resolving their complaint, providing advice, or referring the matter to another, more appropriate complaint handling body.

Resolving Complaints

Often the office will undertake an investigation to resolve a complaint. Where it is possible and appropriate, staff use the office's early resolution process. This approach is highly efficient and effective and results in timely resolution of complaints. It often results in public authorities initiating action voluntarily to resolve the matter and to assist the complainant, and taking action to prevent similar complaints arising again.

Outcomes of Complaints

There are a number of possible outcomes from an Ombudsman investigation. Public authorities may initiate action to resolve the complaint, which may include providing assistance to the complainant and introducing changes to practices and procedures to address broader systemic issues. In other cases, the Ombudsman makes recommendations or suggestions that such action occurs following an investigation.

"The office's early resolution approach to resolving complaints has proved to be highly efficient and effective."

Complaint resolution is one available method to identify and bring about improvements to public administration. Complaint resolution staff work closely with the Administrative Improvement Team by tracking complaints and enquiries to monitor systemic issues to inform the office of potential broader administrative improvement projects.

2009-10 Snapshot

The following pages provide a snapshot of the complaints and enquiries received and finalised during the reporting year, as well as current trends and issues observed in complaints. [Appendix 1](#) shows details of all complaints received and finalised for each public authority.

All Contacts to the Office in 2009-10



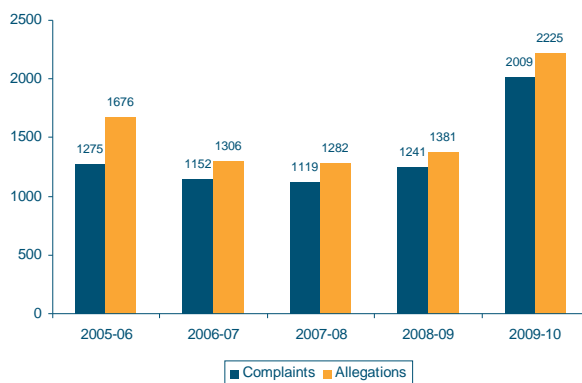
Complaints Received

The office received 2,009 complaints in 2009-10 which represents a 62 per cent increase in complaints compared to the previous financial year. One complaint may cover more than one allegation or issue. During the year, 2,225 allegations were received.



COMPLAINT NUMBERS INCREASE IN 2009-10

Total Number of Complaints and Allegations Received 2005-06 to 2009-10



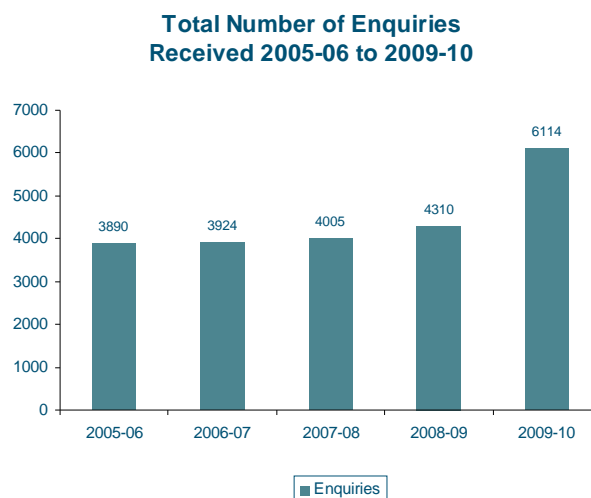
The number of complaints received by the office in 2009-10 is the highest number of complaints received in the last five years.

NOTE: The number of complaints and allegations may vary from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations. The receipt date is recorded as the date the complaint was received, which may be in a previous reporting year.

The increasing trend in complaint numbers is across all sectors and is not confined to one public authority. See also the [Significant Issues Impacting the Agency](#) section.

Enquiries Received

Enquiries to the office have increased by 42% in 2009-10. While most enquiries are received by telephone, 105 people visited the office in person to make enquiries.



For enquiries that are within the Ombudsman's jurisdiction, the majority are referred back to the public authority in the first instance. However in some cases, Ombudsman staff may be able to facilitate a quick resolution of the matter by making informal contact with the public authority. One example of this is outlined in the case below. A number of enquiries are about public authorities not within the Ombudsman's jurisdiction. In these cases, staff assist the caller by providing information about the appropriate body to handle their complaint.



OMBUDSMAN CASE STUDY

Ombudsman achieves prompt resolution of licence issue for complainant

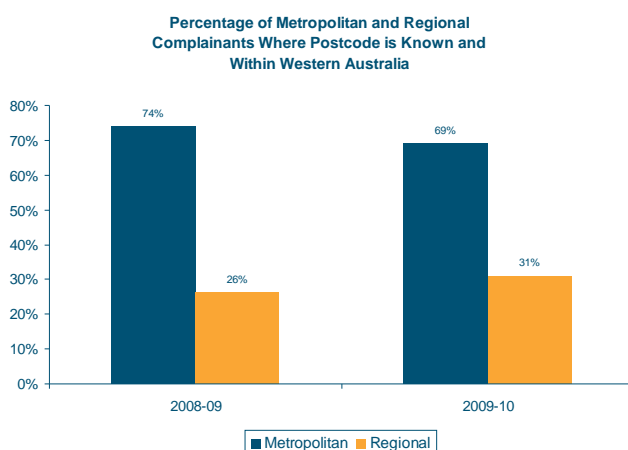
A complainant contacted the Ombudsman's office saying he was upset and confused about licensing rules in Western Australia. When he had asked a public authority about the rules, and how he could have his interstate licence recognised here, he had been given different information by several different staff members at the authority.

As a result of the office making informal enquiries with the public authority, the public authority wrote to the complainant to outline the steps required to renew his licence. The authority's letter also included an apology to the complainant for the conflicting information he had received from its staff and the inconvenience this caused him. The authority also gave an assurance that all staff members involved in the matter had been retrained to prevent the wrong information being communicated again.

Source of Complaints

Where Complainants Live

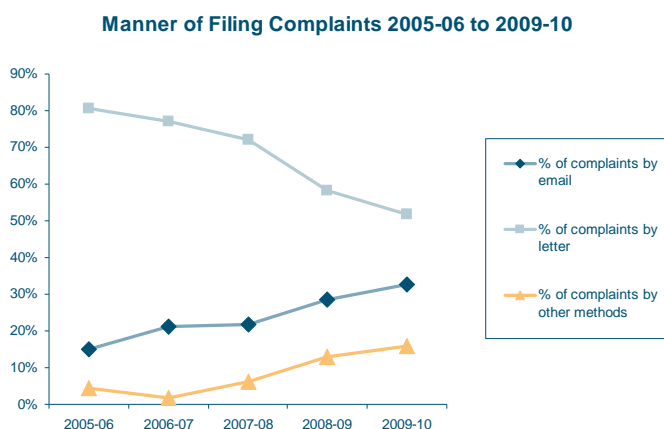
The office identifies the proportion of complaints from regional areas by the complainant's postcode, which was available for 81 per cent of complainants.



The proportion of complainants from regional areas has increased compared to the previous year, an indication of the success of the office's Regional Awareness and Accessibility Program.

Manner of Filing Complaints

Complaints must be in writing, but this can occur in a variety of ways. There is an ongoing increase in the use of emails to make complaints. In 2009-10, 33 per cent, or a third, of all complaints were received by email, this is more than double the percentage in 2005-06 (15 per cent). In contrast, the use of letters to lodge complaints has been declining over the last five years from 81 per cent in 2005-06 to 52 per cent in 2009-10. The remaining complaints were received by a variety of means including via the internet, petitions and regional visits.



The use of email has been increasing steadily over the last five years.

Timeliness of Complaint Handling

The office continues to focus on the timeliness of its complaint handling, a significant achievement given the 62 per cent increase in complaints received. Timeliness can be assessed by looking at:

- The age of complaints on hand at the end of the financial year; and
- The average time to finalise a complaint within the financial year.

In both areas, the office has shown continued improvement over the last five years in reducing aged cases with:

- A 64 per cent reduction in the average age of open complaints;
- A 90 per cent reduction in the number of open complaints more than 12 months old; and
- A 63 per cent reduction in the number of open complaints more than six months old.

During 2009-10 the average time to finalise complaints was 53 days and as at 30 June 2010, the average age of open cases was 80 days. There has been some increase in the number of open complaints between six and 12 months old due to the increase in the number of complaints received in 2009-10. However, the number of open complaints older than 12 months remained very low at five complaints.

About the Complaints

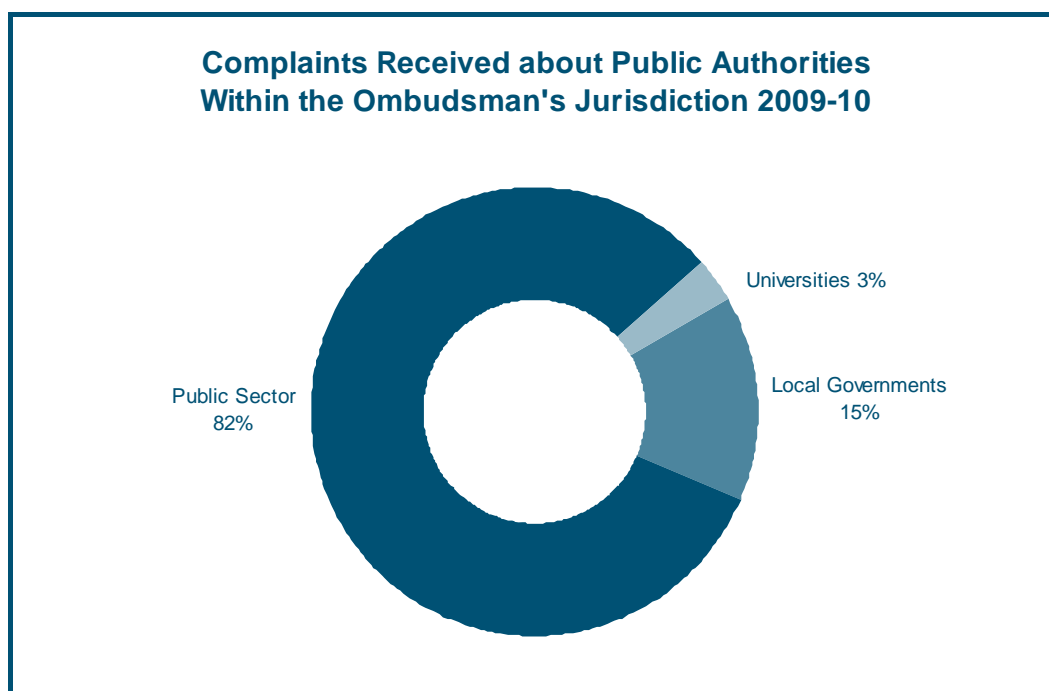
Of the 2,009 complaints received, 1,641 were about public authorities that are within the Ombudsman's jurisdiction. These are broken down into the following sectors:

- The public sector (1,345 complaints);
- The local government sector (240 complaints); and
- The university sector (56 complaints).

The remaining 368 complaints were about bodies that are not within the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people lodging them to take their complaint to a more appropriate body.

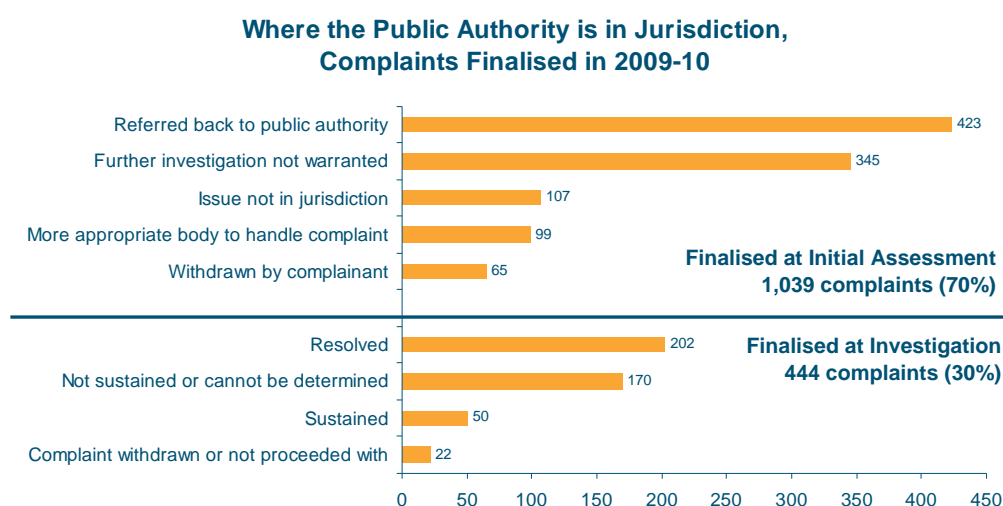
"Where complaints cannot be handled by the Ombudsman, staff provide assistance by contacting other complaint handling bodies to clarify they can assist, referring the matter to another body and providing details about how to make complaints to others"

The proportion of complaints received about public authorities within the Ombudsman's jurisdiction is shown below.



Complaints Finalised and Outcomes Achieved

There were 1,848 complaints finalised during the year. Of these, 1,483 complaints were about public authorities in the Ombudsman's jurisdiction. Details of how these complaints were finalised are shown below.

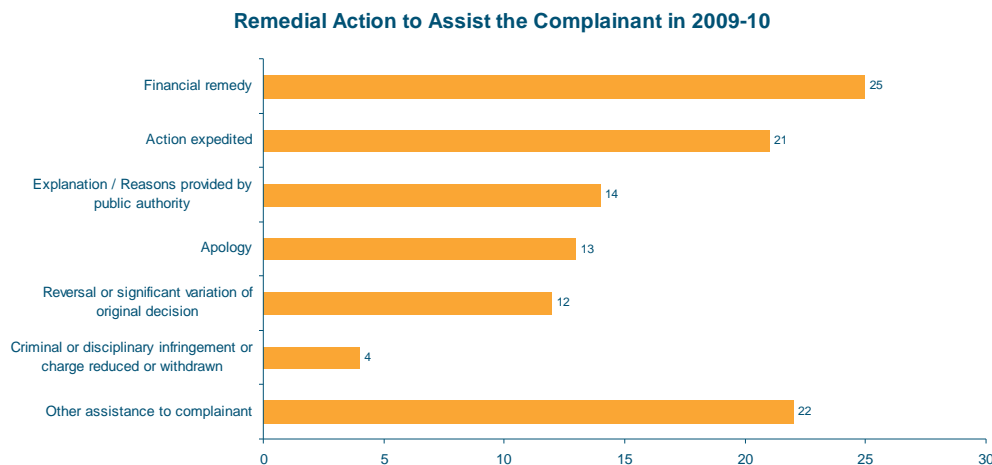


For 41 per cent of the 1,039 complaints finalised at the initial assessment, the matter was referred back to the public authority to provide it with an opportunity to resolve the matter before involving the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The complainant is advised to contact the office again if their complaint remains unresolved at the outcome of this referral process. For a further 10 per cent of the complaints finalised at the initial stage, there was another alternative and more appropriate body who could handle the complaint.

Of the 444 complaints finalised at the investigation stage, 45 per cent were resolved through the office's early resolution process. This involves Ombudsman staff contacting the public authority to progress a timely resolution of the complaint.

Outcomes to Assist the Complainant

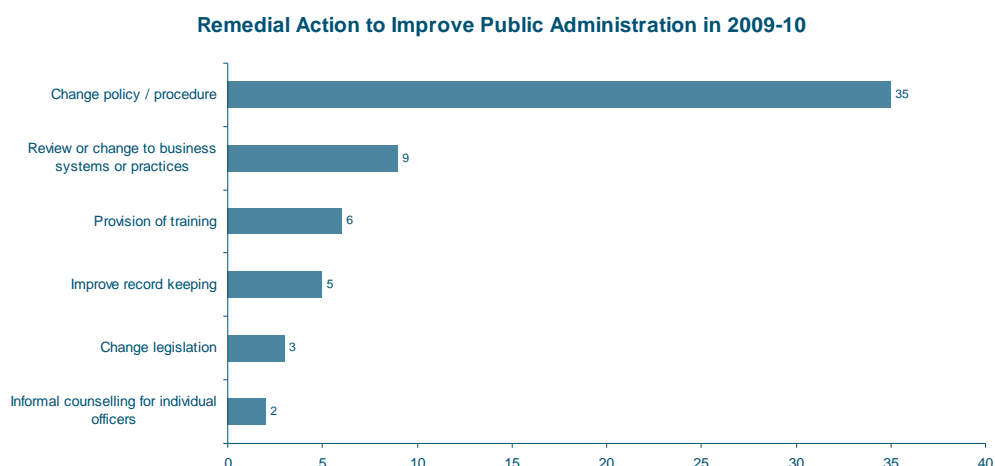
Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. There were 111 outcomes which resulted in remedial action by public authorities to assist complainants arising from complaints finalised by the Ombudsman. The distribution of remedial action is shown in the following chart.



Outcomes to Improve Public Administration

In addition to facilitating some form of action for the complainant, the Ombudsman also seeks to improve a public authority's processes to ensure that if something has gone wrong, it does not go wrong again. During 2009-10, there were 60 improvements made to public authority

practices as a result of complaints finalised by the Ombudsman. These occurred in response to recommendations and suggestions made by the Ombudsman and accepted by the public authority, as well as voluntary action taken by public authorities. The distribution of remedial action to improve public administration is shown in the chart below.



A number of these improvements related to introducing new policies and procedures, making improvements to record keeping, making changes to business practices, reviewing information management systems, reviewing forms and notices, reviewing and updating standard letters and updating information communicated through public authority websites, and training of staff in respect of business processes.

Where an individual's complaint involves more than one public authority, the Ombudsman's involvement may result in collaboration between public authorities to resolve the matter and it may also result in administrative improvements across a number of public authorities.

Requests for Review

Occasionally, the Ombudsman is asked to review or reopen a complaint that was investigated by the office. The Ombudsman is committed to providing complainants with a service that reflects best practice administration and, therefore offers complainants who are dissatisfied with a decision the office has made, the opportunity to request a review of that decision. Forty six requests for review were received in 2009-10, or approximately two per cent of the total number of complaints finalised. Four reviews resulted in the original decision being amended in part or in whole. In all other cases where a review was undertaken, the original decisions were upheld.

Public Sector

General Trends

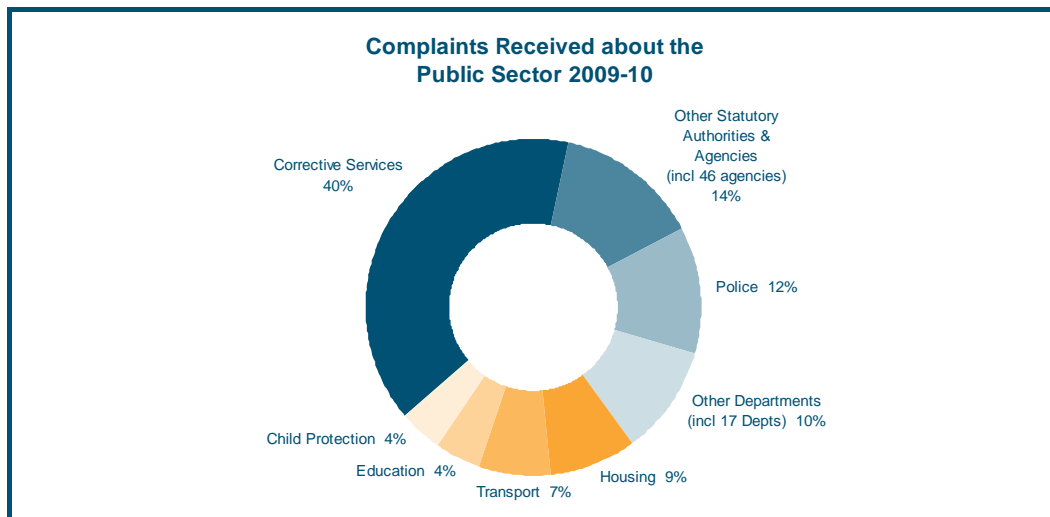
Seventy six per cent of the complaints received about the public sector were about six key groups covering:

- Corrective services, in particular prisons (531);
- Police (163);
- Public housing (114);
- Transport (94);
- Public education, including schools and Technical and Further Education colleges (59); and
- Child protection (56).

Details about the complaints received for these public sector groups are contained in the following pages.

The remaining 24 per cent of complaints were about other departments and other statutory authorities and agencies. For the majority of these two groups (71 per cent) less than five complaints were received.

The graph below shows the breakdown of complaints received for the public sector groups.



There were 117 actions taken which resulted in remedial action being provided to complainants or improvements to public sector practices, as a result of public sector complaints finalised in 2009-10.

Corrective Services

There were 531 complaints received about services provided through corrective services including public and private prisons, prisoner transport and courts security. Overall, there was an 89 per cent increase in complaints received compared with 2008-09 when 281 were received. Included in the 531 complaints received were 207 complaints through four petitions from prisoners.

The range of issues complained about included:

- Facilities and conditions;
- Food and diet;
- Health services;
- Officer conduct;
- Placement at a particular prison;
- Prisoner property;
- Prison visits; and
- Prisoner grievance procedures.

There were 494 complaints finalised during the year of which 36 per cent were referred back to the relevant public authority.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

OUTCOMES ACHIEVED

- Review of prisoner mail and confidential mail procedures;
- Review of procedures for visiting justices;
- Training and supervision of staff who undertake local investigations;
- Review of procedures for interviewing prisoners and witnesses for investigations;
- Ensuring staff are aware of complaints management policies and procedures and handle complaints in a timely way; and
- Review of procedures for prisoner lost property including payment of compensation for loss.

Prison Visits

During the year, the office visited four prisons, Greenough Regional Prison, Casuarina Prison, Karnet Prison Farm and Broome Regional Prison. The purpose of the visits was to meet with prison staff, Peer Support Prisoners and Prisoner Support Officers to provide information about the office and explore the current issues affecting the prison.

Western Australia Police

There were 163 complaints received about Western Australia Police, an increase of 23 per cent compared with 2008-09 when 132 complaints were received. There were 150 complaints finalised. The range of issues raised in complaints included:

- Investigations & prosecutions;
- Custody issues;
- Provision of information;
- Staff conduct issues;
- Management issues;
- Arrest and detention issues;
- Investigation of complaints; and
- Traffic issues.

Regular meetings were held with the Western Australia Police Complaints Administration Centre (PCAC) to facilitate the working relationship with the office. Forty nine per cent of complaints finalised were referred back to PCAC. Seventeen per cent of complaints were closed because there was a more appropriate body to handle them, including conduct issues that were referred to the Corruption and Crime Commission.

Assistance to complainants was provided through remedial action and a number of improvements were made to practices and procedures as a result of complaints finalised.

OUTCOMES ACHIEVED

- Review of infringement notices and their subsequent withdrawal;
- An agreement for an investigation to be carried out;
- An agreement to reimburse a complainant for lost property; and
- Improvements to record keeping for video links and court appearances.

Public Housing

Complaints about the Department of Housing rose significantly during the year. There were 114 complaints received compared with 43 in 2008-09, an increase of 165 per cent, materially above the overall trend of 62 per cent. This appears to have been partly due to changes to the Department's complaints process resulting in referral of complaints to the Ombudsman at an earlier stage.

There were 98 complaints finalised during the year. Thirty per cent of these were referred back to the Department.

The range of issues complained about related mainly to administrative matters and the Department's rental operations program. Together, these made up 89 per cent of complaints finalised.

The main areas of complaint about the rental operations program were:

- Property allocation and transfers between properties;
- Tenant liability;
- Property condition and maintenance; and
- Behaviour of tenants.

In each of these categories, there was an increase in the number of complaint issues handled by the office compared with 2008-09.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised as shown below.

OUTCOMES ACHIEVED

- Reassessment and refunding of tenant liability charges to tenants vacating rental properties;
- Reinstatement of prospective tenants on housing waiting lists;
- Reconsideration of housing appeals;
- Provision of advice about an applicants position on waiting lists;
- Provision of explanations and apologies; and
- Review of processes associated with the rental operations program.



OMBUDSMAN CASE STUDY

Ombudsman enquiries result in property repair costs being waived

A tenant requested an inspection for the repair and maintenance of her public authority-owned home. The inspection identified maintenance issues which she believed were the result of normal wear and tear. The tenant then received a bill for some of the maintenance repairs because the public authority claimed they were not due to wear and tear. The tenant complained to the public authority, but the requirement for her to pay for some repairs remained.

The tenant then complained to the Ombudsman that:

- She had not been informed that she would be charged for such repairs and she had been overcharged for them;
- The repairs were not her responsibility because they were due to wear and tear;
- The repair work done was faulty; and
- Her appeal was incorrectly recorded by the public authority.

The Ombudsman found the complaint was justified, and as a result, the public authority waived the costs and corrected the faulty repair work. It also changed its inspection and appeal procedures to ensure tenants are fully informed of inspection outcomes and that appeals accurately reflected the process.

Transport

There were 94 complaints received about public authorities which make up the transport group of the public sector. These include the Department of Transport, Main Roads Western Australia and the Public Transport Authority. Complaints for this group rose by 52 per cent from 2008-09 when 62 complaints were received.

There were 80 complaints finalised for this group. Twenty six per cent of these were referred back to the relevant public authority.

Issues raised in complaints included:

- Maintenance of roads and road signage;
- Vehicle registration and drivers licence issues;
- Complaint handling issues;
- Provision of information;
- Disputes relating to fines and infringements;
- SmartRider and public transport ticket issues;
- School bus contract issues; and
- Boat registrations and licences.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

OUTCOMES ACHIEVED

- Monetary or infringement charges reduced, withdrawn or refunded;
- Action expedited;
- Explanations provided;
- Apologies given;
- Standard letters reviewed and updated;
- Information on a website updated; and
- Training initiated as a result of complaints finalised.



OMBUDSMAN CASE STUDY

Ombudsman involvement results in letter of explanation for complainant

A complainant contacted a public authority regarding the delay in processing a registration refund. When she did not receive a response from the public authority, she wrote to the Ombudsman's office.

Ombudsman staff made enquiries with the customer feedback co-ordinator at the public authority and were informed that a refund cheque had been posted to the complainant around the same time the complaint was lodged with the office. However, the public authority agreed that the complainant was entitled to an explanation and apology for the delay in processing her refund. The public authority advised it would write to the complainant to provide an explanation and apology.

Public Education

There were 59 complaints received about the public education group, which includes the Department of Education (including public primary and secondary schools), Department of Education Services, Department of Training and Workforce Development, the Curriculum Council and Technical and Further Education colleges. Thirty eight of the 59 complaints received were about the Department of Education, an increase of 65 per cent compared with 2008-09 when 23 were received. The remaining 21 complaints were about other public authorities in the public education group, however none of the individual authorities received more than six complaints each.

Forty five complaints were finalised in 2009-10. Eighteen per cent of these were referred back to the relevant public authority.

The issues raised in complaints included:

- Complaint handling and grievance processes;
- Course curriculum issues;
- Teacher practicum issues;
- Human resource issues;
- School fees;
- Student discipline issues;
- Termination of enrolment; and
- Removal of trees on school property.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

OUTCOMES ACHIEVED

- Financial remedies such as reassessment of fees;
- Action expedited;
- Agreement to re-assess a student's work;
- The clarification of pathways to seek re-employment;
- Improved procedures related to human resource and performance management practices; and
- The commencement of an audit of employees receiving a graduate allowance.

Complaints about public education included some received from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. See more about overseas students in [Reviewing Appeals by Overseas Students](#).



OMBUDSMAN CASE STUDY

Ombudsman action resolves dispute over tuition debt

A complainant wrote to the Ombudsman complaining that she had received an invoice for payment of outstanding tuition fees for her son who had been studying at a Western Australian high school. The complainant's son was enrolled as an overseas student. The complainant advised that the school had indicated her son's immigration status would be revoked if the outstanding amount was not settled. The complainant also advised the public authority that her son had returned home and was not studying in Western Australia during the period listed on the invoice.

After the Ombudsman's enquiries, the public authority voluntarily agreed to remove the debt associated with the semester enrolment as an act of good will.

Child Protection

There were 56 complaints received about the Department for Child Protection, an increase of 37 per cent compared with 2008-09 when 41 complaints were received.

There were 46 complaints finalised, of which more than half were referred back to the Department's Complaints Management Unit.

Given the high number of complaints that were referred back to the Department for resolution, there were a small number of complaints that were investigated but these addressed some complex issues.

Issues raised in complaints included:

- Child maltreatment investigations;
- Out of home care & fostering;
- Complaint handling;
- Protection & case applications;
- Adoption;
- Payments for foster carers; and
- Funding of non-profit agencies.



OMBUDSMAN CASE STUDY

Apology and system improvements result from 'out of time' complaint

A complainant contacted the Ombudsman raising concerns about a public authority's internal complaints policy, its investigation procedures and record keeping.

The public authority had not accepted the complaint initially on the grounds that the event it related to occurred over 12 months prior to the complaint being made. However, it later decided to investigate it.

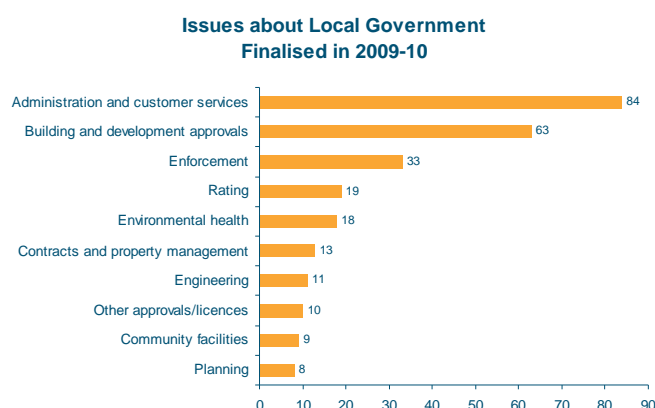
The Ombudsman's investigation revealed that, while the public authority had re-considered its policy concerning out of time complaints, the investigation procedure and record keeping had caused the complainant considerable distress.

Following the Ombudsman's involvement, the public authority took action to improve its case practice, supervision and performance management of staff, and its complaint handling system. The public authority also provided the complainant with an apology.

Local Government

General Trends and Issues

There were 240 complaints received about the local government sector, which represents a 43 per cent increase compared with the previous year when 168 were received. There were 225 complaints finalised, fourteen per cent of which were referred back to the relevant local government.



The broad range of issues raised in complaints covered the diverse range of services provided to the community by local governments.

The areas of administration and customer service, development and building approvals and enforcement were the main areas of complaint. The issues raised in such complaints are outlined below.

Administration and customer approvals

- Access to local government services;
- Procedures for council meetings;
- Objections to council decisions;
- Conduct of local government staff and councillors;
- Handling of complaints;
- Provision of information;
- Handling of liability claims;
- Timelines for handling enquiries and providing responses; and
- Employment issues.

Development and building approvals

- Consultation processes with neighbours;
- Objections to applications;
- Decisions on applications;
- Construction and demolition issues; and
- Application of the Residential Design Codes.

Enforcement

- Parking and traffic enforcement including the issuing of infringement notices;
- Enforcement of development and building conditions;
- Enforcement action relating to unauthorised use of buildings;
- Bush fire control management; and
- Enforcement action relating to urban animal management.

There was an increase in complaints about contracts and property management and environmental health. The range of issues complained about in respect of contracts and property and management included leases and property transactions, and tender and contract management processes. The majority of environmental health issues complained about related to noise pollution.

Complaint Outcomes

Local governments initiated a range of actions to remedy individual complaints. In addition, there were a number of improvements made to local government practices and procedures as a result of complaints made to the Ombudsman.

OUTCOMES ACHIEVED

- Reconstruction of a complainant's fence;
- Refund of a \$500 footpath bond;
- Reversal of decisions relating to rights of burial;
- Initiation of enforcement action about use of unused land;
- Withdrawal of parking infringements;
- Waiver of underground power charges;
- Action relating to storm water, footpath, land zoning, and enforcement matters expedited;
- Initiation of an act of grace payment in respect of an insurance claim;
- Provision of written explanations and apologies;
- Updated rates database to ensure correct address information for computer generated letters;
- Development of new procedures for handling noise complaints;
- Improvements to record keeping;
- Adoption of new local laws for fencing issues;
- Development of new policies for handling building application issues;
- Review and amendment of policies relating to erection of fences and construction of retaining walls;
- Amendment to wording on development applications to clarify appeal rights;
- Provision of reasons for decisions; and
- Introduction of new procedures for handling noise complaints.



OMBUDSMAN CASE STUDY

Ombudsman involvement results in review of information on its website

A complainant emailed the Ombudsman claiming that the local government had been responsible for a breach of his privacy. The complainant alleged that his personal details had appeared on the local government's website as part of a council minute regarding another issue he was trying to resolve with them, and requested that the details be removed.

The local government had not agreed to the complainant's initial request as it believed the entry was public information, and that minutes of council meetings were required to be made public.

The Ombudsman sought advice from the State Records Office, and as a result, the local government agreed to have the complainant's name and address removed from the website copy of the minutes. It also applied to Google to have the complainant's details removed from the search engine.



OMBUDSMAN CASE STUDY

Procedures for dealing with noise complaints reviewed

A complainant claimed that a local government had failed to address his complaints about excessive noise levels coming from neighbouring commercial premises. The complainant claimed that he had contacted the local government about the issue over a number of years, but the matter had never been adequately addressed.

The Ombudsman's office investigation concluded that the complaint was justified. Consequently, the local government took action to require the owners of the commercial premises to investigate and rectify the excessive noise nuisance. The local government also agreed to review its complaint handling procedure and develop a business operating procedure to ensure the efficient and effective handling of noise complaints in the future.

Communicating with Local Governments

The office worked throughout the year on building and maintaining relationships with the local government sector. Some of these initiatives are outlined below.

- In November 2009, the Ombudsman addressed over 250 local government managers and practitioners at the Local Government Managers Australia (WA) Annual State Conference. The office also had a display booth at the conference trade exhibition, which was staffed by Ombudsman officers. Staff who attended the conference and exhibition reported positive interactions with local government practitioners.



Ombudsman Western Australia staff at Local Government Managers Australia (WA) Annual State Conference

L-R: Sarah Cowie, Director Research & Projects, Kim Lazenby, Assistant Ombudsman Administrative Improvement and Ombudsman Chris Field review publications at the conference.

- The office liaised with the Department of Local Government regarding their respective complaint handling roles. Initiatives from the meeting included a joint meeting with the new Independent Planning Reviewer at the Department for Planning, and possible joint attendance at future regional meetings.

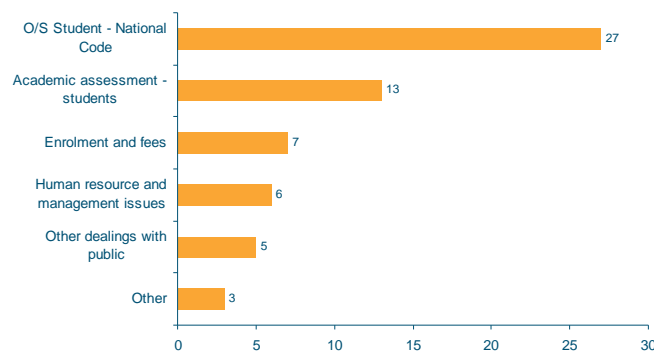
Universities

General Trends

There were 56 complaints received about the university sector which represents a 24 per cent increase compared with the previous year when 45 were received. Fifty seven complaints were finalised during the year. Of these, 11 per cent were referred back to the relevant university.

The range of issues raised in complaints is set out in the following chart. This shows that some of the issues related to student matters and others related to staff appointment and human resource management.

Issues Finalised about Universities
in 2009-10



Issues raised in complaints included:

- Discontinuation from university courses;
- Termination of enrolment;
- Payment of fees;
- Course exemptions;
- Deferred examinations;
- Student loans;
- Assessment procedures; and
- Appeals processes.

Complaints about universities included some received from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. See more about overseas students in [Reviewing Appeals by Overseas Students](#).

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

OUTCOMES ACHIEVED

- Reinstatement of a student;
- Reversal of a decision on the grant of a degree;
- Agreement to initiate a payment plan for outstanding university fees enabling the student to re-enrol in a university course;
- Reinstatement of a student's academic status;
- Provision of more detailed reasons for decisions;
- Provision of explanations and apologies;
- Amendment of procedures for handling student appeals and review of procedures for recording interviews and meetings;
- Review of the process for providing reasons for decisions;
- Rewrite of a deferred assessment policy and procedure and revision of the associated application form; and
- Review and updating of standard letters.

Reviewing Appeals by Overseas Students

General Trends

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the Code) is part of the Australian Government framework regulating overseas education services. The Code provides for an external appeal for overseas student complaints. The office receives complaints under the Code from students at Western Australian public universities, Technical and Further Education colleges (TAFEs) and other public education providers. During the year, the office received 29 complaints from students under the Code, made up of:

- Universities – 69 per cent;
- TAFEs – 21 per cent; and
- Schools and colleges – 10 per cent.

Twenty six of the complaints related to termination of a student's enrolment.

Outcomes of Complaints Under the Code

Thirty three complaints relating to the Code were finalised in 2009-10. In two cases, after the Ombudsman's involvement, the education providers reversed decisions to terminate student enrolments and the students were reinstated. In another case, while the office did not conclude that a student's enrolment should be reinstated, it suggested that the provider should apologise to the student because it failed to comply with its policies for the timing of appeals, which resulted in processing delays. This suggestion was accepted by the provider.

Some complaints included issues other than termination of enrolment. For example, after contact with the Ombudsman's office, one education provider removed debts associated with a complainant's enrolment and another provider expedited a decision regarding a student's request to defer his studies.



OMBUDSMAN CASE STUDY



Ombudsman enquiries result in reinstatement of overseas student

An overseas student complained to the office as she felt she had been unfairly terminated from her university course. The complainant studied at the university previously but withdrew from the course, before re-enrolling again in 2009. On her return, after only one semester, the university terminated her enrolment due to poor performance.

As a result of the Ombudsman's enquiries, the university undertook a review of the case. The university confirmed that the complainant's performance during her previous enrolment had been taken into account in the decision to terminate enrolment. However, the university found that the complainant had not been given adequate warning of the possibility of termination, or given the opportunity to address the issues causing her poor performance. The university also neglected to advise the complainant she was on conditional status as required by the Code. As a result, the complainant was reinstated on conditional status and offered appropriate support by the university to improve her performance.

Communication about Overseas Students

In addition to the review function, the office established a project to work with universities and other education service providers to ensure that their internal processes for overseas student complaints and appeals are efficient, effective and timely. This capacity building program included the following initiatives:



- Development of a range of internal and external resources and promotional material (eg. bookmarks shown left) specifically designed to meet the needs of overseas students. These are being translated into languages appropriate to the overseas student demographic in Western Australia;
- Ongoing liaison with International Student Officers and complaint managers at universities and TAFEs;
- Attendance at complaint managers' forums, Code reference groups and the State international student council; and
- Liaison with key stakeholders at State and Australian Government level.

Other Functions

Inspections of Telecommunication Intercepts

The [Telecommunications \(Interception\) Western Australia Act 1996](#), the [Telecommunications \(Interception\) Western Australia Regulations 1996](#) (the Regulations) and the [Telecommunications \(Interception and Access\) Act 1979 \(Commonwealth\)](#) permit designated 'eligible authorities' to carry out strictly regulated telecommunication interceptions. Western Australia Police and the Corruption and Crime Commission are eligible authorities in Western Australia.

Under the Regulations, the Ombudsman is appointed as the Principal Inspector to inspect the records of 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 relevant Western Australian and Australian Government Ministers within three months of the end of the financial year.

Energy Ombudsman Western Australia

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

The Energy Ombudsman releases a public Annual Report which can be found on the [Energy Ombudsman website](#).

Public Interest Disclosures

The Ombudsman is one of the authorities nominated in section 5(3) of the [Public Interest Disclosure Act 2003](#) to receive disclosures about particular types of 'public interest information'. People can make disclosures to the Ombudsman where the information relates to the decision making and practices of public authorities, including the actions of public officers within jurisdiction under the [Parliamentary Commissioner Act 1971](#).

The information provided is assessed having regard to the *Public Interest Disclosure Act 2003* and the *Parliamentary Commissioner Act 1971* and relevant guidelines, and a decision is made as to whether the disclosure is a matter requiring investigation. Subject to the

requirements of the *Public Interest Disclosure Act 2003* 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 three disclosures carried over from the previous year and received one new disclosure.

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 a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman's jurisdiction. There were two complaints from the Territories in 2009-10 and one received in 2008-09 that was identified as relating to the Indian Ocean Territories during 2009-10.

During the year, the office commenced planning for a visit to both Christmas Island and the Cocos (Keeling) Islands. The purpose of the visit is to raise awareness of, and access to, the services provided by the office among the local community and public authorities. The visit will be undertaken in 2010-11.

Administrative Improvement

A key function of the Ombudsman's office is to improve the standard of public administration throughout the public sector. The office achieves positive outcomes in this area in a number of ways including:

- Identifying and investigating concerns about the administrative and decision making practices of public authorities that affect the broader community;
- Making recommendations and suggestions to improve public administration as a result of complaint resolution activities;
- Continuous liaison with public authorities;
- Providing guidance to public authorities on decision making and complaint handling through publications, presentations and workshops; and
- Working collaboratively with other integrity and accountability agencies (see the [Communications and Collaboration](#) section).

Investigating Broader Issues

The Ombudsman can identify and investigate issues on his own initiative that are considered to be in the public interest and where public administration will be improved generally. Administrative improvement topics are selected on the basis of a number of criteria that include:

- 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 been done recently or are in progress;
- The potential for the Ombudsman's investigation to improve administration across the public sector; and
- Whether investigation of the chosen topic is the best and most efficient use of the office's resources.

Recommendations for administrative improvements are based closely on evidence gathered during investigations/projects, and are designed to be a proportionate response to the number and type of administrative issues identified during these investigations.

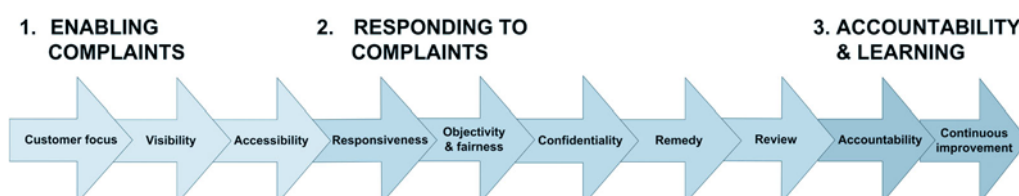
Two major administrative improvement projects were conducted during the year addressing complaint handling and the management of personal information.

Review of Complaint Handling



In June 2010 the Ombudsman's office reported on a survey of all public authorities within jurisdiction to gain an overview of their complaint handling practices. This was the third such survey conducted by the office over the past ten years. The 2009-10 survey was conducted via an online questionnaire, which is the first time the office has used this mechanism for a complaint handling survey. The survey questionnaire asked organisations to assess their complaint handling processes and practices against a series of principles based on, and

consistent with, the Public Sector Commissioner's Circular **2009-27: Complaints Management** and the Australian Standard (AS ISO 10002-2006: Customer Satisfaction - *Guidelines for Complaints Handling in Organisations*). The survey addressed ten principles for complaint handling, as set out below:



Key Messages

The following key messages emerged from the survey responses:

- Western Australian State Government agencies and local governments:
 - Take complaint handling seriously;
 - Largely have appropriate practices in place to handle complaints; and
 - Are generally doing a good job of handling complaints.
- There are opportunities for the improvement of complaint handling practices.
- Effective and efficient implementation of the complaint handling principles can be achieved through a 'fit for purpose' complaint handling system, tailored to fit an organisation's customers and proportionate to the number and type of complaints it receives.

The survey asked respondents to assess whether they were using a range of practices that would put the complaint handling principles into action. The report of the survey discusses the overall incidence of practices that address the principles in addition to discussing the incidence of each individual complaint handling practice in some detail. Several case studies also demonstrate how agencies that responded to the survey have taken action to put some of the complaint handling principles into action.

Overall, many important complaint handling practices were widespread. However, the report also identified a number of opportunities for improvements to complaint handling, which are set out on the following page. Taken together, this information assists agencies to use an evidence-based approach to improving their own complaints handling practices, and provides for a similarly evidence-based approach for the office in improving complaints handling across the public sector.

Effective and efficient complaint handling is a key component of customer focussed service delivery. A further case study that illustrates how organisations can integrate complaint handling into their overall service delivery is provided below:



OMBUDSMAN CASE STUDY

Complaint handling an integral part of customer service

The public authority has a Customer Relations Advocate to assist with customer feedback, requests and complaints. This person ensures the complaint is dealt with appropriately and acts as an impartial body in relation to the complaint. The public authority also provides to its customers an easy to read booklet about its Customer Service Charter while also providing customers a leaflet on Customer Feedback that is also available on its website and can be completed and submitted electronically.

There is also a Customer Service Coordinator who has the role of supporting other Business Units in identifying areas of improvement in the provision of customer service and the strategic direction of customer service for the organisation. Customer service training is provided to all staff and there are related publications readily available to staff on clear procedures for dealing with abusive telephone calls and what to do when dealing with difficult customers.

Assisting Organisations to Improve Complaint Handling

The Ombudsman's office currently undertakes a number of activities to assist agencies with their complaint handling. To respond to the opportunities for improvement identified through the survey, where appropriate, the Ombudsman will assist agencies to:

- Develop basic arrangements that enable customers to complain;
- Tailor complaint handling practices to suit customer demographics;
- Set target timelines for complaint handling and strengthen strategies for managing unreasonable complainants;
- Better connect their complaints and whistleblower and anti-corruption processes;
- Inform complainants of their rights to external review or appeal mechanisms; and
- Develop greater capacity to learn from complaints.

Copies of the *Executive Summary* of the report were sent to all public authorities to raise awareness, and to assist them in improving their complaint handling practices.

Management of Personal Information

The second major administrative improvement project commenced during the year related to the effective management of personal information by public authorities.

Public authorities properly require individuals to provide a range of personal information about themselves in order to deliver services, carry out law enforcement, administer regulations and perform other statutory functions. Personal information may include an individual's name, address, telephone and email details, date of birth and photograph. It may also include financial and medical records.

Inappropriate use of personal information is, however, as a matter of principle, undesirable. Practically, it can compromise an individual's privacy leading to undesirable outcomes, such as increasing the likelihood of exposure to nuisance advertising and marketing and the risk of identity theft, resulting in financial loss or damage to an individual's credit rating. If personal information held by a public authority is inaccurate or unreliable, it may lead to wrong or poor decision making. In the long term, concerns about the public sector's ability to safeguard the confidentiality of personal information can result in decreased confidence in the public sector generally.

Alleged inappropriate use of personal information is a common source of complaint to the Ombudsman's office. These complaints provided an important base of evidence to suggest that this office should review the management of personal information by public authorities.

The objective of the review was to:

- Determine whether the public authorities participating in the review were effectively managing personal information;
- If required, assist the participating public authorities to improve their management of personal information; and
- Identify good practice, lessons learnt and opportunities for improvement that might be useful to other public authorities in managing personal information.

The office used a set of good practice principles based on national and state legislative requirements, authority-specific legislation and internationally accepted good practice to assess the way in which the participating public authorities were managing personal information.

At the completion of the fieldwork, the Ombudsman provided a preliminary report to the Chief Executive Officer of each participating public authority setting out observations about the management of personal information at their respective authorities. A total of 34 suggestions for administrative improvement were made and accepted by the participating public authorities as at 30 June. A number of these suggestions are already in the process of implementation.

A report that draws upon the observations and suggestions made in the individual public authority reports will be available on the Ombudsman's website in the fourth quarter of 2010 for the benefit of other public authorities. To further assist public authorities, the report consolidates the good practice principles with examples of good practice and opportunities for improvement for the participating public authorities into a checklist for managing personal information.

Whole of Sector Complaints Management Policy

During the year, a whole-of-sector complaints management policy was issued by the Public Sector Commissioner through Circular **2009-27: Complaints Management** (the **Circular**) The policy applies to all Western Australian public sector agencies and promotes effective complaints management across the sector. It does not cover local governments. The Circular advises that agencies must:

- Have an appropriate complaints management system in place;
- Provide an easy-to-follow link about how to make a complaint from the homepage of its website; and
- Inform its clients that they can contact an external party, like the Ombudsman, if they are still dissatisfied with a decision or action after going through an internal complaints process.

Under the Circular, the Ombudsman undertook responsibility for providing tools and guidance to assist agencies with their internal complaint handling role. The office has a comprehensive range of materials outlining good complaint handling and decision making practices which are available from the [website](#).

Continuous Administrative Improvement

Regular contact with the staff from public authorities seeks to encourage thinking around the foundations of good administration and helps them to identify opportunities for administrative improvements. The discussions draw on information from trends evident in complaints received and issues identified through administrative improvement projects in conjunction with a knowledge of the operations of the public sector. Some of these discussions concern internal investigations that authorities have conducted themselves. The discussions seek to assure the Ombudsman that these internal investigations have been conducted appropriately and in a manner that is consistent with the standards and practices of the Ombudsman's own investigations.

As highlighted in the [Complaint Resolution](#) section, the resolution of complaints often results in administrative improvements that will benefit other public authorities. This happens on an ongoing basis and assists public authorities with continuous improvement of their procedures and decision making.

Ombudsman staff who resolve complaints and respond to enquiries also collect information and track trends in complaints that inform the office of potential broader administrative improvement projects the office might consider undertaking.

Guidance for Public Authorities

The office provides publications, workshops, assistance and advice to public authorities regarding their administrative and decision making practices and their complaint handling systems, an example of which is shown in the following case study. This assists with improving the standard of public administration throughout the sector.



OMBUDSMAN CASE STUDY

Ombudsman provides advice on dealing with unreasonable complainant conduct

A complainant approached the office claiming that a public authority was refusing to take his calls and no action was being taken to resolve his complaint.

Through meeting and discussing the issues with staff, it was revealed that the public authority had been dealing with the complainant on the issues for several years. Ombudsman staff reviewed case files and requested a full timeline of events relating to the matter.

It was determined that the complainant's behaviour appeared to be unreasonable, vexatious and persistent, and far exceeded what was considered acceptable by any government complaint handling system. As the complainant was an ongoing client of the public authority, Ombudsman staff suggested that a suitable management strategy be introduced to deal with the challenging behaviour. The *Managing Unreasonable Complainant Conduct Practice Manual* was provided as a starting point.

Guidelines

The Ombudsman has developed guidelines to assist public authorities to strengthen their decision making and administrative practices.

During the year, two new guidelines were released, *Exercise of Discretion in Administrative Decision Making* and *Giving Reasons for Decisions*. The guidelines promote ten key steps to be considered when exercising discretion and explain why giving reasons for decisions is important. These complement the office's existing guidelines and are used to develop associated training materials.

The office also released a new guideline for local governments, *About the Ombudsman – Information for Local Governments*. This publication was made available at the Local Government Managers Australia (WA) Annual State Conference in November 2009.

The office's suite of complaint handling guidelines continues to be a popular resource for public authorities. The guidelines assist public authorities to develop effective internal complaint processes and help them to manage complaints they receive. They provide the framework for Ombudsman training in this area.

Workshops for Public Authorities

During the year, the office has been proactive in engaging with public authorities through presentations and workshops. Attendees have provided positive comments and responses during evaluation, with some public authorities requesting further sessions.

Regional Awareness and Accessibility Workshops

Focus:

Promoting effective complaint handling systems.

The office's involvement:

The office developed and delivered three workshops as part of the office's Regional Awareness and Accessibility Program. These were:

- Complaint Handling;
- Investigation and Resolution of Complaints; and
- Managing Unreasonable Complainant Conduct.

Managing Unreasonable Complainant Conduct - Workshop and Focus Group

Focus:

Promoting effective management of complainants whose behaviour is challenging.

The office's involvement:

In June 2010, the office hosted a training session and focus group for Western Australian public authorities run by the New South Wales Ombudsman's office. The sessions aimed to give staff from Western Australian public authorities the opportunity to undertake the training course, but also provide feedback about their local experiences. The focus group dealt with providing ongoing services to people who display unreasonable conduct and how to best provide services to complainants whose conduct is unreasonable in rural and remote areas.

Prison Officer Workshops

Focus:

Promoting effective complaint handling by prison officers.

The office's involvement:

The office delivered nine training sessions at the Department of Corrective Services Entry Level Prison Officer training courses for prison officers.

Trainee officers were advised about the office's complaint handling process and the process for dealing with prisoner complaints. The importance of aiming to resolve complaints at the local prison level was promoted.

"We enjoyed it [the workshop] very much and it has added to our knowledge to write a new policy and procedure for complaint handling."

Child Death Review

This year the Ombudsman commenced a new child death review function that enables the Ombudsman to review and investigate the deaths of certain children.

The Department for Child Protection (**the Department**) receives information from the Coroner on all sudden or unexpected deaths of children and notifies the Ombudsman of these deaths and deaths of children in the Department's care. The Ombudsman examines all child death notifications received and determines whether the death is an investigable death.

An 'investigable death', as defined by section 19A(3) of the *Parliamentary Commissioner Act 1971* (**the Act**), occurs if a child dies and any of the following circumstances exists:

- In the two years before the date of the child's death, the Chief Executive Officer (**CEO**) [of the Department] had received information that raised concerns about the wellbeing of the child or a child relative of the child;
- In the two years before the date of the child's death, the CEO, under section 32(1) of the *Children and Community Services Act 2004*, had determined that action should be taken to safeguard or promote the wellbeing of the child or a child relative of the child;
- In the two years before the date of the child's death, any of the actions listed in section 32(1) of the *Children and Community Services Act 2004* was done in respect of the child or a child relative of the child;
- Protection proceedings are pending in respect of the child or a child relative of the child; or
- The child or a child relative of the child is in the CEO's care.

The functions of the Ombudsman in relation to investigable deaths are:

- To review the circumstances in which and why the deaths occurred;
- To identify any patterns or trends in relation to the deaths; and
- To make recommendations to any department or authority about ways to prevent or reduce investigable deaths.

Notifications and Reviews

Notifications Received

The Ombudsman received 76 notifications of child deaths in the period from 1 July 2009 to 30 June 2010. In addition, at the commencement of the child death review jurisdiction, 73 cases were transferred to the Ombudsman from the Child Death Review Committee (**the Committee**), which previously undertook some of the functions now carried out by the Ombudsman. These 73 transferred cases relate to child deaths prior to 30 June 2009 that were reviewable by the Committee.

Notifications Finalised

Almost all of the transferred cases (92%) and a substantial proportion of the new notifications (63%) were finalised during the 2009-10 year as shown in the following table.

	Received	Finalised	On Hand
Child death notifications 1 July 2009 – 30 June 2010	76	48	28
Transferred cases (Reviewable deaths prior to 30 June 2009)	73	67	6
TOTAL	149	115	34

The majority of child deaths notified to the Ombudsman are not investigable deaths. However, the analysis of trends and issues relating to these deaths and the monitoring of involvement of the child with other public authorities is an important tool in enabling consideration of how children interact with a range of government authorities.

Reviews of investigable deaths examine the decisions and actions of the Department and their practices and procedures to determine the circumstances in which and why the deaths occurred, identify any patterns or trends and make recommendations to the Department or other public authorities about ways to prevent or reduce investigable deaths.

Timely Handling of Notifications and Reviews

The Ombudsman's office has placed a strong priority on the timely review of child deaths in order to contribute to the prevention of future deaths by promoting improved decision making and practices in public authorities. Of the 48 new notifications finalised this year 94 per cent were finalised within three months.

Characteristics of Child Death Review Cases

An examination of the child deaths can provide an insight into areas for particular focus when considering possible ways to reduce child deaths.

Demographics of Children Who Have Died

As shown in the table below, investigable deaths are more likely than non-investigable deaths to be children who are:

- Indigenous;
- Male; and
- Living in regional locations.

Characteristics	% of population for children under 18	Statistics for period 1 July 09 to 30 June 10			Reviewable deaths prior to 30 June 2009
		All notifications	Non-Investigable deaths	Investigable deaths	
Indigenous	3.8%	18 (24%)	10 (19%)	8 (35%)	44 (60%)
Non-Indigenous	96.2%	39 (51%)	29 (55%)	10 (43%)	29 (40%)
Unknown	NA%	19 (25%)	14 (26%)	5 (22%)	0
Male	52%	44 (58%)	28 (53%)	16 (70%)	49 (67%)
Female	48%	32 (42%)	25 (47%)	7 (30%)	24 (33%)
<2 years	11%	32 (42%)	24 (45%)	8 (35%)	39 (54%)
2 – 5 years	22%	9 (12%)	7 (13%)	2 (9%)	5 (7%)
6 – 12 years	39%	13 (17%)	9 (17%)	4 (17%)	9 (12%)
13 – 17 years	28%	22 (29%)	13 (25%)	9 (39%)	20 (27%)
Metropolitan	73%	52 (68%)	37 (70%)	15 (65%)	31 (43%)
Regional	27%	23 (30%)	15 (28%)	8 (35%)	42 (57%)
Outside WA	NA	1 (2%)	1 (2%)	0	0
TOTAL	100%	76 (100%)	53 (100%)	23 (100%)	73 (100%)

Circumstances of Child Deaths

The cases reviewed and notifications received indicate that children die in a range of circumstances. For both transferred cases and notifications received this year the most common circumstances associated with the death were the sudden unexplained death of an infant, motor vehicle accidents and suicides. Further details on the circumstances of death are shown in the table below.

Circumstances of death	Notifications 1 July 2009 to 30 June 2010		Reviewable child deaths prior to 30 June 2009	
	Total	%	Total	%
Sudden unexplained death off an infant	25	33	23	31
Motor vehicle accident	17	22	11	15
Suicide	9	12	9	12
Drowning	5	7	4	6
Homicide/assault	5	7	2	3
Other*	15	19	24	33
TOTAL	76	100	73	100

* Includes house fire, illness/medical condition, electrocution, crushing, other accident and deaths unable to be determined.

Improving Public Administration

Administrative Improvements from Individual Child Death Reviews to Reduce or Prevent Child Deaths

By undertaking child death reviews the Ombudsman seeks to reduce or prevent child deaths in the future and to advance good decision making and practices in those public authorities that provide services to children and their families.

In certain cases the reviews do not identify immediate concerns about how public authorities interact with, or respond to, the child and their family. Indeed, reviews to date have identified good practice by the Department and other public authorities, as well as good interagency cooperation. Where possible concerns about practices are observed, action is taken to bring them to the attention of the Department or other public authority. The type of action taken may relate to the child who died or their surviving siblings or both and may involve more than one public authority. Where appropriate, the Ombudsman may make recommendations for changes to prevent similar problems occurring and then monitors their implementation.

Major Administrative Improvement Projects and Other Mechanisms to Reduce or Prevent Child Deaths

In addition to taking action and making recommendations on individual cases, the Ombudsman's office also tracks issues and trends that arise out of child death reviews. These inform major projects that review the practices of public authorities that provide services to children and their families. Issues identified through consultation with key stakeholders also assist to inform these projects.

During the year, two major projects were initiated to investigate key systemic issues, identified through the review of individual child deaths and other sources, with a view to improving practices in order to reduce the occurrence of preventable child deaths.

In addition to major projects, the Ombudsman uses a range of other mechanisms to improve public administration with a view to reducing preventable child deaths. These include:

- Assisting public authorities by providing information about issues that may need their attention, including issues relating to the safety of a child's siblings;
- Using the Ombudsman's investigative powers under the Act to undertake more detailed investigations into the decisions, actions or practices of public authorities and their interaction, with five investigations commencing in 2009-10;
- Building a body of knowledge from observations made through reviews and other sources to identify profiles of high risk cases, inform appropriate action in future reviews and identify systemic issues and appropriate responses;
- Working with public authorities as well as communities where children may be at risk to consider child safety issues and potential areas for improvement, and highlight the critical importance of effective liaison and communication between and within authorities and communities; and
- Exchanging information with other oversight bodies including Ombudsmen in other States to facilitate consistent approaches and shared learning.

Developing Relationships with Key Stakeholders

Child Death Review Advisory Panel

The Child Death Review Advisory Panel (**the Panel**) is an advisory body established by the Ombudsman to provide independent advice to the Ombudsman:

- On issues and trends that fall within the scope of the child death review function of the Ombudsman under the Act;
- On contemporary professional practice relating to the wellbeing of children and their families; and
- About issues that impact on the capacity of public authorities to ensure the safety and wellbeing of children and families.

The Panel meets four times a year and is comprised of six members who provide a range of expertise. Observers from the Department, as well as the Departments of Health, Indigenous Affairs, and Education, and a representative of the Minister for Child Protection also attend the meetings and provide insights into relevant service issues.

Department for Child Protection

Key relationships and a Memorandum of Understanding to support efficient and effective operations have been established with the Department. Regular liaison meetings between the Ombudsman and the Director General of the Department have been established together with liaison at senior executive level to discuss issues being raised in child death reviews and how change can be achieved. In addition, an information sheet has been developed for Departmental staff who may be involved in a child death review.

Indigenous Communities

Considerable work has been undertaken during the year in communicating and building relationships relating to the child death review function with Indigenous communities. The Principal Indigenous Liaison Officer and other Ombudsman staff have visited communities in Broome, the Pilbara and Wiluna and surrounding areas. These visits were well received by local Indigenous groups and have enabled the Ombudsman's office to make a valuable connection to Indigenous communities.

Other Stakeholder Relationships

There are a number of public authorities that interact with, or deliver services to, children and families. Important stakeholders include the Commissioner for Children and Young People as well as:

- Other public authorities that investigate child deaths including:
 - the Coroner; and
 - Western Australia Police.
- Public authorities that provide services to children and their families including:
 - Department of Housing;
 - Department of Health;
 - Department of Corrective Services;
 - Department of Indigenous Affairs;
 - Department for Communities; and
 - Western Australia Police.
- Non-government agencies; and
- Research institutions including universities.

Effective working arrangements and relationships have been established by the Ombudsman with important stakeholders, a process that will continue in 2010-11.

Communications and Collaboration


The ability of the office to engage effectively with its key stakeholders is essential to achieving positive outcomes in the resolution of complaints and improving public administration. The office does this through:

- Developing, maintaining and supporting relationships with public authorities and community groups;
- Increasing general awareness of, and access to, its services;
- Providing publications, workshops and advice to public authorities on good administrative decision making and complaint handling (also see the **Administrative Improvement** section); and
- Working collaboratively with other integrity and accountability agencies - locally, nationally and internationally - to encourage best practice and leadership in the sector.

Communicating with Key Stakeholders

‘Ask the Ombudsman’ on *Nightline*

One way the office is continuing to raise awareness of its services, is through the Ombudsman’s appearances on Radio 6PR’s *Nightline* program. Listeners who have complaints or want to make enquiries have the opportunity to email or call in to discuss their issues with the Ombudsman live on air. The segment also allows the office to communicate key messages about the State and energy jurisdictions, what outcomes can be achieved for complainants and how public administration can be improved. The Ombudsman appeared on the ‘Ask the Ombudsman’ segment in August and November 2009 and March and June 2010.



“We help callers to the *Nightline* Program either by referring them to the right complaint resolution body or following up with them to provide advice or take their complaint.”

Communicating with Indigenous People

Historically, Indigenous Western Australians are under-represented in terms of complaints made to the Ombudsman. The office undertook a range of activities to improve its communication with Indigenous people during the year, including:

- Developing 'Plain English' summary materials (including a poster, brochure and information sheet) for easy readability;
- Running workshops and complaint clinics at three **Regional Awareness and Accessibility Program** visits to allow Indigenous people to speak with Ombudsman staff face-to-face;
- Visiting Indigenous communities in Bidjardanga and Wiluna, and speaking at a regional Indigenous women's group meeting in the Pilbara to promote the role of the Ombudsman and provide information on the child death review function; and
- Ombudsman staff attending an Indigenous cross cultural awareness training session to improve understanding of the Indigenous culture and to learn appropriate communication techniques.

Website

In November 2009, the new Ombudsman Western Australia website was launched.

During the redevelopment and redesign process, special consideration was given to web standards and best practice. The new site complies with State Government and international web standards.

The site design, incorporates the office's revised corporate branding, and has enhanced navigation and functional sections. Central to the redevelopment was the revision of existing content, and the development of new content specifically for public authorities, community groups and people from culturally and linguistically diverse speaking backgrounds. Links to Ombudsman publications and useful links to external websites are used throughout. The site also features an online complaint form where complainants can lodge a complaint. The site can be accessed at www.ombudsman.wa.gov.au.



Regional Awareness and Accessibility Program

The Ombudsman's office continued with the **Regional Awareness and Accessibility Program (the Program)**, visiting the Mid West, Peel and Kimberley regions in 2009-10. The Program is an important way for the office to strengthen relationships with regional and Indigenous Western Australians.

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

"The Program aims to improve awareness of, and access to, the Ombudsman's office for regional and Indigenous Western Australians."

Activities conducted under the Program include:

For Public Authorities:

- Seminars for public authorities to discuss the role of the office, relevant issues and current trends in complaints and good administrative practice;
- Workshops on *Effective Complaint Handling Systems*, *Complaint Investigation and Resolution* and *Managing Unreasonable Complainant Conduct*; and
- Meetings and/or workshops with individual agencies and local governments.

For Prisons:

- Visits to Greenough Regional Prison, Casuarina Prison, Karnet Prison Farm and Broome Regional Prison. Visits included the Ombudsman or Deputy Ombudsman meeting with the Superintendent and other prison staff about current issues and trends.

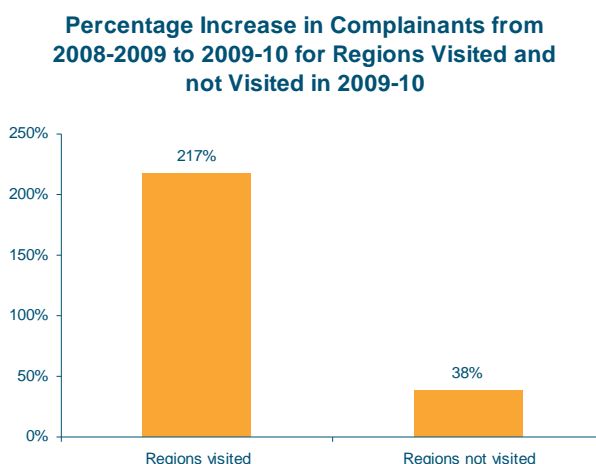
For Indigenous People:

- Workshops with Indigenous community groups on challenging issues faced in those communities, and ways to improve access to the Ombudsman's office;
- Participating in the Health Consumers' Council group meeting in Broome; and
- Visits to the Bidyadanga township and other Indigenous communities.

For the Community:

- Seminars for community groups to discuss the role of the office and how to assist people wishing to make a complaint.
- Complaint clinics to provide an opportunity for people to speak with complaint resolution staff face-to-face about their issues and complaints;
- Promotion of the role and functions of the Ombudsman and the upcoming visits in local print and radio media and through Indigenous media outlets; and
- Attendance at the North West Expo to encourage improved awareness among the greater Kimberley community.

The following chart shows the percentage increase in complainant numbers for areas visited and those not visited under the Program in 2009-10. Complainant numbers for all areas visited increased substantially compared with the previous year before visits were undertaken. Complaints were received from both Indigenous and non-Indigenous people during the visits.



During the visits, people from the communities commented that they appreciated being able to speak with office staff face-to-face during Complaint clinics. The office was able to provide advice about or resolve many of the complaints made during the visits. One such complaint is shown in the case study below.



OMBUDSMAN CASE STUDY

Complaint resolved after Regional Awareness and Accessibility Program visit

A complainant contacted the office after unsuccessfully complaining to his local government. The complainant claimed that his neighbours could see into his property from their balcony. He believed that, to comply with the building licence issued by the local government and the *Residential Design Code*, the neighbours should have enclosed their balcony with full-height walls to give privacy. He believed the local government had not enforced the appropriate conditions on the development approval.

Following enquiries by Ombudsman staff, the local government issued a Planning Direction in accordance with the provisions of the *Planning and Development Act 2005* which required the neighbour to install privacy screens on their balcony. The local government confirmed with the Ombudsman's office that the privacy screens had been installed as a result of this action.

Geraldton Regional Visit (LEFT)

L-R: Rebecca Harris, Office of the Public Sector Commissioner, Chris Field, Ombudsman, Sven Blummel, Information Commissioner and Trish Dewar, Office of Health Review.



North West Expo (BELOW)

L-R: Sandra Pelham, Office of the Commonwealth Ombudsman, Jenny Langford, Office of Health Review and Alison McCubbin, Ombudsman Western Australia.



In addition to the Broome visit in May 2010, the Western Australian and Commonwealth Ombudsmen and the Office of Health Review also attended the North West Expo in Broome. The Expo was held on the weekend before the Program activities and provided an opportunity for the complaint resolution agencies to make contact with the wider Kimberley community in a more informal setting. Ombudsman staff distributed several hundred publications and

promotional items across the weekend and engaged with public authorities who were also exhibiting at the Expo.

Presentations and Publications

Speeches and Presentations

The Ombudsman and other staff delivered speeches and presentations throughout the year at local, national and international conferences and events. For a full listing of speeches and presentations, see [Appendix 4](#). They are also available from the Ombudsman's [website](#).

Western Australian Ombudsman Newsletter

The *Western Australian Ombudsman Newsletter* is a key publication used by the office to communicate information about its performance, achievements, events and resources to its stakeholders. During the year, three editions of the newsletter were issued – September and December 2009 and May 2010.

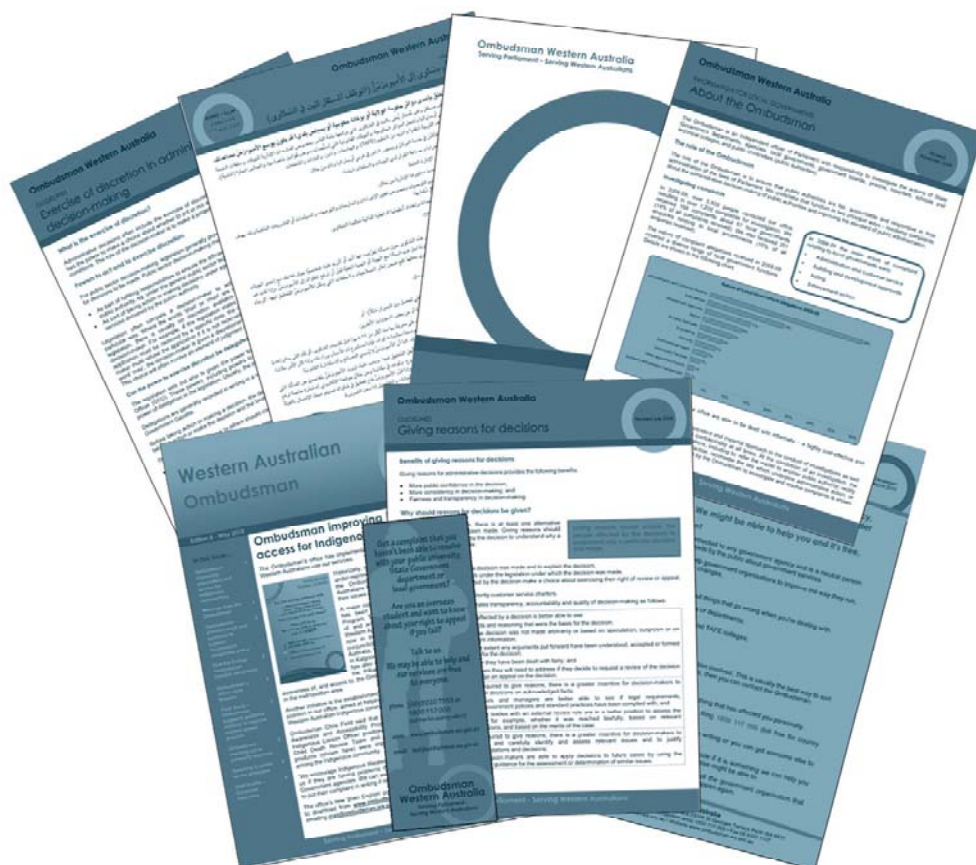
The newsletter is distributed electronically to members of Parliament, public authorities and interested members of the public. The office developed a subscription flyer allowing people to leave their email details, and have the newsletter sent to them electronically. Flyers were distributed at events which resulted in increased subscription numbers. The newsletter is also posted on the [website](#).

Publications

The office has a comprehensive range of publications to assist complainants and public authorities, which are available on the Ombudsman's [website](#). For a full listing of the office's publications, see [Appendix 3](#).

Publications developed and released during the reporting year:

- *How to complain to the Ombudsman* in 15 different languages;
- *Information for Local Governments – About the Ombudsman*;
- *Exercise of Discretion in Administrative Decision Making*;
- *Giving Reasons for Decisions*;
- *Managing Unreasonable Complainant Conduct Practice Manual*;
- *Student bookmark* (with the Commonwealth Ombudsman); and
- *Summary poster, brochure and information sheet*.



Working Collaboratively

The office works collaboratively with local, national and international integrity and accountability agencies to encourage best practice and leadership in the sector. Working collaboratively also provides an opportunity for the office to benchmark its performance and stakeholder communication activities against other similar agencies, and to identify areas for improvement through the experiences of others.

Integrity Coordinating Group

Members:

Western Australian
Ombudsman

Commissioner for
Public Sector
Standards

Corruption and Crime
Commissioner

Auditor General

Background:

The Group was formed to promote and strengthen integrity in Western Australia public bodies.

The office's involvement:

The Ombudsman is currently the Chair of the Group and the office provides executive support for this role. Senior Ombudsman staff members also sit on the Group's joint working party.

2009-10 initiatives:

In November 2009 the Group held its forum for public authorities featuring Commonwealth Ombudsman Professor John McMillan. The Western Australian Ombudsman and other Group members sat on the expert panel and answered questions from some of the 250 attendees. The session was positively received by those who attended.

Australia and New Zealand Ombudsman Association

Members:

Western Australian
Ombudsman & Energy
Ombudsman Western
Australia

16 Parliamentary and
industry-based
Ombudsmen from
Australia and New
Zealand

Background:

The Association is a peak body industry association for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. It acts as a network for consultation and discussion for Ombudsman on matters of interest, concern or common experience.

The office's involvement:

The Ombudsman currently sits on the Association's Executive. The office regularly reports on its activities to the Association and also has nominated representatives who sit on interest groups in the areas of, policy and research, first contact, human resources and public relations and communications.

2009-10 initiatives:

In May 2010 the Ombudsman attended and presented at the biennial Australian and New Zealand Ombudsman Association 2010 Conference in Wellington New Zealand. The Ombudsman presented *Independence – A Key Principle*. Other meetings were held in New South Wales and New Zealand with key industry stakeholders.

Indonesian Australian Ombudsman Linkages and Strengthening Program

Members:

Western Australian Ombudsman
Commonwealth Ombudsman
New South Wales Ombudsman
Ombudsman of the Republic of Indonesia

Background:

The Program aims to provide access across a larger portion of Indonesia to more effective and sustainable Ombudsman and complaint management services.

The office's involvement:

The office has been involved with the Program since 2005 and supports the Program through staff placements in Indonesia and Australia.

2009-10 initiatives:

In June 2010 the office hosted a delegation from the Ombudsman of the Republic of Indonesia. The one day program included an overview of the Western Australian and Energy Ombudsmen's role and functions. It provided an excellent opportunity to share and exchange information about mutual experiences and to strengthen linkages between the offices.

Managing Unreasonable Complainant Conduct Project

Members:

Western Australian Ombudsman
Led by New South Wales Ombudsman, involving Parliamentary Ombudsmen from all other jurisdictions.

Background:

The Project aims to develop better strategies for managing complainants whose behaviour is challenging and is led by the New South Wales Ombudsman.

The office's involvement:

The office has been involved with the Project since 2006 and has had input into the interim and final practice manuals, developed in the first phase of the Project. The office will continue involvement with the Project into the future.

2009-10 initiatives:

In November 2009, the Managing Unreasonable Complainant Conduct Practice Manual was re-branded and made available on the office's website. During the year, the office also ran training for all staff on the principles of best practice management of challenging behaviour. In June 2010, the office hosted a training session and focus group for Western Australian public authorities run by the New South Wales Ombudsman's office. Unreasonable complainant conduct workshops are also part of the office's Regional Awareness and Accessibility Program.

Good Public Administration Workshop

Background:

The training modules aim to promote good public administration among public authorities.

2009-10 Initiatives:

The office collaborated with the New South Wales and Queensland Ombudsman offices to deliver the workshop at the Australian Public Sector Anti-Corruption Conference 2009.