

### Complaint Resolution

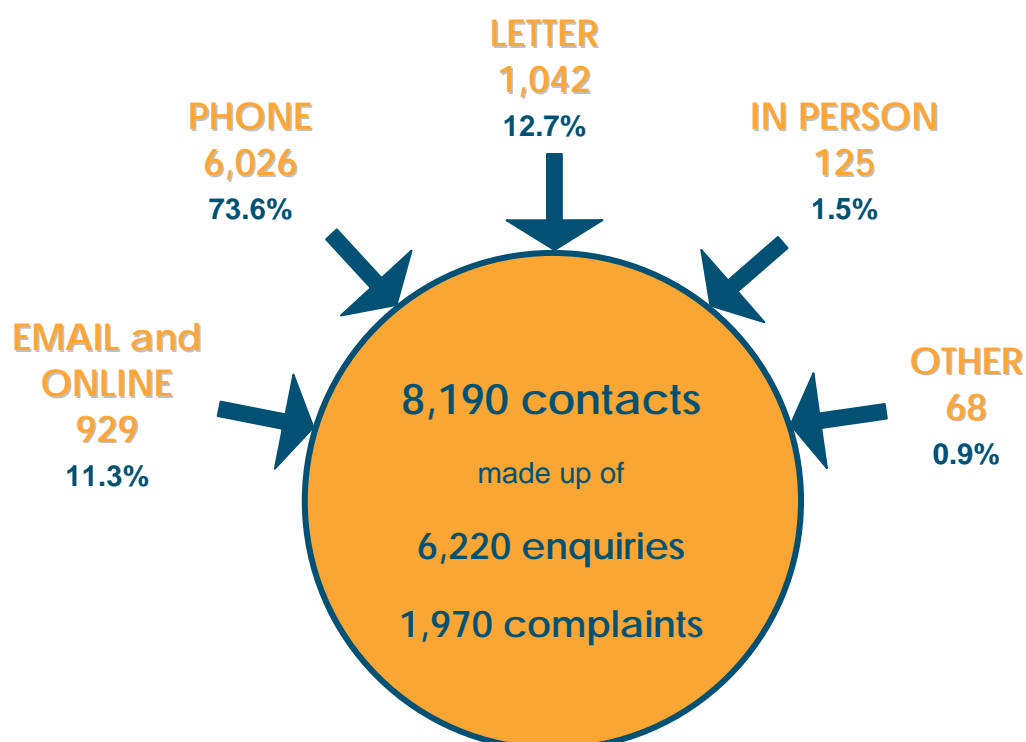
One of the core Ombudsman functions is to resolve complaints received from the public about State Government agencies, statutory authorities and boards, local governments and universities (commonly referred to as public authorities). This section of the report provides information about how the Ombudsman's office assists the public by providing independent and timely complaint resolution services or, where appropriate, referring them to a more appropriate body to handle the issues they have raised.

### Contacts

In 2010-11 the Ombudsman's office received 8,190 contacts from members of the public consisting of:

- 6,220 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 1,970 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

#### All Contacts to the Office in 2010-11



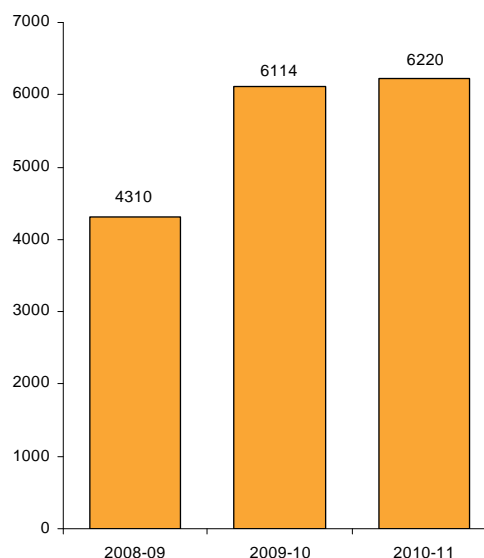
### Enquiries Received

There were 6,220 enquiries received during 2010-11, which is slightly higher than 2009-10 when there were 6,114 enquiries.

For enquiries that are within the Ombudsman's jurisdiction, staff provide information about the role of the Ombudsman's office and how to make a complaint. Approximately half of all enquiries are referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to have the issue dealt with. Enquirers are advised that if their issues are not resolved by the public authority they can make a complaint to the Ombudsman. For enquiries that are outside the Ombudsman's jurisdiction, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.

In some cases, Ombudsman staff may be able to facilitate an early resolution of the matter by making informal contact with the public authority. One example of this is outlined in the following case.

Enquiries Received 2008-09 to 2010-11



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



### Ombudsman expedites action to have asbestos removed

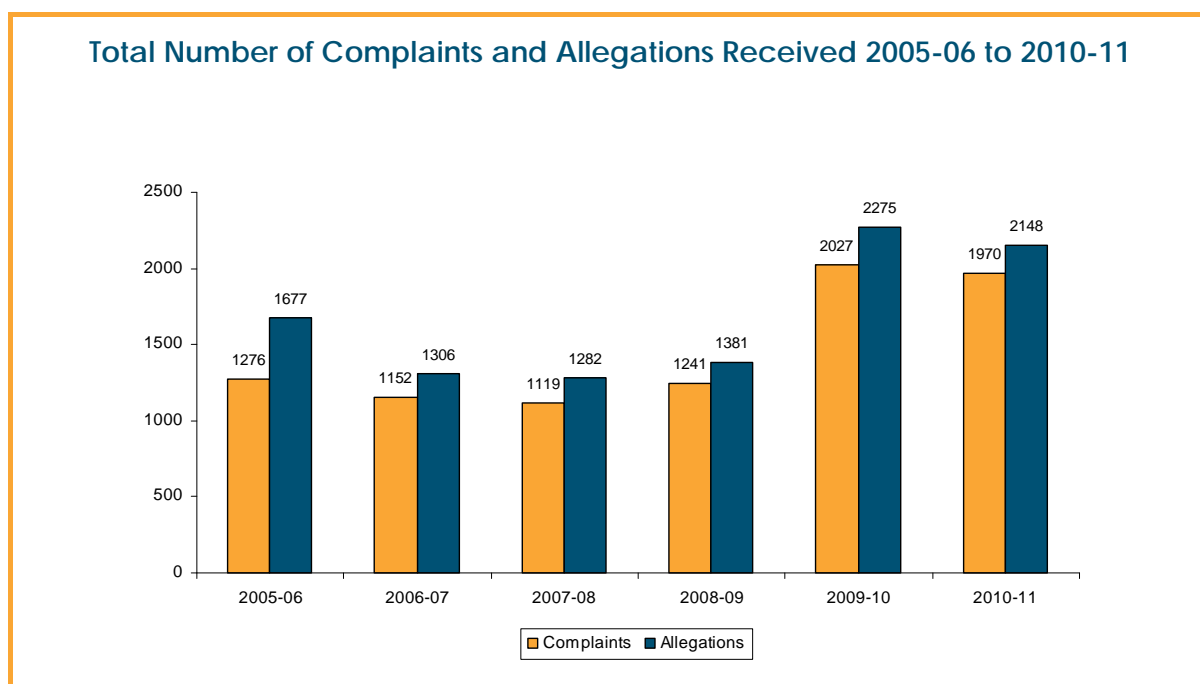
A woman living in public housing made an enquiry to the office alleging that she had found dangerous asbestos buried in her back yard and a public authority was unnecessarily delaying its removal. The complainant had contacted the public authority but had been told to put her complaint in writing before it could be assessed.

The office made enquiries with the public authority to find out its normal procedure for removing hazardous materials and whether adequate action had been taken when the woman asked for the asbestos to be removed.

The public authority promptly arranged for a contractor to attend the property to assess the situation. It then arranged for the woman and her family to be moved to nearby temporary accommodation, rent-free, until the asbestos was removed.

### Complaints Received

In 2010-11 the office received 1,970 complaints which included 2,148 separate allegations. There are more allegations than complaints because one complaint may cover more than one issue. As shown in the chart below, the number of complaints received in 2010-11 is similar to 2009-10 and continues to be above historic levels.



NOTE: The number of complaints and allegations shown for a year 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 with a start date in a previous reporting year.

**Over the last two years there has been a 67% increase in complaints compared to historic levels.**

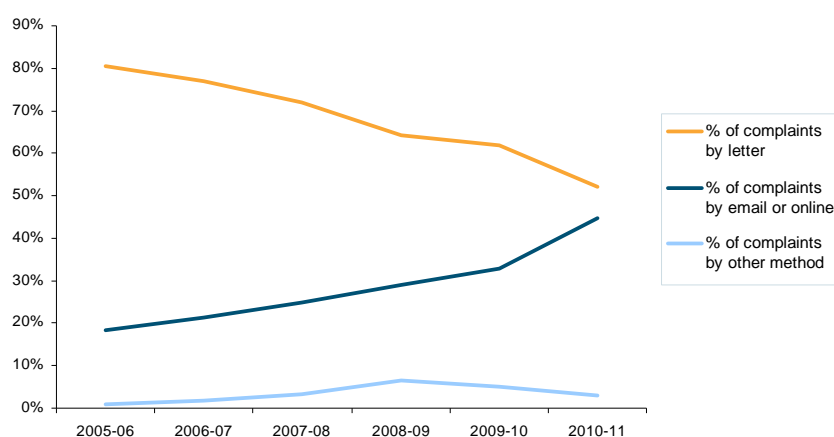
The average number of complaints received in the last two years (2010-11 and 2009-10) was 1,999 compared with the average of 1,197 for the four previous years (from 2005-06 to 2008-09). This represents an increase of 67 percent in complaint numbers. The increase is across all sectors and is

not confined to one public authority. For further information on trends in complaint numbers, see the [Significant Issues Impacting the Agency](#) section.

### How Complaints are Made

The increase in the use of email and online facilities to lodge complaints has continued in 2010-11, up from 33 per cent in 2009-10 to 45 per cent in 2010-11, nearly half of all complaints received. The proportion of people using email and online facilities to lodge complaints has more than doubled since 2005-06 when only 18 per cent were received in this way. During the same period, the proportion of people who lodge complaints by letter has reduced from 81 per cent to 52 per cent. The remaining complaints were received by a variety of means including by fax, during regional visits and in person.

Methods for Making Complaints 2005-06 to 2010-11



### Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to resolve complaints. This approach is highly efficient and effective and results in timely resolution of complaints. It gives public authorities the opportunity to provide a quick response to the issues raised and to undertake timely action to resolve the matter for the complainant and to prevent similar complaints arising again.

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

The outcomes of complaints may result in a remedy for the complainant or improvements to a public authority's administrative practices or a combination of both. Complaint resolution staff also track recurring trends and issues in complaints and this information is used to inform broader administrative improvement in public authorities and investigations initiated by the Ombudsman (known as [own motion investigations](#)).

### Time Taken to Resolve Complaints

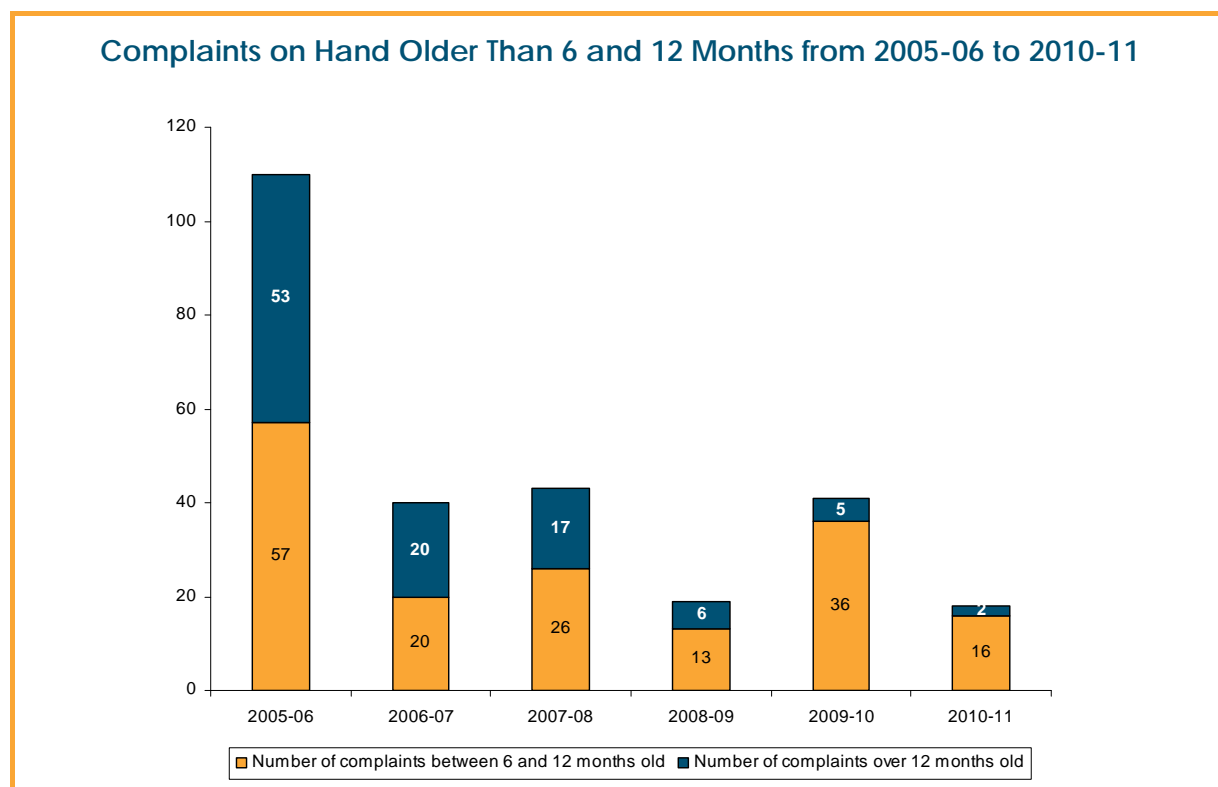
Timely complaint handling is important because early resolution of issues can result in more effective remedies and prompt action by public authorities to prevent similar problems occurring again. The office's continued focus on timely complaint resolution has resulted in ongoing improvements in the time taken to handle complaints.

Timeliness can be assessed by looking at the age of complaints on hand at the end of the financial year and the time to finalise complaints closed within the financial year. In both areas, the office has shown continued improvement in recent years:

- The average age of complaints on hand has reduced from 230 days on 30 June 2006 to 64 days on 30 June 2011, a 72 per cent reduction.
- During 2010-11 the average time to finalise complaints was 59 days compared with 92 days in 2005-06, a 36 per cent reduction over this period.

As shown in the following chart, in the five years from 30 June 2006 to 30 June 2011, there has been a significant reduction in the number of complaints on hand at the end of the year older than 12 months as well as the number of complaints on hand between six and 12 months old.

The number of complaints on hand older than 12 months has decreased by 96 per cent from 53 complaints on 30 June 2006 to two complaints on 30 June 2011. In the same period, the number of complaints on hand between six and 12 months old has decreased by 72 per cent from 57 complaints to 16 complaints.



In some cases, timely resolution of complaints is of the essence and public authorities can be quick to recognise this when there are immediate risks to safety. This is illustrated in the following case study.



### Fence repaired and swimming pool secured

A woman contacted the office regarding a fallen dividing fence between her property and her neighbour's property. The neighbouring house had a swimming pool which was no longer secure, and the woman had three young children whose safety she believed was compromised. She was unable to take any action directly as she was confined to a wheelchair. She had reported the damage to the public authority responsible for maintenance of her property. It had advised her that it had reported the matter to a contractor but, as the fence had blown down during the Christmas holidays, the contractor had said he could not do anything while his staff were away.

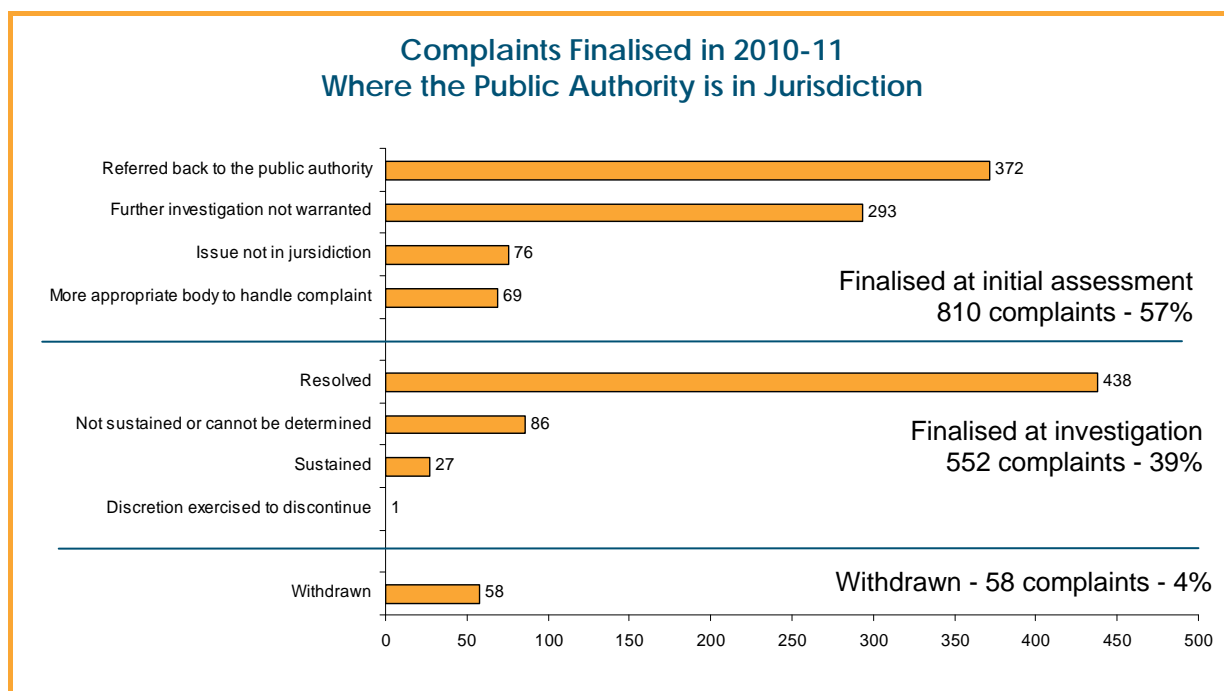
Ombudsman staff contacted the public authority with a view to achieving a faster resolution because of the potential immediate danger to the children. The public authority advised that a temporary fence was erected on the same day and a permanent option would be erected as soon as practicable.

### Outcomes Achieved from Complaints

There were 1,949 complaints finalised during the year and, of these, 1,420 were about public authorities in the Ombudsman's jurisdiction. Of these, 810 were finalised at initial assessment, 552 were finalised after an Ombudsman investigation and 58 were withdrawn.

Nearly half (46 per cent) of the 810 complaints finalised at the initial assessment were 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 person making the complaint is advised to contact the Ombudsman's office again if their complaint remains unresolved at the end of this referral process. In a further nine per cent of complaints finalised at the initial assessment, it was determined that there was a more appropriate body to handle the complaint. In these cases, complainants are provided with contact details of the relevant body to assist them.

The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised during 2010-11.



Of the 552 complaints finalised after investigation, 79 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 complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolving complaints using this approach.

An example of early resolution is shown in the following case.



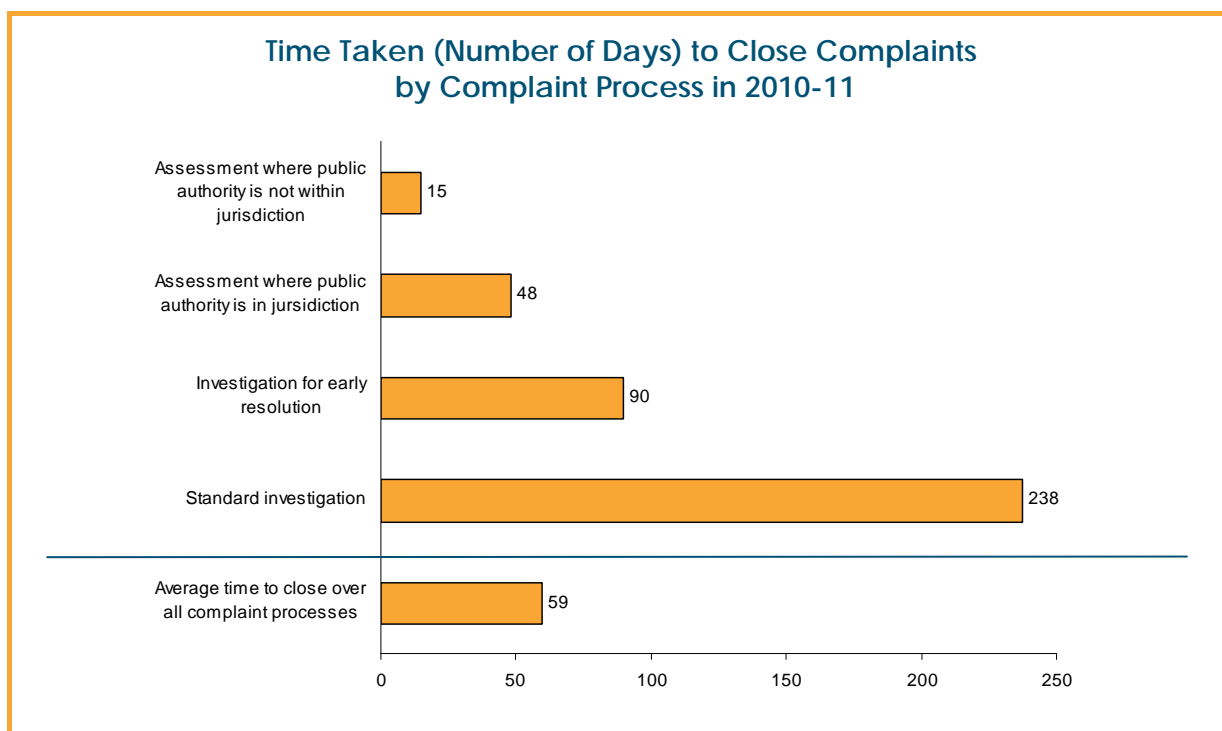
### Elderly woman receives a reduction of over \$4,000 on her bill through early resolution of complaint

When a plumber replaced the pipe in an elderly woman's front garden to address water leakages, he provided her with a leak flow reading to show to the public authority providing water services to enable her to seek a reduction if she received a high bill. The woman's next bill was over \$4,000 and her son-in-law approached the public authority on her behalf, showed them the leak flow reading and sought a reduction in the bill. The public authority agreed to reduce the charges by half. The woman's son-in-law argued that the woman could not have known about the leak which was underground and the issue was causing her serious distress.

When Ombudsman staff made initial enquiries, the public authority agreed to review the case and this resulted in a decision to provide a leak allowance under a different, more appropriate policy. This effectively reduced the bill to under \$50 which was more in line with the complainant's regular consumption.

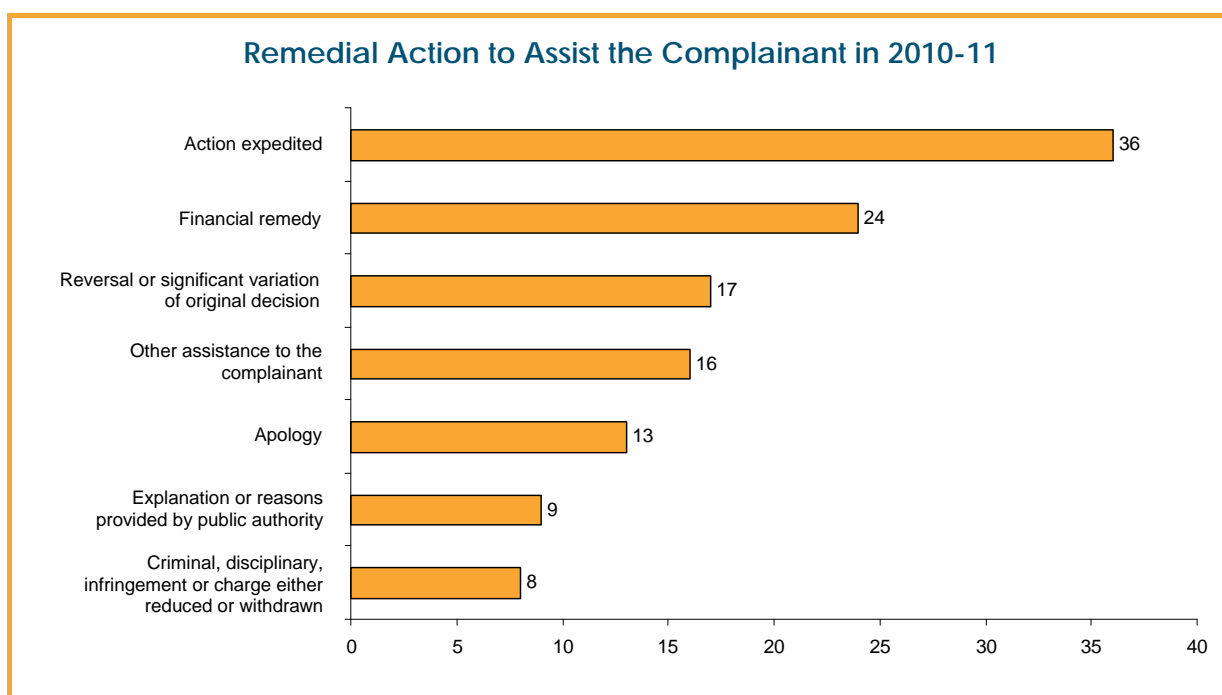
## Our Performance - Complaint Resolution

The average time to resolve a complaint by early resolution is 90 days compared with an average of 238 days for standard investigations as shown in the chart below.



## Outcomes to Assist the Complainant

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. In 2010-11 there were 123 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, as shown in the following chart.





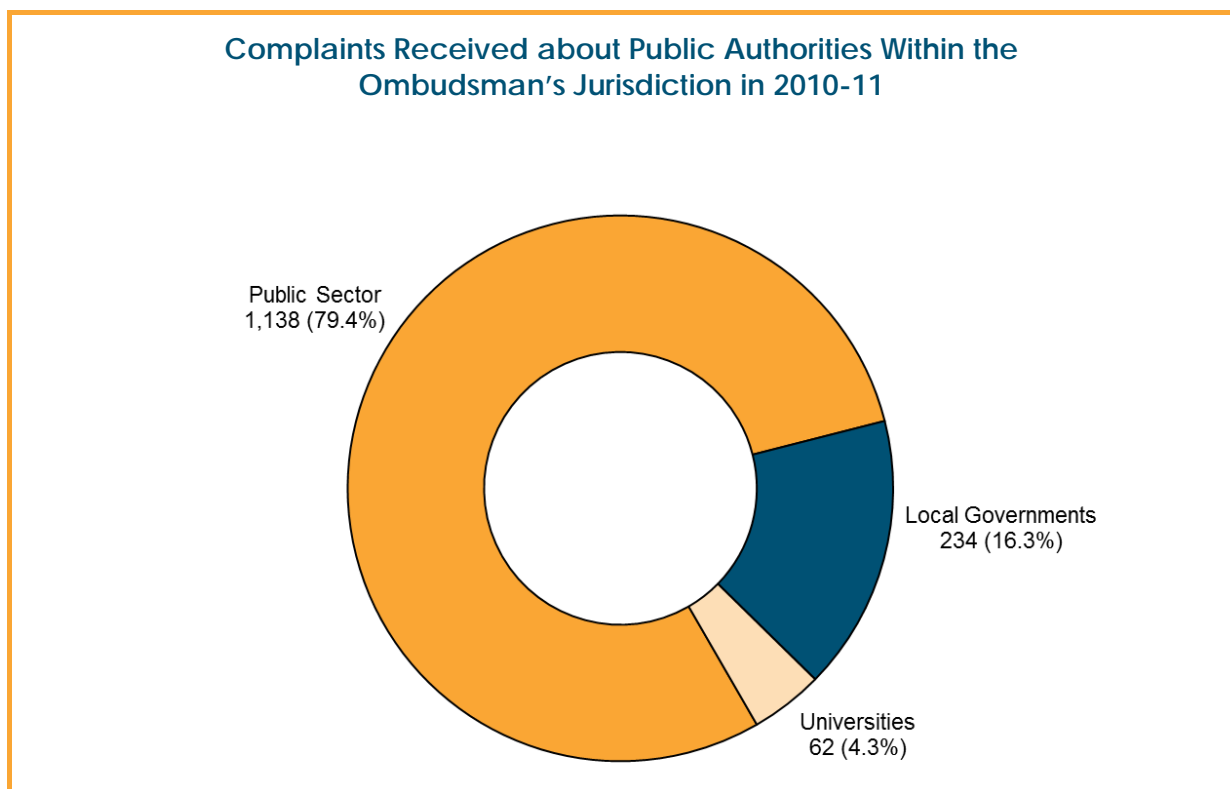
### Outcomes to Improve Public Administration

In addition to providing individual remedies, complaint resolution can also improve public administration. This occurs when the public authority takes action to improve its decision making and practices in order to address systemic issues and prevent similar complaints in the future. Information on outcomes to improve public administration is provided in the [Administrative Improvement](#) section.

### About the Complaints

Of the 1,970 complaints received, 1,434 were about public authorities that are in the Ombudsman's jurisdiction. The remaining 536 complaints were about bodies outside the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people making the complaint to take the complaint to a more appropriate body.

Public authorities in the Ombudsman's jurisdiction fall into three sectors: the public sector (1,138 complaints) which includes State government departments, statutory authorities and boards; the local government sector (234 complaints); and the university sector (62 complaints), as shown in the chart below.



The following sections provide details of complaints, issues and outcomes for each of:

- [The public sector](#) – State Government agencies, statutory authorities and boards (1,138 complaints);
- [The local government sector](#) (234 complaints); and
- [The university sector](#) (62 complaints).

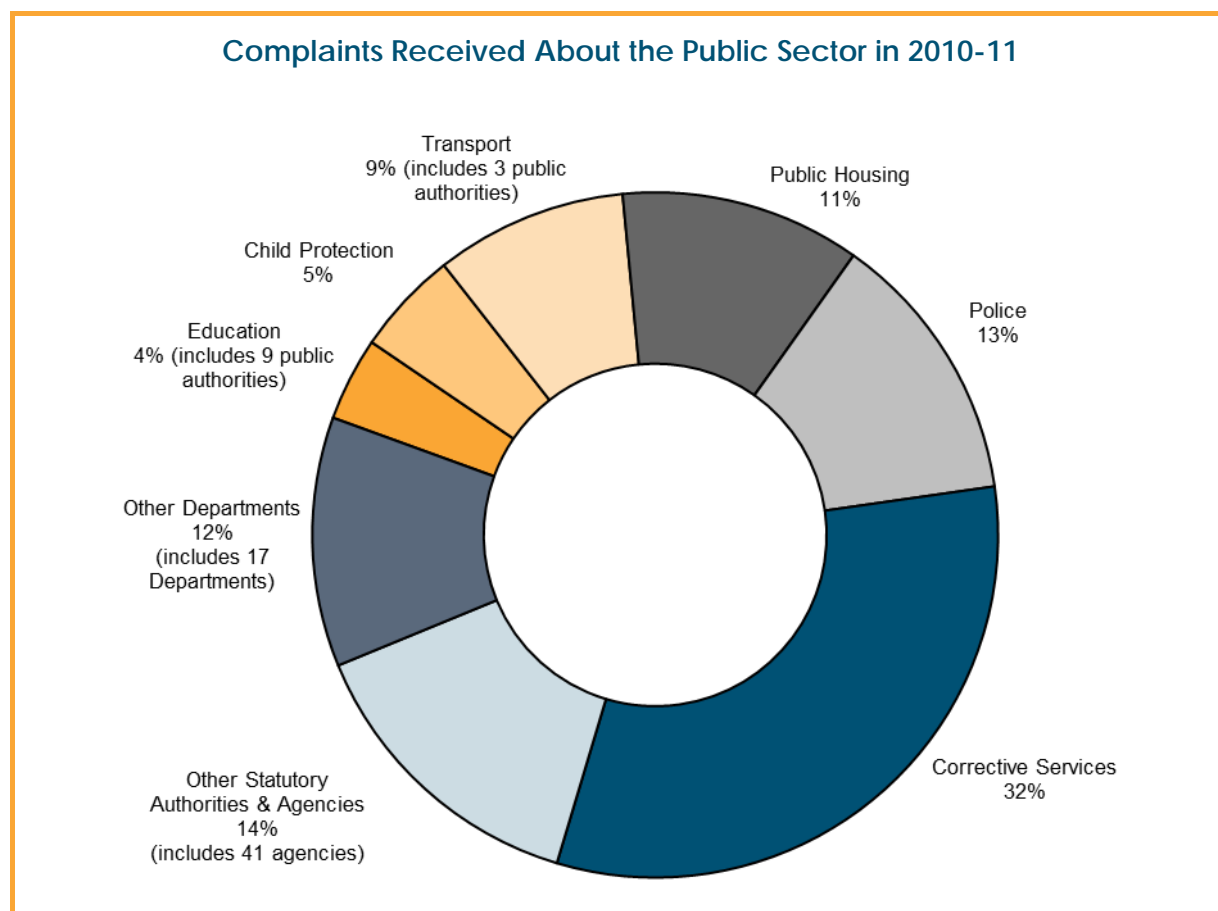
### The Public Sector

Of the 1,138 complaints received about the public sector, 74 per cent were about six key areas covering:

- [Corrective services](#), in particular prisons (363 or 32%);
- [Police](#) (147 or 13%);
- [Public housing](#) (129 or 11%);
- [Transport](#) (103 or 9%);
- [Child protection](#) (56 or 5%); and
- [Education](#) - public schools and Technical and Further Education colleges (45 or 4%). Information about universities is shown separately under the University Sector.

The remaining 26 per cent of complaints about the public sector (295) were about [other State Government departments, statutory authorities and boards](#). Sixty nine per cent (40) of these agencies received less than five complaints.

The chart below shows the breakdown of complaints received about the public sector.



There were 124 actions taken by public sector bodies as a result of complaints finalised in 2010-11. These resulted in 92 remedies being provided to complainants and 32 improvements to public sector practices.

### Public Sector Complaint Issues and Outcomes

#### Corrective Services

##### Complaint Numbers

- Complaints received: 363
- Complaints finalised: 362

##### Types of Issues Raised

- Facilities, services and conditions including health services, mail and telephone use;
- Placement and transfers including sentence and release arrangements;
- Officer behaviour and conduct;
- Prisoner property; and
- Staff employment issues.

##### Outcomes Achieved

- Altered or reversed decisions;
- Withdrawal of disciplinary decisions;
- Actions expedited;
- Explanations provided;
- Apologies given;
- Compensation for lost property;
- Payment of employee entitlements;
- Improved security for prisoner property;
- Changed procedures and training; and
- Review of record keeping processes.

#### Police

##### Complaint Numbers

- Complaints received: 147
- Complaints finalised: 142

##### Types of Issues Raised

- Investigations and prosecutions;
- Traffic issues;
- Officer behaviour and conduct; and
- Searches, custody and handling of property.

##### Outcomes Achieved

- Review and withdrawal of infringement notices;
- Act of grace payment (compensation);
- Apology given;
- Action expedited;
- Property returned; and
- Review of application of legislation.

### Public Housing

#### Complaint Numbers

- Complaints received: 129
- Complaints finalised: 117

#### Types of Issues Raised

- Property allocation;
- Behaviour and evictions of tenants;
- Property condition and maintenance; and
- Tenant debts and liabilities.

#### Outcomes Achieved

- Refund or reversal of tenant liability charges;
- Reconsideration of housing applications;
- Maintenance issues resolved;
- Reconsideration of transfer request;
- Actions expedited; and
- Explanations provided.



### Maintenance issues resolved

A mother of two children complained to the office about unresolved maintenance issues with her property which she felt affected the wellbeing of her children. She had contacted the public authority responsible for the home several times and was advised the maintenance would be undertaken. However as this had not occurred she felt the public authority was not taking her concerns seriously.

Ombudsman staff made enquiries with the public authority and it advised that the repairs would be carried out, at the latest by midday the following day. When informing the complainant of the outcome, office staff provided the complainant with the phone number of a Property Services Officer, allowing her to follow up with the public authority directly.

### Transport

#### Complaint Numbers

- Complaints received: 103
- Complaints finalised: 101

#### Types of Issues Raised

- Disputes relating to fines and infringements;
- Vehicle registration and driver's licence issues;
- Officer behaviour and conduct; and
- Provision of information.

#### Outcomes Achieved

- Altered or reversed monetary or infringement charges;
- Actions expedited;
- Explanations provided;
- Apologies given;
- Altered or reversed decisions;
- Revision of information on website;
- Amendment to schedule to regulations; and
- Changed procedures.



### Investigation leads to ex-gratia payment and improved information for the public

A man came to the Ombudsman's office complaining that he had suffered a financial loss due to an error by a public authority, and that it unreasonably and unfairly denied him compensation.

The complainant purchased a wagon which he was intending to use as a taxi. He had seen public authority documents which showed that the vehicle was suitable for use as a taxi. However when he presented the vehicle for licensing, he was told the vehicle had been incorrectly classified and could not be used as a taxi. The man could not maintain payments for the vehicle and it was repossessed. While the public authority acknowledged the error, it denied liability for the complainant's purchase costs and loss of income.

The investigation of the complaint by Ombudsman staff raised a number of complex considerations regarding liability. Of particular note was the inadequate provision of information to the public about purchasing vehicles for use as taxis on the public authority's website.

As a result of the investigation, the public authority agreed to progress an ex-gratia payment for a component of the financial loss. In addition, it took action to improve access to information on its website, including advice to taxi operators and new applicants regarding checking with the Licensing Officer prior to purchasing a vehicle.

### Child Protection

#### Complaint Numbers

- Complaints received: 56
- Complaints finalised: 61

#### Types of Issues Raised

- Child maltreatment investigations including case management practices;
- Officer behaviour and conduct;
- Provision of information; and
- Out of home care including fostering.

#### Outcomes Achieved

- Apology given;
- Meetings to address concerns;
- Investigation or re-investigation of complaints; and
- Revision of care plan procedures.

### Education

#### Complaint Numbers

- Complaints received: 45
- Complaints finalised: 59

#### Types of Issues Raised

- School fees and enrolment;
- Student wellbeing and discipline issues;
- Consultation including regarding the location of new buildings; and
- Human resource issues.

Complaints about the education group 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*.

#### Outcomes Achieved

- Waiver of fees or debts;
- Action expedited;
- Explanations provided;
- Apologies given; and
- Changed human resource procedures.

### Case Study

#### Untimely response results in apology and waiving of debt

A man wrote to the Ombudsman complaining that a technical and further education college was holding him liable for course fees after he withdrew from the course. The man said that he requested exemptions from certain subjects, but when these were denied he tried to cancel his enrolment. Although he had written to the college, he alleged it had not responded to him and had threatened legal action over the outstanding amount.

Ombudsman staff made enquiries with the college administration to gather information about the chain of events. As a result, the college acknowledged it had failed to respond to the man in a timely manner and agreed to remove the debt associated with the outstanding fees.

#### Other Public Authorities

##### Complaint Numbers

- Complaints received: 295
- Complaints finalised: 299

##### Types of Issues Raised

- Delays in making a decision, taking action or replying to requests for information by public authorities;
- Objections to decisions or actions taken on the basis they are inconsistent with policy or procedure;
- Disputed bills, charges and fines;
- Consultation processes prior to making a decision; and
- Provision of assistance.

##### Outcomes Achieved

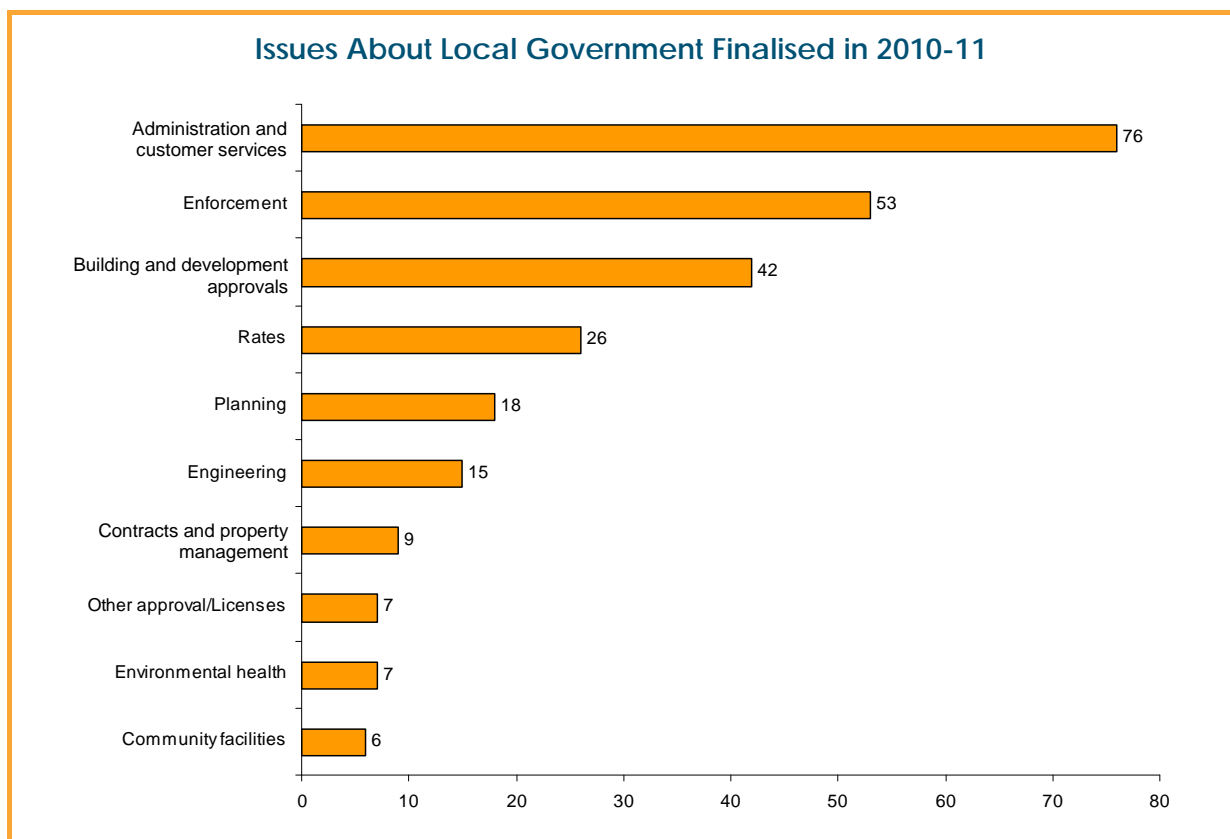
- Providing appropriate reasons for decisions;
- Refunds and act of grace payments (compensation);
- Action expedited;
- Explanations provided;
- Apology given;
- Review of conflict of interest policy; and
- Changed procedures and training.

### The Local Government Sector

#### General Trends, Issues and Outcomes

In 2010-11 the Ombudsman received 234 complaints about the local government sector, a similar number to 2009-10 and there were 223 complaints finalised during the year including 259 separate issues.

A summary of the issues included in the local government complaints that were finalised in 2010-11 is shown in the chart below.



The most common areas for issues raised in complaints that were finalised during the year were:

- Administration and customer services (29%);
- Enforcement (20%); and
- Building and development approvals (16%).



A breakdown of the range of issues raised and outcomes achieved are shown in the following table.

### Types of Issues Raised

#### Administration and Customer Services

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

#### Enforcement

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

#### Development and Building Approvals

- Objections to applications;
- Decisions on applications; and
- Construction and demolition issues.

#### All Other Areas

- Community facilities and parks including concerns about works on cultural sites;
- Contract and property management including leases, property transactions, tender processes and contractual disputes;
- Engineering including roadwork and streetscapes;
- Environmental health including noise pollution; and
- Planning, rates and issues associated with approvals and licenses other than development and building approvals.

### Outcomes Achieved

- Refunds and reimbursements or compensation payments;
- Actions expedited;
- Investigation or re-investigation of complaints;
- Meetings to address concerns;
- Provision of information;
- Apology given;
- Reconsideration of request for fencing;
- Modification of a road to improve safety;
- Clarification of land processes;
- Issuing of a Notice to Remove a building; and
- Changed policies and procedures, and training.



### Ombudsman action results in refund and improved document control

A woman complained to the Ombudsman that her local government was refusing to refund two Road Reserve Access Bonds, a demolition bond and a building bond that she had paid on behalf of a demolition company and builder of her residence prior to work being done on her house. She alleged that the local government told her that it had repaired the footpath in front of her house and therefore deducted the cost of these repairs from the demolition bond and that it was unable to find a record of the building bond being paid. The woman stated that she had organised and paid for the repairs to the footpath herself and she should be entitled to a full refund of both bonds.

Shortly after the woman made her complaint the local government located the documentation to show the building bond had been paid and refunded the bond. As a result of the Ombudsman's further enquiries, the local government agreed that there was insufficient documentation to substantiate it had undertaken the repairs of the footpath and the remainder of the demolition bond was also fully refunded. The local government undertook to more closely supervise staff to ensure documentation was completed to support works orders.

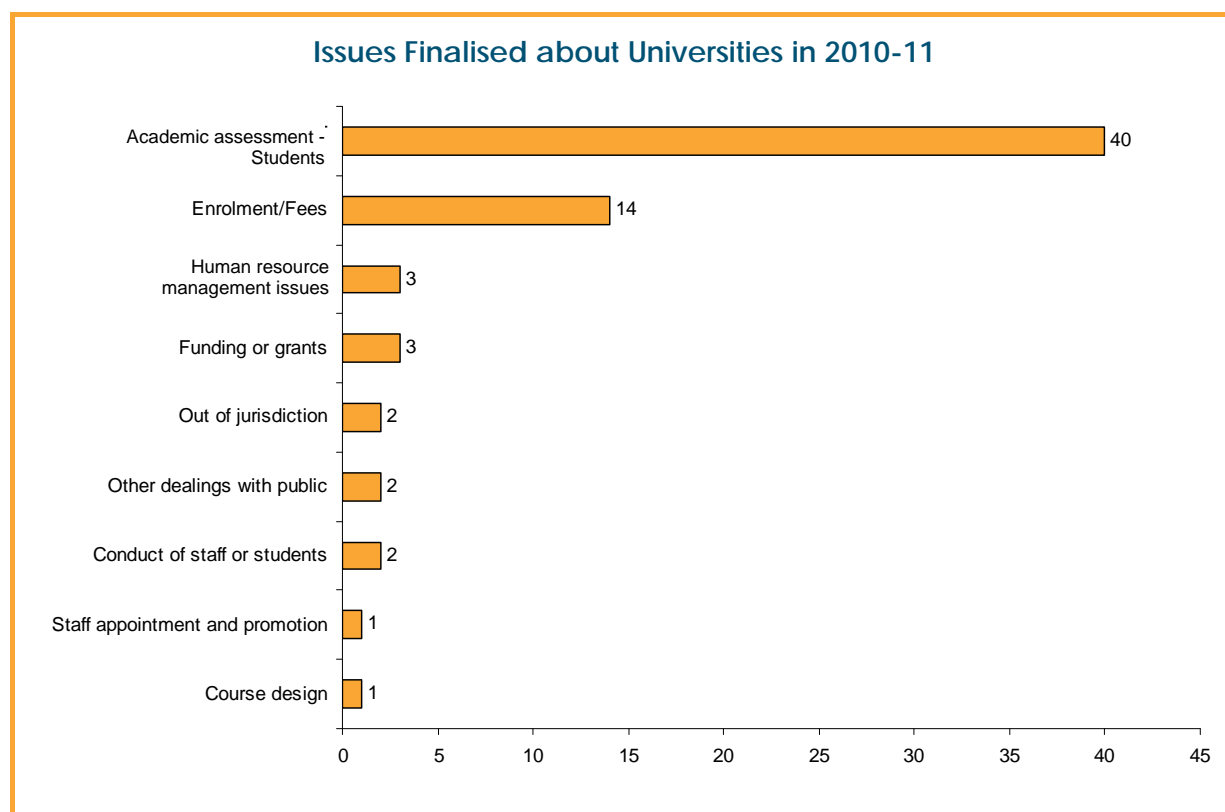
### The University Sector

#### General Trends, Issues and Outcomes

There were 62 complaints received about the university sector, an increase of 11 per cent compared to 2009-10, and 56 complaints were finalised including 68 separate issues. The most common issues raised in complaints about universities were:

- Student academic assessment issues, such as course assessment and termination from course of study (59%); and
- Enrolment issues and fees (19%).

The full range of issues raised in complaints is set out in the following chart.



## Our Performance - Complaint Resolution

A breakdown of the range of issues raised and outcomes achieved are shown in the following table.

<b>Types of Issues Raised</b>	<b>Academic Assessment</b> <ul style="list-style-type: none"><li>• Course assessment procedures;</li><li>• Marking of exam papers;</li><li>• Grades awarded for courses;</li><li>• Termination from course of study; and</li><li>• Handling of appeals on course termination.</li></ul> <hr/> <b>Enrolment and Fees</b> <ul style="list-style-type: none"><li>• Enrolment processes;</li><li>• Availability of units in degree courses;</li><li>• Recognition of 'prior learning';</li><li>• Enrolment fee process;</li><li>• Student loan repayment system; and</li><li>• Refund of course fees.</li></ul>
<b>Outcomes Achieved</b>	<ul style="list-style-type: none"><li>• Altered or reversed decisions;</li><li>• Waiver of late fees;</li><li>• Reallocation of fees to another unit;</li><li>• Alteration of academic records; and</li><li>• Review of procedures.</li></ul>



### Decision to refuse a student's withdrawal due to illness reversed

A university student complained to the Ombudsman about the decisions of the university to deny her application for a deferred exam and her subsequent application for retrospective withdrawal from the unit. The student stated that both applications were due to illness and she had provided the university with medical certificates.

The investigation of the matter by the Ombudsman's office showed that:

- The university denied the student's application for a deferred exam, despite the student producing medical certificates; and
- The university had not clearly explained to the student why the medical evidence she provided did not satisfy its requirements.

The university reviewed the case and acknowledged the decision to deny the deferred exam may have been unfair. The university agreed to grant the student retrospective withdrawal from the unit. Her attempt at the unit was removed from her academic record and the fees already paid were credited towards her current unit enrolment.

### Access to the Ombudsman's Services

The office continues to implement a number of strategies to ensure its complaint services are accessible to all Western Australians. These include access through online facilities as well as more traditional approaches by letter and through visits to the office. The office also holds complaint clinics and delivers presentations to community groups, particularly through the Regional Awareness and Accessibility Program.

Information was gathered during 2010-11 from people whose complaints were finalised in 2010 to determine how they became aware of the Ombudsman and how they accessed the office's services. This indicated that people mainly hear about the Ombudsman from:

- Friends and relatives (24%);
- Online information (22%);
- Professional advice, including lawyers (18%);
- Members of Parliament (8%); and
- The agency complained about (7%).

**Most people find out about the Ombudsman from friends or relatives, online information or professional advice.**

The information obtained confirmed that access to the Ombudsman's office through online services was popular. This is further demonstrated by the increased use of online access this year. The information also indicated that the things that were most likely to assist people to make their complaint were: calling the [Ombudsman's enquiry line](#) first; the information on the [Ombudsman's website](#); and the [Ombudsman's publications](#).

The office has been using the information obtained to further refine its communication and accessibility programs as shown below.

### Communicating with Complainants

The office provides a range of information and services to assist specific groups and the public more generally to understand the role of the Ombudsman and the complaint process. Many people find the office's enquiry service assists them to make their complaint. Some of the other initiatives in 2010-11 include:

**39% of survey respondents said they were assisted by calling the Ombudsman's enquiry line before making their complaint.**

- The ongoing work of the Principal Indigenous Liaison Officer (**PILO**) to assist the office to build networks and relationships with Indigenous Western Australians, including prisoners. The PILO was involved in regional visits and prison visits during the year and also attended the Aboriginal Visitors Scheme (in prisons) Conference;
- Provision of advice to the Ombudsman's staff by the PILO on cultural sensitivities and appropriate ways of working with Indigenous people;
- Promotion of the Ombudsman's translated information sheets [How to complain to the Ombudsman](#) and [Complaints by overseas students](#). Information is already available in a number of [community languages](#) and can be made available in specific languages on request;
- Production of a new information sheet [Ombudsman's complaint resolution process: Information for complainants](#), providing complainants with a flowchart showing how the office handles complaints and easy hints and tips on navigating the complaints process;

- Development of new guidelines for Ombudsman staff on effectively communicating with people from culturally and linguistically diverse backgrounds and people with disabilities. These incorporated many good practice principles as outlined by local and national government and non-government organisations;
- Ongoing promotion of the role of the office and the type of complaints the office handles through 'Ask the Ombudsman' on 6PR's *Nightline* Program; and
- Regular updating and simplification of the Ombudsman's website to provide easy access to information for people wishing to make a complaint and those undertaking the complaint process.

### Liaison with Public Authorities

The office liaises with various public authorities throughout the year to discuss case-specific information and to track issues and trends occurring within different sectors.

### Liaison with the Public Sector

#### Prison Visits

During the year, the office made visits to prisons and juvenile detention centres including:

- Albany Regional Prison;
- Pardelup Prison Farm;
- Acacia Prison;
- Banksia Hill Juvenile Detention Centre; and
- Bandyup Women's Prison.

The visits to Albany Regional Prison and Pardelup Prison Farm, undertaken as part of the office's [Regional Awareness and Accessibility Program](#), were successful in achieving the office's goal of meeting with prison staff, Peer Support Prisoners and Prisoner Support Officers to provide information about the office and explore current issues.

#### Liaison with Corrective Services

Liaison activities with Corrective Services during the year included:

- Ombudsman staff presenting to members of the Department's Aboriginal Visitors Scheme to provide information about the office; and
- Regular meetings with senior representatives of the Department's Professional Standards and Adult Custodial Divisions.

In addition, the office has established quarterly meetings with representatives of the Office of the Inspector of Custodial Services. These meetings have proved useful in allowing both offices to become better informed of issues affecting the corrective service sector in Western Australia.

### Liaison with the Department of Housing

During the year, the office continued to liaise with Department of Housing staff through:

- Two presentations on *Effective Decision Making* to staff and members of the Regional Appeals Housing Committee in August 2010 as part of the Department's implementation of changes to its appeals process;
- A presentation on *The Role of the Ombudsman, Effective Complaint Handling and Decision Making* to staff at the Southern Region Office in Albany in November 2010. This was undertaken as part of the office's Regional Awareness and Accessibility Program; and
- Discussions were also held during the year with senior staff within the Department of Housing to learn about its implementation of the new Disruptive Behaviour Management Strategy.

### Liaison with the Local Government Sector

The office continued to work on strengthening its liaison with the local government sector. Some initiatives undertaken during the year were:

- In March 2011, staff from the office addressed local government managers and practitioners at the Local Government Managers Australia (Western Australia) 'Fit to Lead' Conference. The office was invited to make a presentation on *Managing Unreasonable Complainant Conduct*. Following the conference, the office also provided additional advice to local governments who contacted the office directly;
- As part of the office's regional visit to the Great Southern Region in November 2010, representatives from the office spoke with staff at the City of Albany and delivered a workshop to staff at the Shire of Denmark on *Effective Complaint Handling*; and
- In April 2011, Ombudsman staff visited the Cocos (Keeling) Islands and Christmas Island and met with local government representatives and the Indian Ocean Territories Administration Team as part of the office's outreach programs.

### Liaison with the University Sector

Liaison activities with universities during the year included:

- A presentation on *Managing Unreasonable Complainant Conduct* at Edith Cowan University for the Australian Higher Education Industrial Association in October 2010. The audience was Human Resources Practitioners in Western Australian universities;
- A presentation on *Managing Unreasonable Complainant Conduct* to members of the Complaint Managers' Forum coordinated by the University of Western Australia in December 2010; and
- A presentation on *Conducting an Administrative Investigation* to complaint handlers at Murdoch University's Student Discipline Investigation Skills Workshop in February 2011.

### Other Complaint Related Functions

#### Reviewing Appeals by Overseas Students

The [\*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007\*](#) (**the Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australia. It provides overseas students with rights of appeal to external, independent bodies if their internal appeal with their education or training provider is unsuccessful. Overseas students studying with both public and private education providers have access to an Ombudsman who:

- Provides a free complaint resolution service;
- Is independent and impartial and does not represent either the overseas students or education and training providers; and
- Can make recommendations arising out of investigations.

In Western Australia the Ombudsman's office is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [Commonwealth Ombudsman](#) is the external appeals body for overseas students studying in private education and training organisations.

#### Complaints Lodged with the Ombudsman's Office under the Code

Education and training providers are required to comply with 15 standards under the Code. In dealing with these complaints, the Ombudsman considers whether the decisions or actions of the agency complained about comply with the requirements of the Code and if they are fair and reasonable in the circumstances.

During 2010-11 the Ombudsman's office received 32 complaints about public education and training providers from overseas students under the Code, and finalised 26 complaints about 31 issues. Twenty two of the finalised issues were about termination of enrolment decisions made by universities and public training providers and nine were about other issues such as course transfers and marking.

#### Communicating with Overseas Students

- During the year the office developed an overseas student page on the Ombudsman website. It explains the role of the Ombudsman's office and provides students with the opportunity to either lodge a complaint online or print and complete a complaint form.
- The office has also produced an information sheet for [overseas students](#) explaining the process for lodging a complaint to the office. This sheet was translated into the most common languages for overseas students studying in Western Australia including Hindi, Indonesian, Malay, and Simplified and Traditional Chinese.



### Public Interest Disclosures

Section 5(3) of the [Public Interest Disclosure Act 2003](#) allows any person to make a disclosure to the Ombudsman about particular types of 'public interest information'. The information provided must relate to matters that can be investigated by the Ombudsman such as the administrative actions and practices of public authorities or involve the improper conduct of public officers.

Key members of staff have been authorised to deal with disclosures made to the Ombudsman and have received appropriate training. They assess the information provided to determine whether the matter requires investigation, having regard to the *Public Interest Disclosure Act 2003*, the [Parliamentary Commissioner Act 1971](#) and relevant guidelines. If a decision is made to investigate, subject to some additional requirements regarding confidentiality, the process for investigation of a disclosure is the same as that applied to the investigation of complaints received under the *Parliamentary Commissioner Act 1971*.

During the year the Ombudsman completed the investigation of three disclosures. No new disclosures were received.

### Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Commonwealth Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman's jurisdiction. In 2010-11 there were four complaints from the Indian Ocean Territories. During the year staff from the Ombudsman's office visited both Christmas Island and the Cocos (Keeling) Islands in conjunction with staff from the Health and Disability Services Complaints Office and the Commonwealth Ombudsman's office. Staff met with local public authorities, community groups and individuals. The visit raised awareness of the services provided by the office and was well received by the local community and public authorities operating in the Territories.

### 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.

### 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 made by the office an opportunity to [request a review](#) of that decision. Forty eight requests for review were received in 2010-11, 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 decision was upheld.