

Overview

This section provides an executive summary of the Office's performance, general information about the Office and provides the Office's performance management framework.

- [Executive Summary](#)
 - [Ombudsman's Foreword](#)
 - [2011-12 - The Year in Brief](#)
- [Operational Structure](#)
- [Performance Management Framework](#)



Fair
Independent
Accountable

Ombudsman's Foreword

I am very pleased to present the 2011-12 Annual Report of the Western Australian Ombudsman. The office of the Ombudsman (**the Office**) has four principal functions, which are to:

- Receive, investigate and resolve complaints about the administrative decision making and practices of the public sector, local governments and universities;
- Improve public administration for the benefit of all Western Australians through own motion investigations and education and liaison programs with agencies;
- Review certain child deaths; and
- Undertake a range of additional functions that fit within the broad category of integrity oversight including inspections of telecommunications intercepts and investigation of public interest disclosures.



The Ombudsman also concurrently holds the role of Energy Ombudsman and State Records Commissioner.

This has been an extremely busy and productive year. Our major complaint handling improvement program, introduced in 2007-08, has ensured that over the last five years the Office has been able to manage successfully a significant increase in the level of complaints as well as continuing to achieve our key objectives of quality, timeliness and efficiency. The percentage of aged cases has fallen again this year with 99% of cases finalised within 12 months and for the fourth consecutive year the cost per finalised allegation has reduced, reflecting the efficiency dividends of the program. Overall, since 2006-07, the program has enabled us to achieve a 42% reduction in the average time to finalise complaints and an 85% reduction in the number of cases finalised older than 12 months.

This year the Office has developed and commenced a new organisational structure and processes to further promote early resolution of complaints and even greater timeliness of complaint handling, and this will be a key area of focus in 2012-13.

We have undertaken a significant level of work in relation to our Child Death Review role this year including, reviewing child deaths, identifying patterns and trends arising from these reviews and seeking to improve public administration to prevent or reduce child deaths. Our review of child deaths led to work during the year on two major own motion investigations into issues identified arising from our reviews.

A report of a major own motion investigation titled *Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004* was tabled in Parliament in November 2011. The investigation found that since the introduction of the *Children and Community Services Act 2004* (**the Act**), the Departments for Child Protection, Health and Education had worked cooperatively to operationalise the

requirements of the Act. The investigation found that significant and pleasing progress on improved planning for children in care has been achieved, however there is still work to be done, particularly in relation to the timeliness of preparing care plans and ensuring that care plans fully incorporate health and education needs, other wellbeing issues, the wishes and views of children in care and are regularly reviewed. The report included 23 recommendations for improvement, all of which were agreed to by the agencies involved and we are actively monitoring the implementation and effectiveness of these recommendations. Significant work was undertaken during the year on an own motion investigation in relation to sleep related infant deaths and a report will be tabled in Parliament in 2012.

Recent years have seen an increasing diversity in the oversight functions undertaken by the Office and this has continued in 2011-12. On 1 July 2012, the Ombudsman will commence a critical new function to review family and domestic violence fatalities and we have undertaken a significant level of work in 2011-12 in preparing for this function.

In 2007, we commenced a new program aimed at addressing the historical under-representation of regional and Indigenous Western Australians in terms of complaints to the Office. The program aims to significantly enhance awareness of and accessibility to the Office and involves a range of strategies including seminars for public authorities and community groups, Indigenous liaison activities, complaint clinics for the general public, and visits to regional prisons. The program has continued this year, including development of a series of new measures to ensure that our services are as accessible as possible to children and young people.

In a particularly busy year for the Office, I take this opportunity to recognise the outstanding contribution of my staff team and thank them for their skill, commitment and hard work.

The Office is an accessible source of administrative justice for Western Australians and also contributes to improving public administration through recommendations that arise from resolving complaints and from undertaking major own motion investigations about matters of public importance. The Office is recognised as one of the key integrity and accountability agencies in government. The Office also has an important role in protecting and promoting the rule of law. In all of its responsibilities, we are committed to ensuring that the Office continues to provide services to the Parliament and the people of Western Australia that are of the highest quality. This is a commitment that I believe we have fulfilled this year.



Chris Field
Western Australian Ombudsman

The Year in Brief for 2011-12

Resolving Complaints

Complaints and Enquiries

There were 11,685 contacts with the Office, including:

- 9,259 enquiries; and
- 2,426 complaints.

Timely Complaint Handling

Timely complaint handling in 2011-12 meant that:

- 72% of allegations were finalised within 3 months and 99% were finalised within 12 months; and
- There has been a reduction of 10% in the average time to finalise complaints over the last year.

Over the last five years, very significant improvements have been achieved in timely complaint handling, including:

- The average time to finalise complaints decreased by 42% from 92 days in 2006-07 to 53 days in 2011-12; and
- Finalised complaints older than 12 months have decreased by 85% between 2006-07 and 2011-12.

Efficient Complaint Handling

- The average cost of finalising allegations reduced this year to \$1,866 per finalised allegation and has now decreased for the fourth consecutive year.

Child Death Reviews

- There were 41 investigable child deaths.
- Timely review processes have resulted in:
 - 68% of reviews completed within 3 months; and
 - 77% of reviews completed within 6 months.
- Important patterns and trends in relation to child deaths have been identified.
- As a result of child death reviews, improvements to public administration, designed to prevent or reduce child deaths, have been achieved.
- Significant work has been undertaken on a new function to review family and domestic violence fatalities, commencing on 1 July 2012.

Own Motion Investigations and Administrative Improvements

- Complaints to the Ombudsman resulted in improvements to administrative decision making and practices.
- A report of a major own motion investigation into planning for children in care was tabled in Parliament in November 2011. The report found significant and pleasing progress on improved planning for children in care has been achieved. However, there is still work to be done, particularly in relation to:
 - The timeliness of preparing care plans;
 - Ensuring care plans fully incorporate health and education needs, other wellbeing issues and the wishes and views of children in care; and
 - Regular review of care plans.

The report made 23 recommendations, all of which were accepted by the agencies involved.

- Significant work has been undertaken on an own motion investigation into ways to prevent or reduce sleep related infant deaths.

Collaboration and Access to Services

- Collaboration with other accountability agencies including the Integrity Coordinating Group was undertaken.
- Access for Indigenous Western Australians continued to be a focus through strategies to strengthen networks, particularly in rural and remote locations.
- Significant work was undertaken in relation to a series of new measures to ensure that our services are as accessible as possible to children and young people.

Operational Structure

The Role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in the investigation and resolution of complaints about public authorities (State Government agencies, statutory authorities and boards, local governments and universities).

Functions of the Ombudsman

The Ombudsman's office (**the Office**) has four principal functions derived from its governing legislation, the [*Parliamentary Commissioner Act 1971*](#) and other legislation, codes or service delivery arrangements.

Principal Functions

Investigating and resolving complaints	Receiving, investigating and resolving complaints about the decision making and administrative practices of public authorities.
Reviewing child deaths	Reviewing and investigating the deaths of certain Western Australian children.
Undertaking own motion investigations and recommending and promoting administrative improvements	Improving public administration for the benefit of all Western Australians through own motion investigations, and education and liaison programs with public authorities.
Other functions	Undertaking a broad range of integrity and oversight functions as detailed under 'Other Functions of the Ombudsman'.

Other Functions of the Ombudsman

Telecommunications Interception	The Ombudsman inspects the records of the Western Australia Police and the Corruption and Crime Commission to ensure compliance with telecommunications interception legislation.
Reviewing appeals by overseas students	The <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i> gives overseas students a right to make a complaint to an external, independent body, such as the Ombudsman, if their internal appeals are unsuccessful at school, college or university level. The Ombudsman handles appeals relating to public educational facilities, including universities.
Public Interest Disclosures	The Ombudsman receives public interest disclosures about matters of State and local government administration that affect an individual.
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 (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman's jurisdiction.
Terrorism	The Ombudsman can receive complaints from a person detained under the <i>Terrorism (Preventative Detention) Act 2006</i> about administrative matters connected with his or her detention.
Energy Ombudsman	The Energy Ombudsman Western Australia was formed in 2005 and deals with complaints about electricity and gas. The Ombudsman undertakes the role of the Energy Ombudsman. The costs of the Energy Ombudsman are met by industry members.

A full list of legislation governing these functions can be found in [Appendix 2](#).

Our Vision, Mission and Values

Our Vision

Fair, accountable and responsive decision making and practices by public authorities.

Our Mission

To serve Parliament and Western Australians by:

- Resolving complaints about the decision making of public authorities; and
- Improving the standard of public administration.

Our Values

- **Fair:** We observe procedural fairness at all times, use a 'no surprises' approach in all of our work and provide our services equitably to all Western Australians.
- **Independent:** The Ombudsman is an officer of the Parliament, independent of the Government of the day and independent of all parties in dispute.
- **Accountable:** We should be, and are, accountable for our performance and proper expenditure of taxpayers' money. Being accountable means being:
 - **Rigorous:** We undertake work that is important to the community and our decisions are supported by appropriate evidence.
 - **Responsible:** All recommendations for change to public administration must be practical and proportionate to the problem identified and must demonstrate a net public benefit.
 - **Efficient:** We undertake our work in a timely way, at least cost. We value working with other agencies that further good public administration but we should never duplicate their work.

Our Strategic Focus

- Complaint resolution that is independent, fair and timely, raising community awareness of our role and ensuring our services are accessible.
- Improved public administration through own motion investigations and promoting good practice.
- Review and investigation of certain child deaths and improvements to public administration to reduce or prevent child deaths.
- Inspection of the records of telecommunications interception activities and review of appeals by overseas students.
- Good governance and maintaining a skilled and valued workforce.

The *Strategic Plan 2009-2012* and the *Human Resources Strategic Plan 2010-2012* set the strategic direction for the office and provide more detailed strategies designed to achieve the office's goals. A review of these strategies in 2012-13 will set the strategic direction for 2013 and beyond.

In 2011-12, the office relocated from St Martins Tower to Albert Facey House, in accordance with the Government's Office Accommodation Master Plan.

Executive Management Team

The Corporate Executive is made up of six members whose role is to:

- Provide leadership to staff and model the Office's values;
- Set and monitor the strategic direction of the Office and monitor and discuss emerging issues of relevance to the work of the Ombudsman;
- Monitor performance, set priorities and targets for future performance; and
- Ensure compliance with relevant legislation and corporate policies.

The Corporate Executive provides leadership to the Office and ensures strong corporate governance. For more information, see the [Disclosures and Legal Compliance section](#).

Our Corporate Executive

Chris has held the position of Ombudsman since March 2007. He concurrently holds the roles of Energy Ombudsman and State Records Commissioner. Prior to his appointment as Ombudsman, Chris held a number of senior roles in Western Australia and Victoria in the public and private sectors.



Chris Field, Ombudsman



Peter commenced as Deputy Ombudsman in February 2009 and has more than 25 years experience in management roles in the Western Australian public sector. Peter has extensive public sector knowledge and expertise in the operation of independent accountability agencies.

Peter Wilkins, Deputy Ombudsman

Mary became an Assistant Ombudsman in February 2008. Before this, she was the Executive Director Strategic and Corporate Services. Mary has more than 25 years experience in the public sector, including strategic and corporate leadership roles in line and accountability agencies.



Mary White, Principal Assistant Ombudsman Strategic Services



Kim commenced her role as an Assistant Ombudsman in June 2008. She has more than 20 years experience in government roles, working at the Commonwealth and State levels, in both line and central agencies, and has a strong background in evaluation.

Kim Lazenby, Assistant Ombudsman Administrative Improvement

Sarah joined the office in 2001 and commenced her current role as an Assistant Ombudsman in February 2012. She has worked in the State public sector for over 20 years, with extensive experience in complaint investigation.



Sarah Cowie, Assistant Ombudsman Complaint Resolution

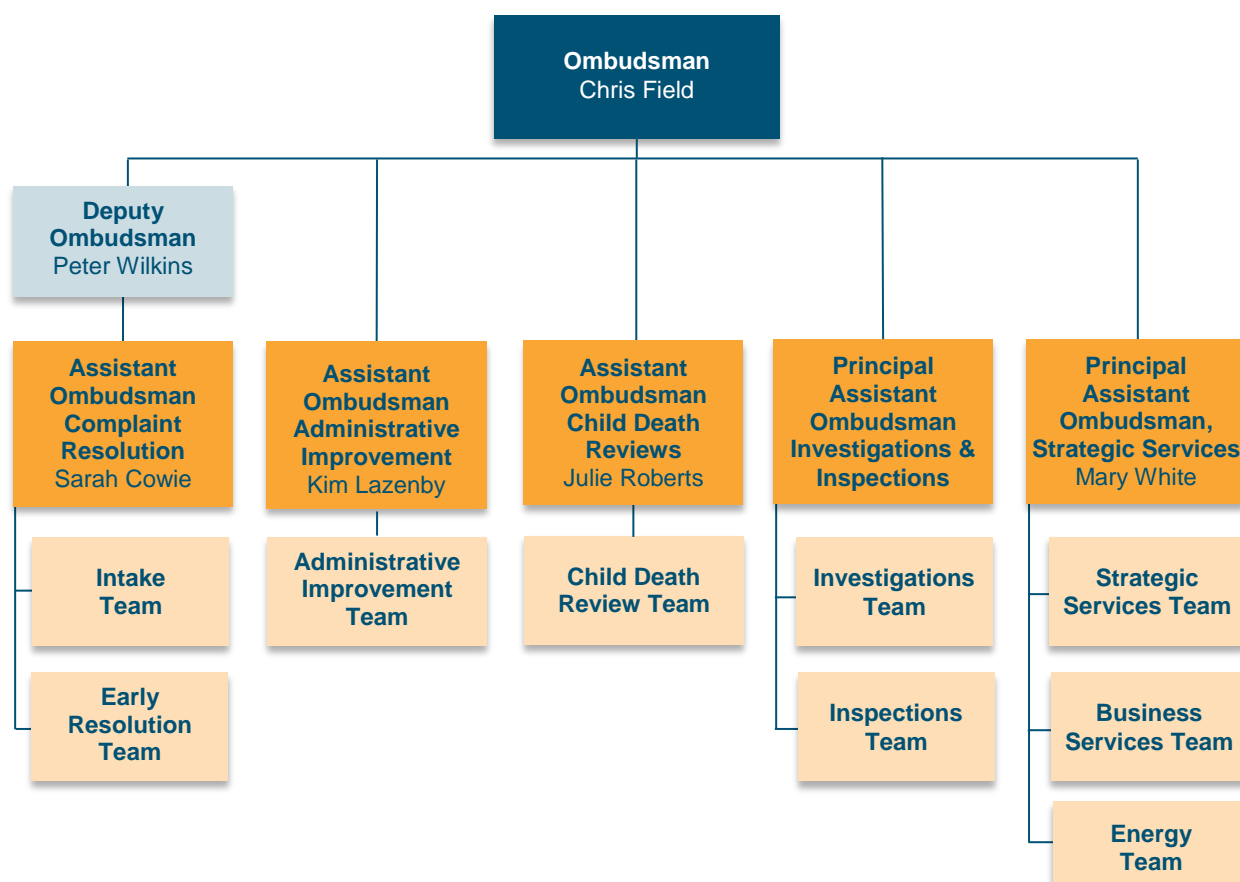


Julie joined the office in 2005 and commenced her current role in June 2009. Julie has more than 25 years experience in the Commonwealth and State public sectors and the non-government community services sector.

Julie Roberts, Assistant Ombudsman Child Death Reviews

Our Structure and Teams

Organisational Structure as at 30 June 2012



Team Responsibilities

- The **Administrative Improvement Team** undertakes own motion investigations and other strategies aimed at improving public administration.
- The **Complaint Resolution Team** includes the Intake Team and the Early Resolution Team and has responsibility for handling enquiries, receiving and assessing complaints, and the early resolution of complaints where appropriate.
- The **Child Death Review Team** reviews certain child deaths, identifies patterns and trends arising from these reviews and makes recommendations to relevant public authorities to prevent or reduce child deaths.
- The **Investigations and Inspections Team** includes the Investigations Team which handles the investigation of complaints and the Inspections Team which undertakes telecommunications interception inspections.
- The **Strategic and Corporate Services Team** includes the Strategic Services Team and the Business Services Team and supports the Office in strengthening its strategic focus, corporate communications, governance and business services.
- The **Energy Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints about energy providers.

Performance Management Framework

The Ombudsman's performance management framework is consistent with the Government goal of *Results-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.*

Desired Outcomes of the Ombudsman's Office

The public sector of Western Australia is accountable for, and is improving the standard of, administrative decision making, practices and conduct.



Key Effectiveness Indicators

- The percentage of recommendations accepted by public authorities.
- The number of improvements to practices or procedures as a result of Ombudsman action.

Service Provided by the Ombudsman's Office

Resolving complaints about the decision making of public authorities and improving the standard of public administration.



Key Efficiency Indicators

- Percentage of allegations finalised within 3 months.
- Percentage of allegations finalised within 12 months.
- Percentage of allegations on hand at 30 June less than 3 months old.
- Percentage of allegations on hand at 30 June less than 12 months old.
- Average cost per finalised allegation.
- Average cost per finalised child death notification.