

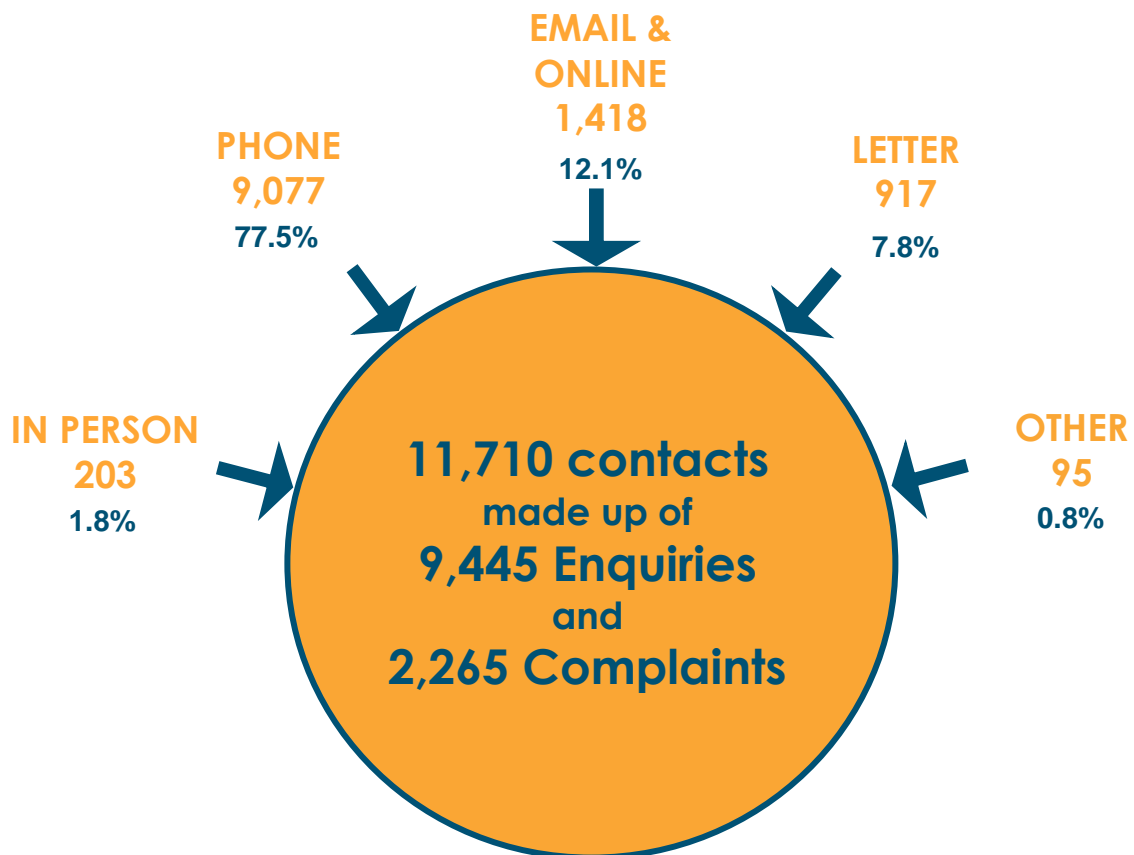
## Complaint Resolution

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

### Contacts

In 2012-13, the Office received 11,710 contacts from members of the public consisting of:

- 9,445 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,265 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.



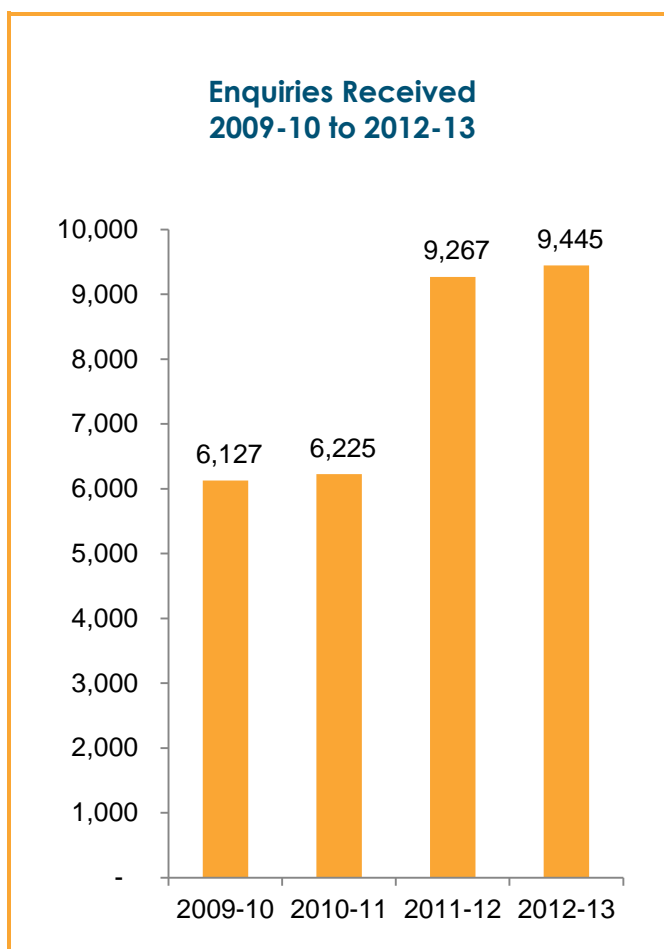
## Enquiries Received

There were 9,445 enquiries received during the year.

For enquiries about matters that are within the Ombudsman's jurisdiction, staff provide information about the role of the Office and how to make a complaint. For approximately half of these enquiries, the enquirer is 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 jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.

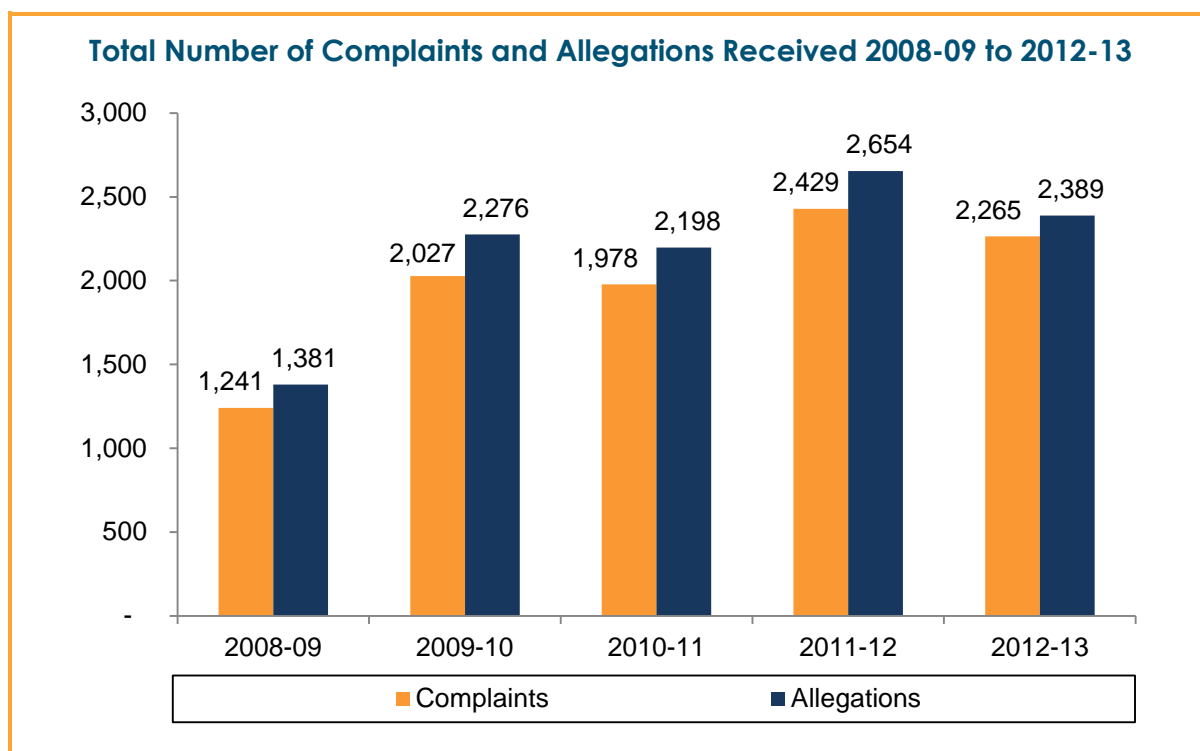
In some cases, Ombudsman staff may be able to assist the person making the enquiry by making informal contact with the public authority.



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

## Complaints Received

In 2012-13, the Office received 2,265 complaints, which included 2,389 separate allegations, and finalised 2,675 complaints. There are more allegations than complaints because one complaint may cover more than one issue.



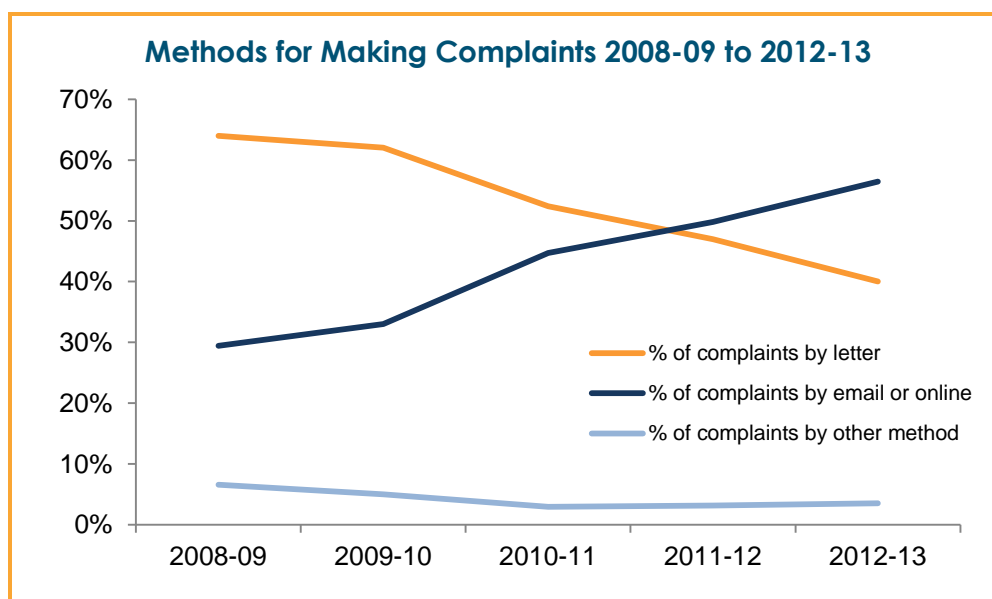
NOTE: The number of complaints and allegations shown for a year may vary, by a small amount, from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations with a start date in a previous reporting year.

The average number of complaints received in the last four years (2009-10 to 2012-13) was 2,175 compared with the average of 1,171 for the three previous years (from 2006-07 to 2008-09). This represents an increase of 86% in complaint numbers. The increase is across all sectors and is not confined to one public authority.

## How Complaints are made

The increase in the use of email and online facilities to lodge complaints has continued in 2012-13, increasing from 50% in 2011-12 to 56% in 2012-13. The proportion of people using email and online facilities to lodge complaints has nearly doubled since 2008-09 when less than 30% were received in this way.

During the same period, the proportion of people who lodge complaints by letter has reduced from 64% to 40%. The remaining complaints were received by a variety of means including by fax, during regional visits and in person.



## Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to investigate and 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 prevent similar complaints arising again. 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](#)).

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

## Time Taken to Resolve Complaints

Timely complaint handling is important, including the fact that 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 and efficiency of complaint handling has substantially improved over time due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints, including complaints as old as six years. Building on the program, the Office developed and

commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. Together, these initiatives have resulted in substantial improvements in the timeliness of complaint handling in 2012-13. Over the last year:

- The percentage of allegations finalised within 3 months improved from 72% to 83% and the percentage of allegations on hand less than 3 months old at 30 June significantly improved from 45% to 94%;
- There has been a reduction from 53 days to 46 days (13%) in the average time to finalise complaints and a reduction from 99 days to 33 days (67%) in the average age of complaints on hand at 30 June; and
- The Office has maintained its low level of aged cases with 99% of allegations finalised within 12 months and 96% of allegations on hand less than 12 months old at 30 June.

Following the introduction of the Office's complaint handling improvement program in 2007-08, very significant improvements have been achieved in timely complaint handling over the last six years including:

- The percentage of allegations finalised within 3 months improved from 69% in 2006-07 to 83% in 2012-13 and the percentage of allegations on hand less than 3 months old improved from 33% at 30 June 2007 to 94% at 30 June 2013;
- There has been a reduction in the average time to finalise complaints from 92 days in 2006-07 to 46 days in 2012-13 and a reduction in the average age of complaints on hand from 173 days at 30 June 2007 to 33 days at 30 June 2013; and
- Finalised complaints older than 12 months have decreased from 80 to 14 (83%) and complaints on hand more than 12 months old have decreased from 20 at 30 June 2007 to 2 at 30 June 2013 (90%).

In some cases, timely resolution of complaints is of the essence and public authorities can be quick to recognise this when there are risks to safety.

## Complaints Finalised in 2012-13

There were 2,675 complaints finalised during the year and, of these, 2,001 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 1,105 were finalised at initial assessment, 855 were finalised after an Ombudsman investigation and 41 were withdrawn.

### Complaints finalised at initial assessment

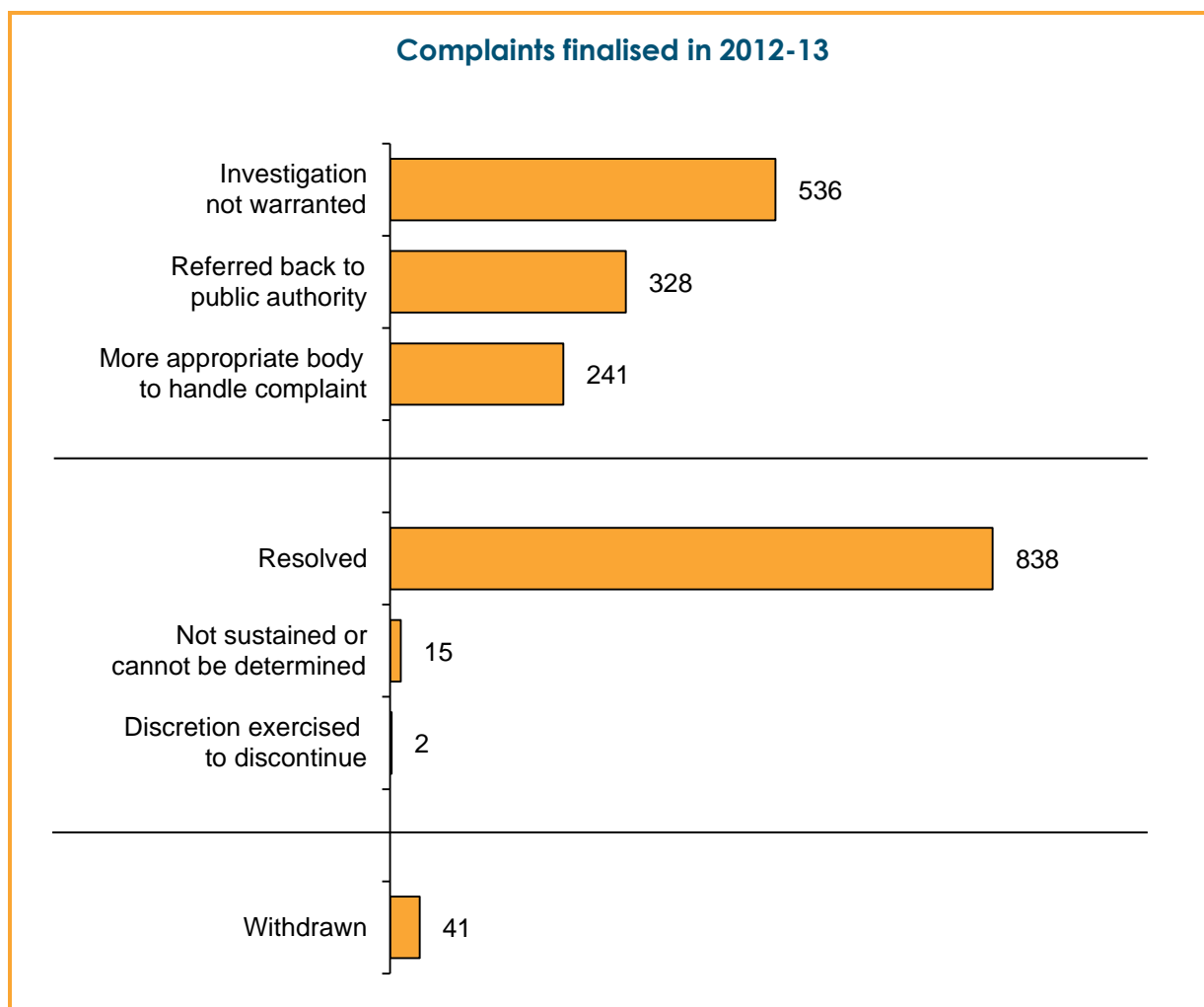
Almost a third (30%) of the 1,105 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before further involvement of the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is advised to contact the Office again if their complaint remains unresolved at the end of this referral process. In a further 241 (22%) 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.

### Complaints finalised after investigation

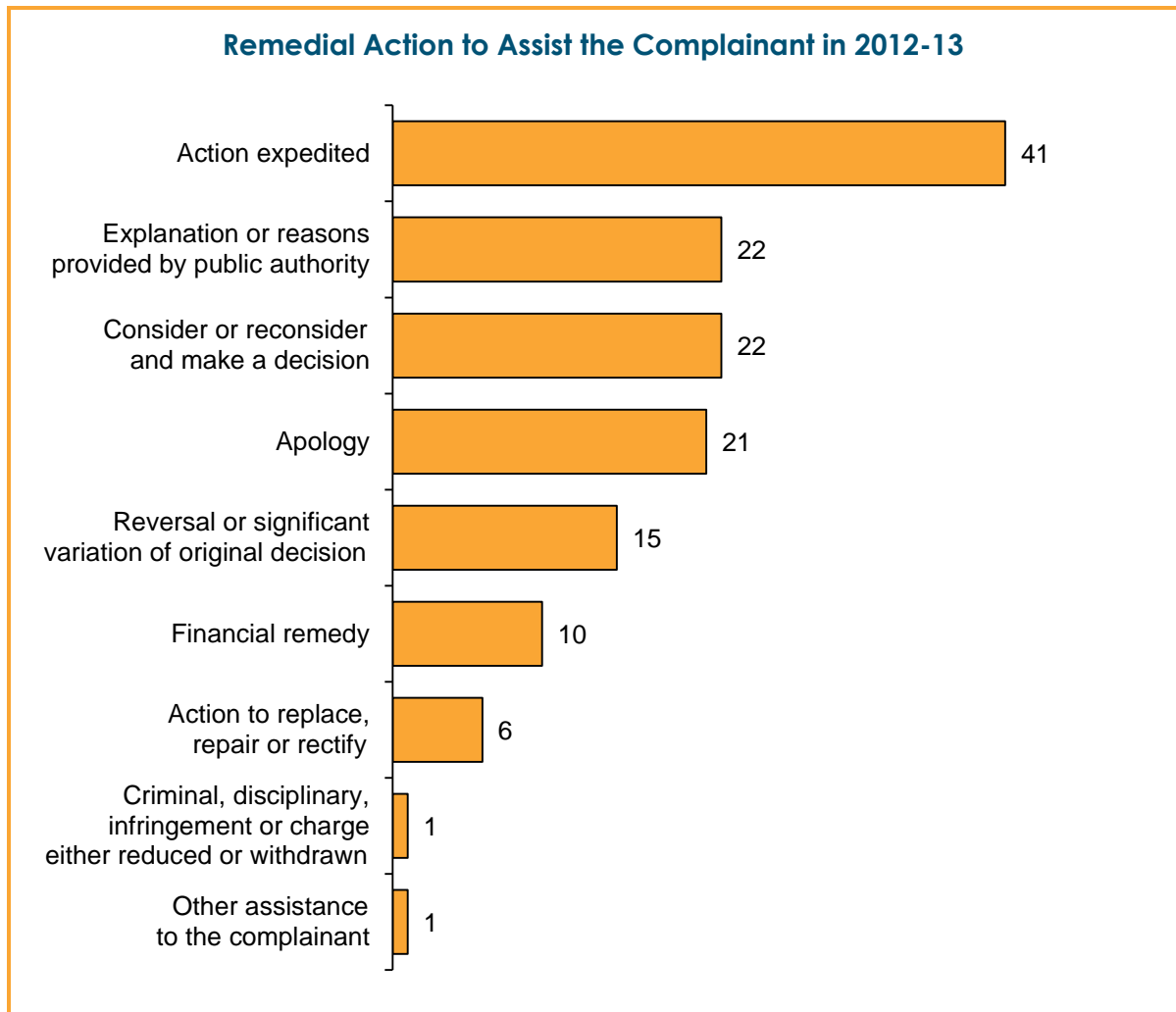
Of the 855 complaints finalised after investigation, 98% were resolved through the Office's early resolution approach. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolve complaints using this approach and frequently offer practical and timely remedies to resolve matters in dispute, together with information about administrative improvements to be put in place to avoid similar complaints in the future. There has been an increasing trend in early resolution through the use of this process (from 202 complaints in 2009-10 to 838 in 2012-13).

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



## Outcomes to Assist the Complainant

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. In 2012-13, there were 139 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, as shown in the following chart.



## Case Study

### Correction of fine and apology for delay

A man was given an infringement that incurred a fine of \$150 and other penalties. The man paid the fine within the required time period because he was going overseas. On his return, he checked his status on-line and saw that he had been fined \$300 and had received a further penalty. The man contacted the relevant public authority but did not receive a reply. He then contacted their complaints section which investigated the matter and informed him that an error had been made.

After three months, the error did not appear to have been corrected and the man complained to the Ombudsman. Following enquiries by the Office about the apparent delay, the correction was made and the man received a letter to confirm his correct status and an apology for any inconvenience caused.

### Outcomes to Improve Public Administration

In addition to providing individual remedies, complaint resolution can also result in improved 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. Administrative improvements include changes to policy and procedures, changes to business systems or practices and staff development and training.

## Case Study

### Reversal of fine arising from a notice sent to the wrong address

A resident of a rural area complained that a public authority had sent licence renewal notices to her residential address, despite the fact that there was no postal delivery to that address. The resident had a post office box in the nearest town and previous renewals had been successfully delivered to that post office box. As a result of not receiving the renewal notice, the resident had become unregistered and the public authority imposed a fine.

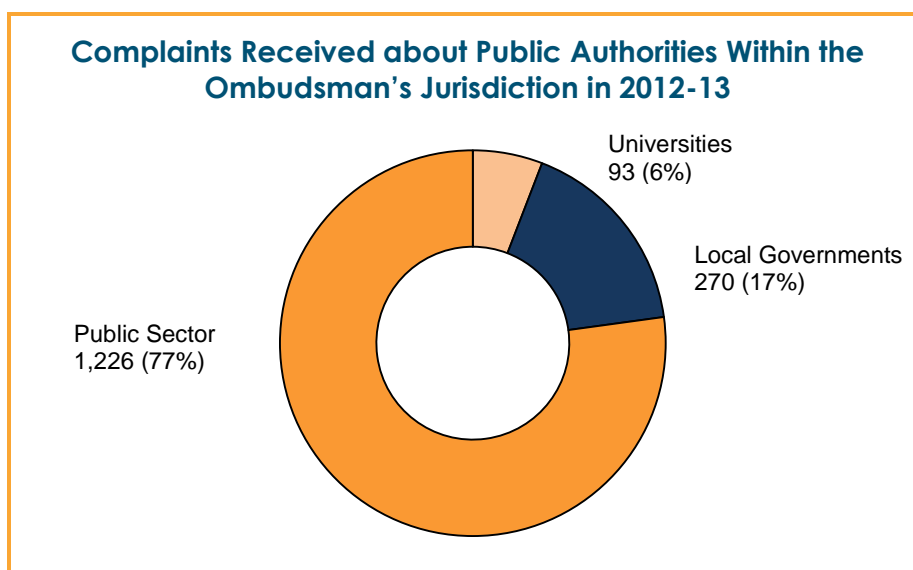
When the Office made inquiries the public authority found that the situation had arisen because of a problem with its database which meant that a previous address had been incorrectly retained and used on renewal notices. The public authority agreed to reverse the fine, assist the resident to obtain a new licence and to take action to rectify the error on its database that had caused the problem.



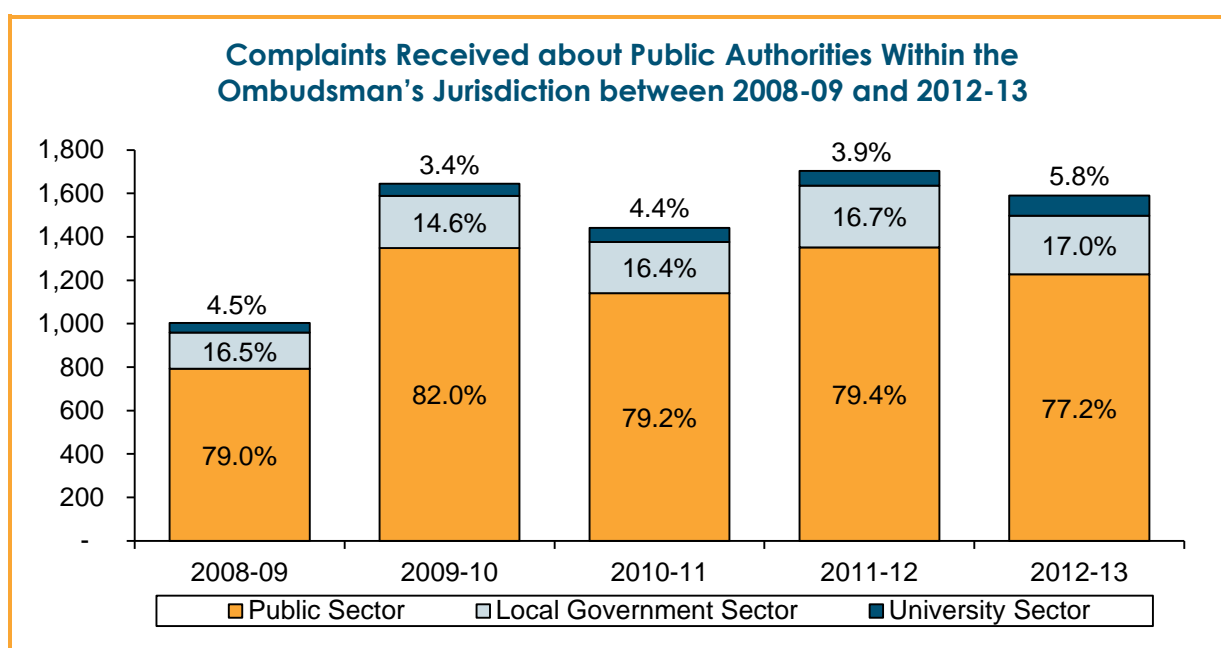
## About the Complaints

Of the 2,265 complaints received, 1,589 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 676 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 (1,226 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (270 complaints); and the university sector (93 complaints).



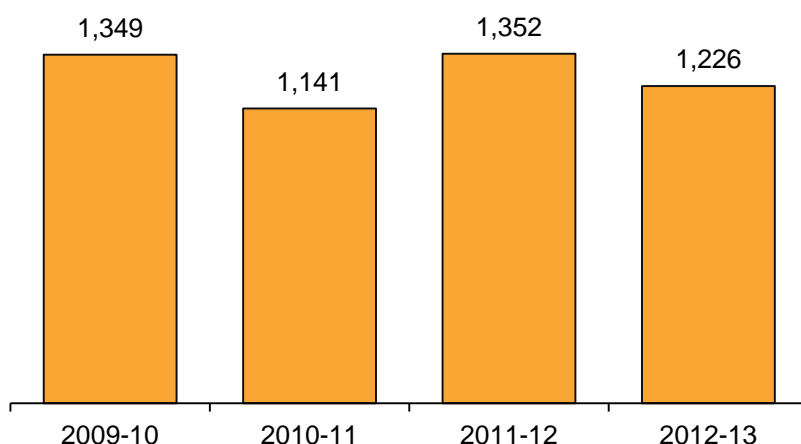
While there has been an increase in complaints in all sectors since 2008-09, the proportion of complaints about each sector has remained relatively steady, as shown in the following chart.



## The Public Sector

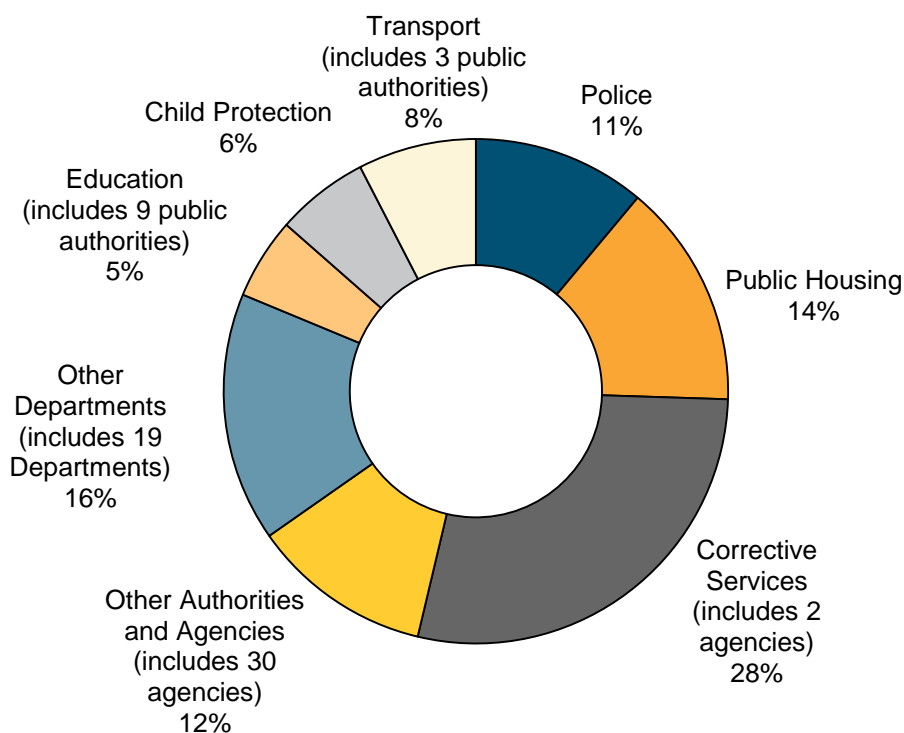
In 2012-13, there were 1,226 complaints received about the public sector and 1,593 complaints were finalised. The number of complaints about the public sector as a whole in the last four years is shown in the chart below.

**Complaints Received About the Public Sector between 2009-10 and 2012-13**



Public sector agencies are very diverse. In 2012-13, complaints were received about 66 agencies as shown in the following chart.

**Complaints Received About the Public Sector in 2012-13**



Of the 1,226 complaints received about the public sector in 2012-13, 72% were about six key areas covering:

- Corrective services, in particular prisons (346 or 28%);
- Public housing (177 or 14%);
- Police (136 or 11%);
- Transport (93 or 8%);
- Child protection (73 or 6%); and
- Education - public schools and Technical and Further Education (**TAFE**) colleges (64 or 5%). Information about universities is shown separately under the University Sector.

The remaining complaints about the public sector (337) were about 49 [other State Government departments, statutory authorities and boards](#). For 31 (65%) of these agencies, the Office received five complaints or less.

### Outcomes of Complaints Received about the Public Sector

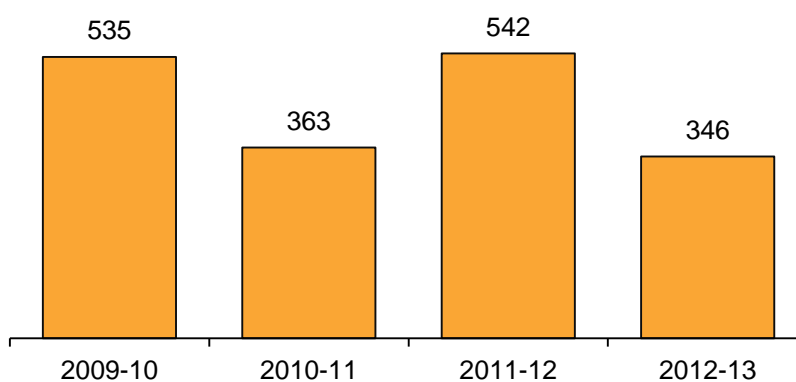
There were 156 actions taken by public sector bodies as a result of complaints finalised in 2012-13. These resulted in 117 remedies being provided to complainants and 39 improvements to public sector practices.

Further information about the issues raised in complaints and the outcomes of complaints is shown in the following tables for each of the six key areas and for the other public sector agencies as a group.

## Public Sector Complaint Issues and Outcomes

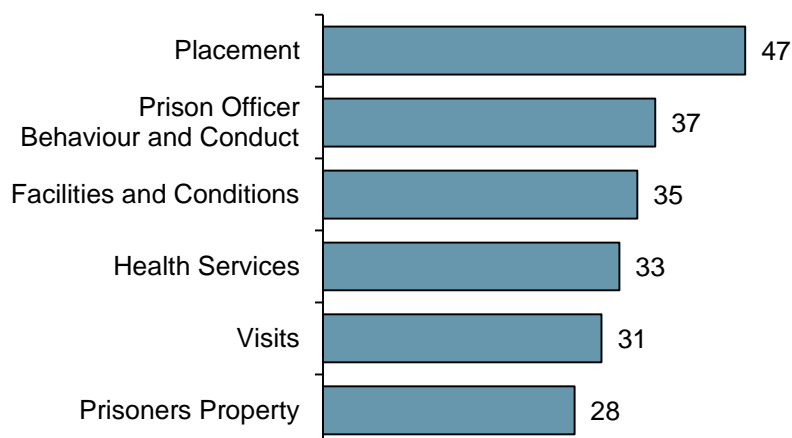
### Corrective Services

#### Complaints received



Fluctuations in the numbers from year to year are primarily due to complaints where an issue is raised by multiple complainants using a petition or identical complaints signed by different people.

#### Most common allegations



#### Other types of allegations

- Prisoner employment;
- Communication;
- Sentencing and parole issues;
- Security classification;
- Discipline;
- Education courses and facilities; and
- Rehabilitation programs.

#### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Action expedited;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Assistance to young people in detention

The Office undertook a proactive approach to the incident that occurred at Banksia Hill Detention Centre (**Banksia Hill**) on 20 January 2013, including attending Banksia Hill and Hakea Prison (**Hakea**) on 31 January and 22 February 2013 to:

- Observe conditions at Banksia Hill and Hakea;
- Meet with staff and detainees; and
- Provide an opportunity for detainees to make complaints to the Office if they wished to do so.

In particular on 22 February 2013, three staff members from the Office, accompanied by an Aboriginal consultant, met with detainees at Banksia Hill and Hakea to receive complaints.

Additionally, the Office also provided relevant information to the Inspector of Custodial Services as part of the Inspector's Directed Review of the incident at Banksia Hill and arranged, in conjunction with the Inspector, the secondment to the Office of the Inspector of Custodial Services, for the duration of the Inspector's inquiry, the Ombudsman's Principal Legal and Investigating Officer.

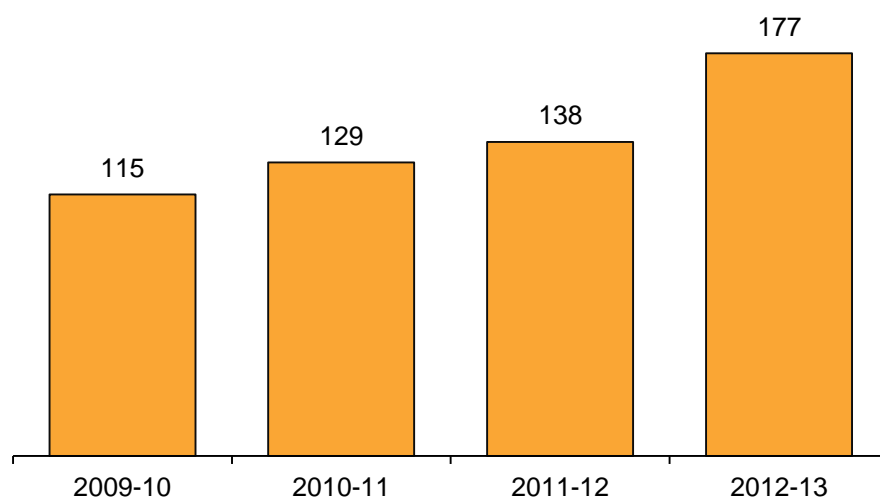
## Temporary transfer meets prisoner's medical needs

A prisoner contacted the Ombudsman complaining that the prison had refused her application for a temporary transfer to a regional prison for a family visit. The prisoner said that the reason she was given by the prison was that she had particular medical needs that could not be met at the regional prison.

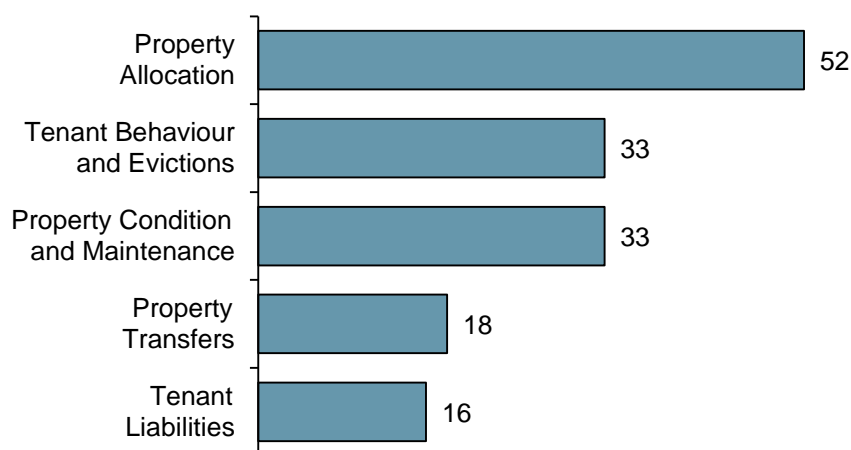
Following contact by the Office, the prison administration agreed to review the complainant's request. The matter was resolved by the prison sending the complainant's medication, in advance, to medical staff at the regional prison, so that they could manage her medical needs when she arrived.

## Public Housing

### Complaints received



### Most common allegations



### Other types of allegations

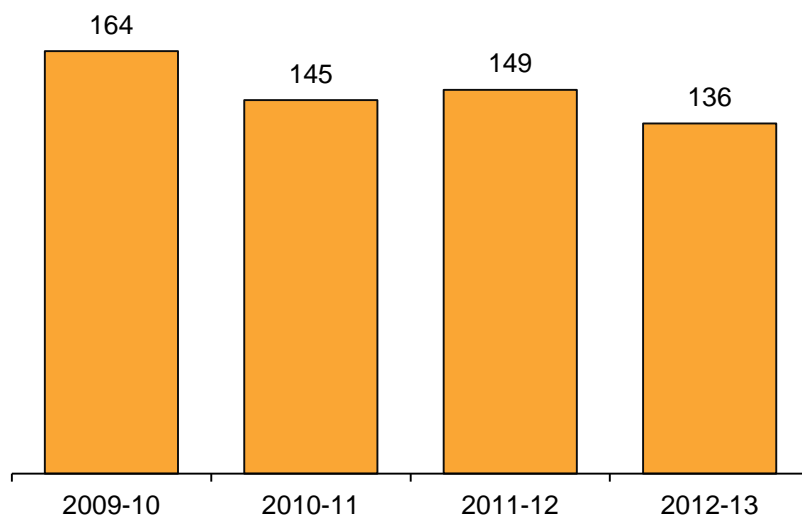
- Rental sales;
- Debt repayments;
- Rental or bond assistance; and
- Construction and development.

### Outcomes achieved

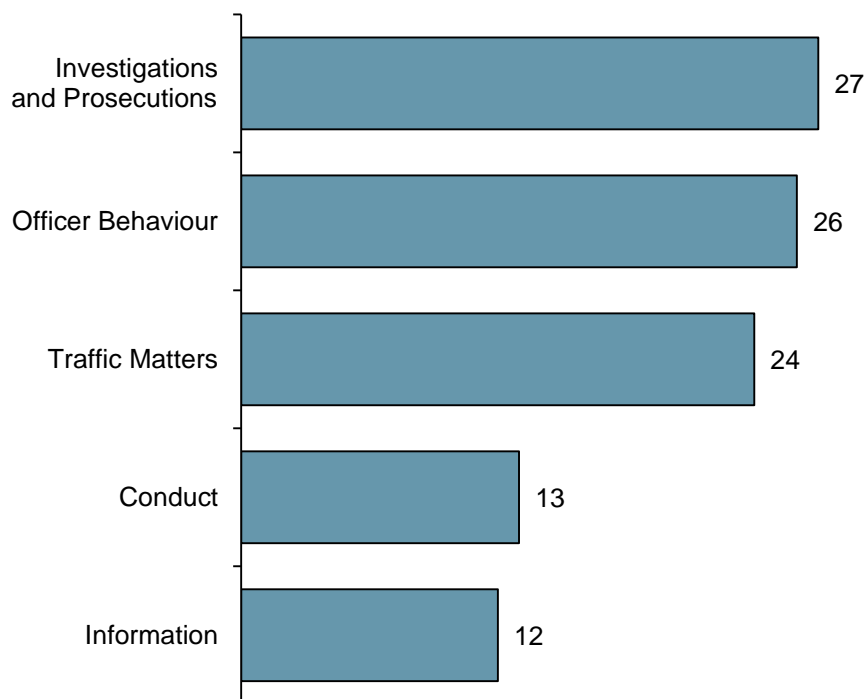
- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Action to replace, repair or rectify a matter;
- Tenant liability waived;
- Change to policy or procedure;
- Improved record keeping;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Police

### Complaints received



### Most common allegations



### Other types of allegations

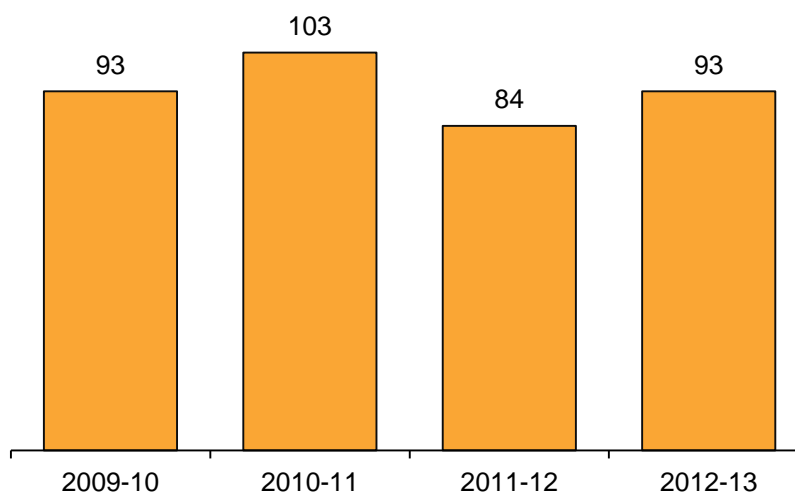
- Internal investigation of complaints;
- Arrest and detention;
- Searching, custody and property; and
- Management issues.

### Outcomes achieved

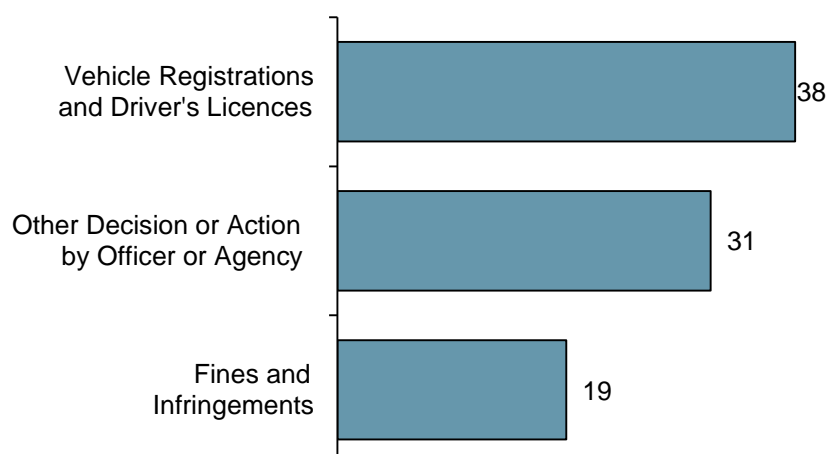
- Reversal or significant variation of original decision;
- Action expedited;
- Apology given; and
- Explanation given or reasons provided.

## Transport

### Complaints received



### Most common allegations



### Other types of allegations

- Conduct of officer;
- Accuracy of personal information; and
- Policies and procedures.

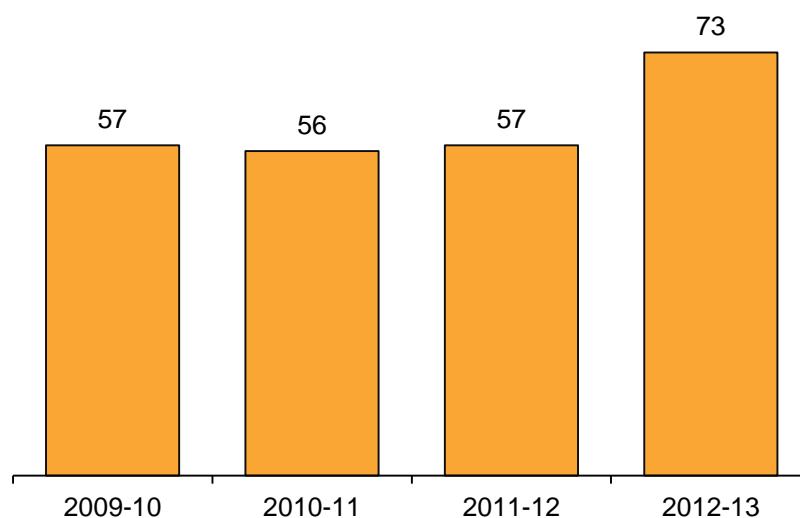
### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Fees waived;
- Act of grace payment;
- Explanation given or reasons provided; and
- Staff training.

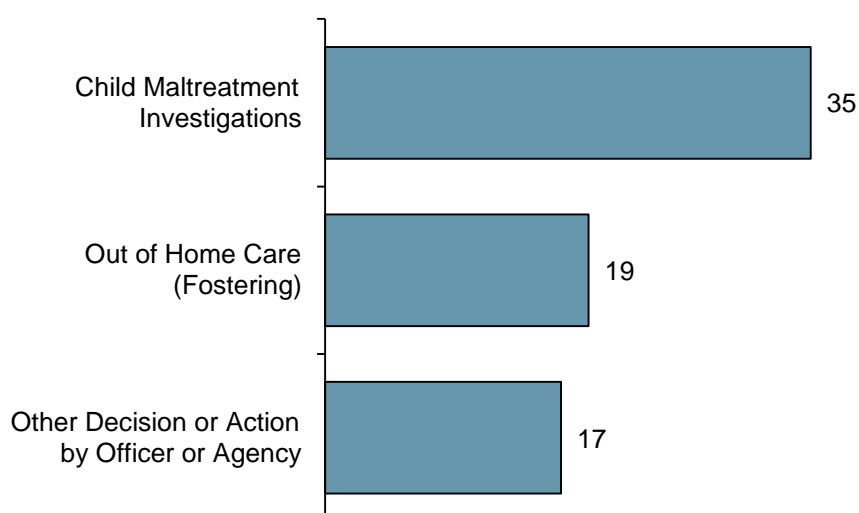


## Child Protection

### Complaints received



### Most common allegations



### Other types of allegations

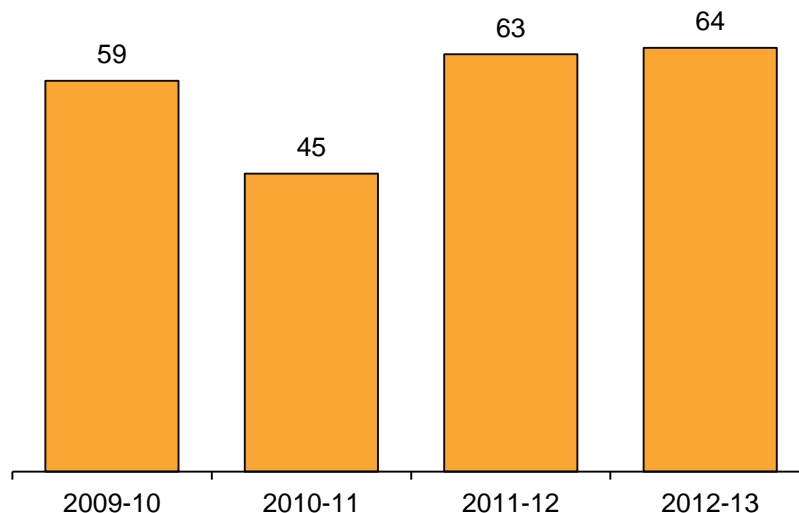
- Special assistance;
- Human resource management issues; and
- Complaint handling.

### Outcomes achieved

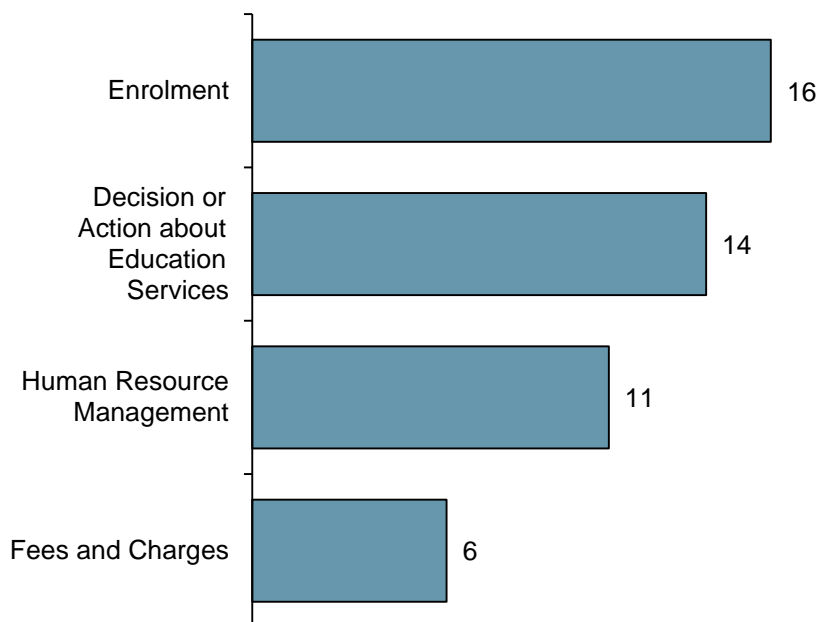
- Consider or reconsider a matter and make a decision;
- Action expedited; and
- Explanation given or reasons provided.

## Education

### Complaints received



### Most common allegations



These figures include appeals by overseas students under the [\*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007\*](#). Further details on these appeals are included later in this section.

### Other types of allegations

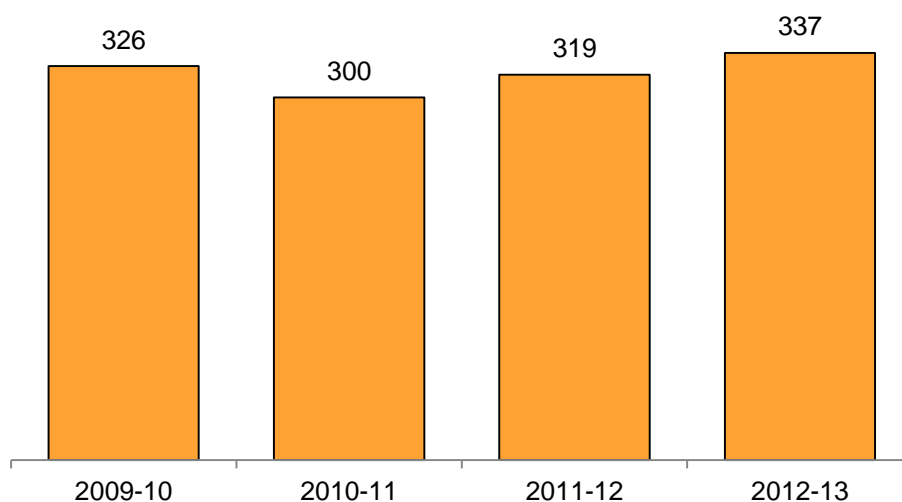
- Examinations, assessments and prizes; and
- Student discipline.

### Outcomes achieved

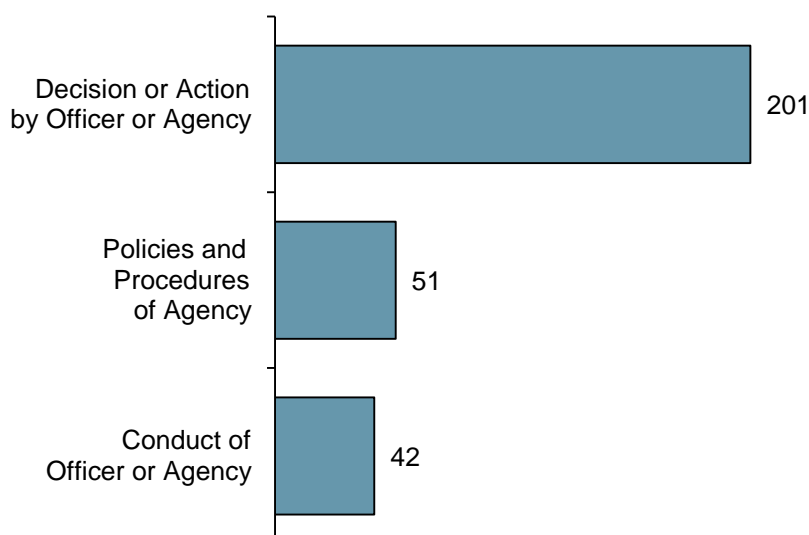
- Action expedited;
- Course fees and other costs refunded;
- Change to policy or procedure;
- Change to business system or practices; and
- Apology given.

## Other Public Sector Agencies

### Complaints received



### Most common allegations



### Other types of allegations

- Human resource issues;
- Medical or allied health treatment; and
- Handling of property.

### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decisions;
- Action expedited;
- Act of grace payment;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Case Study

## Certificate provided to family member

A woman complained that she had been trying for over six months to obtain a certificate relating to a family member but, although she had provided relevant information about her identity and relationship to the family member, the certificate had not been provided.

The Office made enquiries with the public authority and was told that it had replied to the woman on numerous occasions and had asked for family information from the woman to determine whether or not she met the policy for access to the certificate but had not received it.

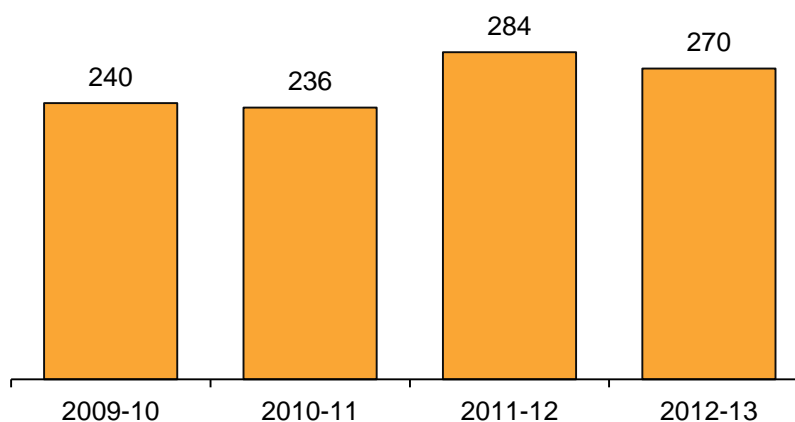
As a result of the Office's enquiries, the public authority reviewed the case and found that the relevant information had been sent by the woman but the certificate had not been issued. The public authority issued the certificate and sent it to the woman by express post. It also undertook staff training to ensure correct procedures were followed in future.

## The Local Government Sector

The following section provides further details about the issues and outcomes of complaints for the local government sector.

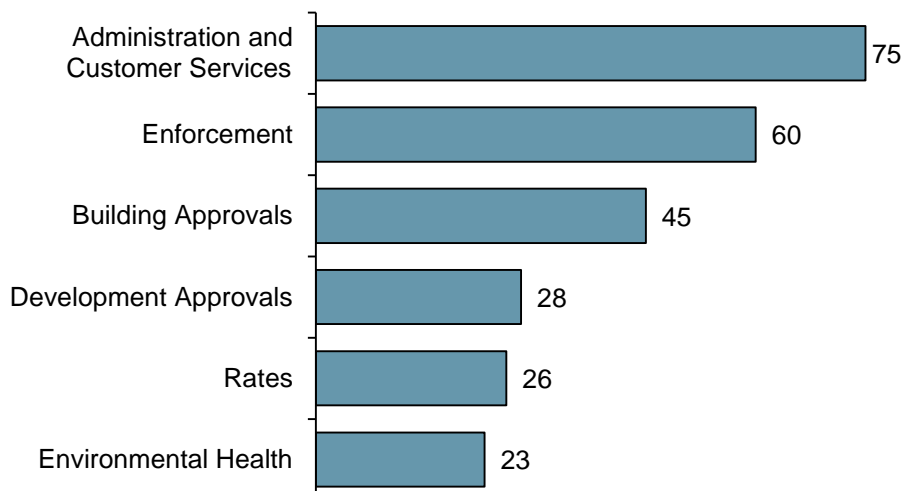
### Local Government

#### Complaints received



## Local Government

### Most common allegations



### Other types of allegations

- Engineering;
- Planning;
- Community Facilities;
- Other approvals and licences; and
- Contracts and property management.

### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Waiver of fees and charges;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given; and
- Explanation or reasons provided.



## Refund of duplicate fee

A woman complained to the Ombudsman that a local government had made an error regarding an application she lodged for planning approval and as a result she was required to lodge another planning application and pay a second application fee.

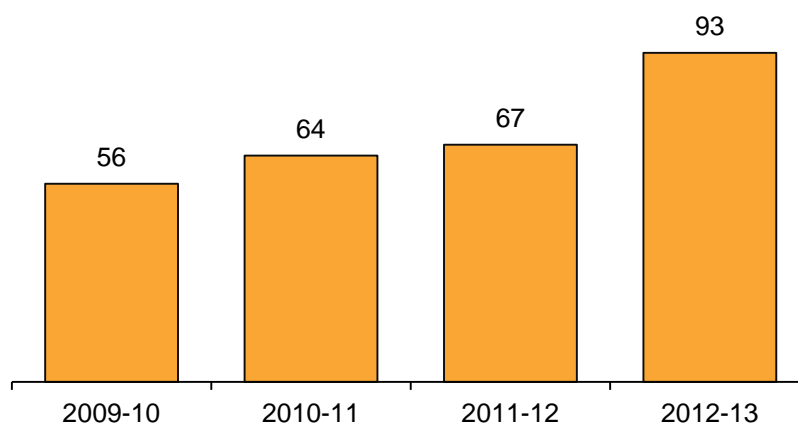
Following enquiries by the Office, the local government found that, in administering its responsibilities under its Planning Scheme, it had made an error to the detriment of the woman. As a result, the local government agreed to provide the woman with a refund in relation to the second application fee.

## The University Sector

The following section provides further details about the issues and outcomes of complaints for the university sector.

### Universities

#### Complaints received



#### Most common allegations



These figures include appeals by overseas students under the [\*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007\*](#). Further details on these appeals are included later in this section.

#### Other types of allegations

- Human resource management issues;
- Parking infringements; and
- Other dealings with the public.

## Universities

### Outcomes Achieved

- Reversal or significant variation of original decision;
- Completion of units at no charge;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.



## Retrospective withdrawal granted

A university student complained about his attempt to withdraw from a practicum teaching unit. Due to a number of disruptions the student decided to withdraw from the unit so that it would not be recorded as a failure on his academic record and he would not be charged the cost of the unit. However, the university did not accept the withdrawal application on the basis that the withdrawal date for the unit had already passed.

From its enquiries, the Office became aware that the deadline for withdrawal had been set as the first day of the unit and, therefore, the student had little opportunity to withdraw without a penalty. The Office raised this issue with the University and the matter was reviewed. Following the University's review, the Office was informed that a change had occurred in the way practicum units were recorded affecting the withdrawal dates for these units and that this had not been applied to this student's case.

The University apologised to the student and granted him a retrospective withdrawal from the unit. The University also removed the unit from the student's academic record and gave him an updated transcript at no charge.

## 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 National Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australian universities. It provides overseas students with rights of appeal to external, independent bodies if the student is not satisfied with the result or conduct of the internal complaint handling and appeals process.

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 is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [Overseas Student Ombudsman](#) is the external appeals body for overseas students studying in private education and training organisations.

### Complaints Lodged with the Office under the National Code

Education and training providers are required to comply with 15 standards under the National 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 National Code and if they are fair and reasonable in the circumstances.

During 2012-13, the Office received 51 complaints about public education and training providers from overseas students. Forty five complaints were about universities, four were about TAFEs and two were about other education agencies.

The most common issues raised by overseas students were decisions about:

- Termination of enrolment (15);
- Fees (14); and
- Transfers between education and training providers (13).

During the year, the Office finalised 46 complaints about 48 issues.



### University offers to sponsor student

An overseas student at a Western Australian University was informed by the university that he could not graduate because he had not completed electives at the correct year level. The student complained that the University had changed the structure of the course several times during his period of study and had failed to give him consistent advice as to what was required to complete the course.

As a result of the Office's investigation, the University reviewed the matter and, in acknowledgement of the number of course structural changes that had taken place, offered to sponsor the student to complete two of his three remaining units at no cost to the student.



## 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 relate to the 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 certain 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, three new disclosures were received.

## 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 no complaints received during the year.

## 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 during the year.

## Requests for Review

Occasionally, the Ombudsman is asked to review or re-open 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.

Twenty four requests for review were received in 2012-13, less than 1% of the total number of complaints finalised. In all cases where a review was undertaken, the original decision was upheld.