



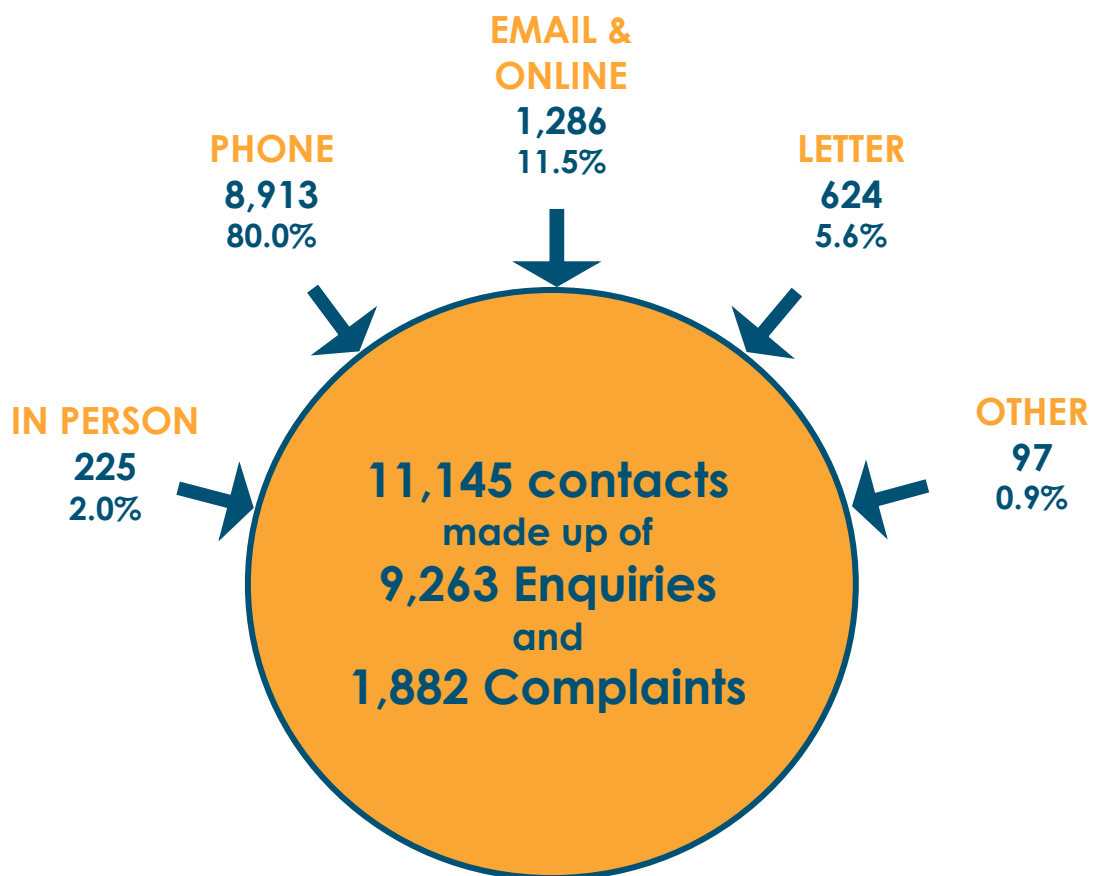
Complaint Resolution

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 2013-14, the Office received 11,145 contacts from members of the public consisting of:

- 9,263 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 1,882 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.



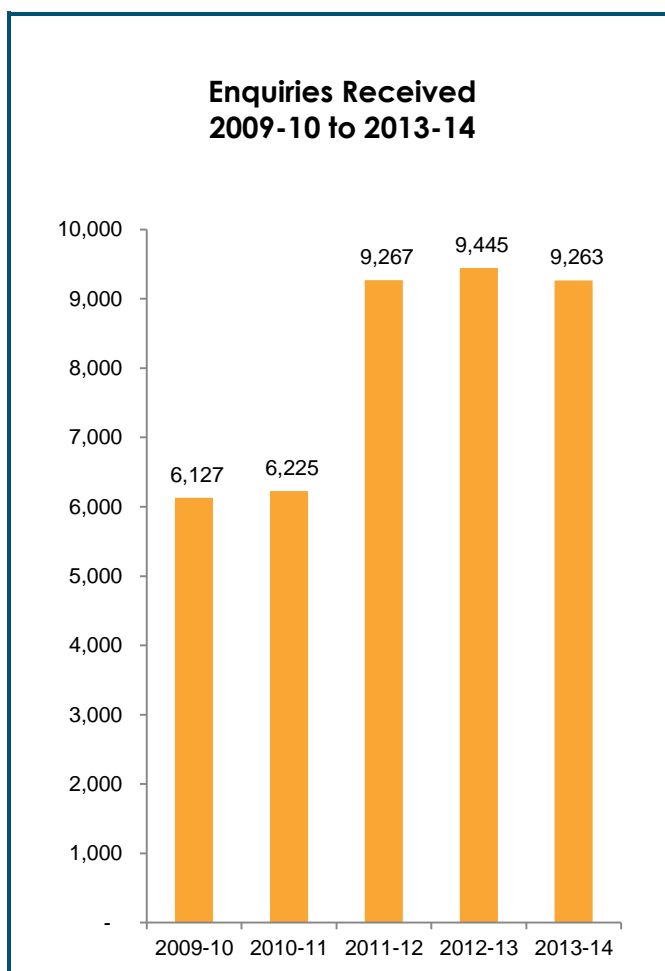
Enquiries Received

There were 9,263 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.

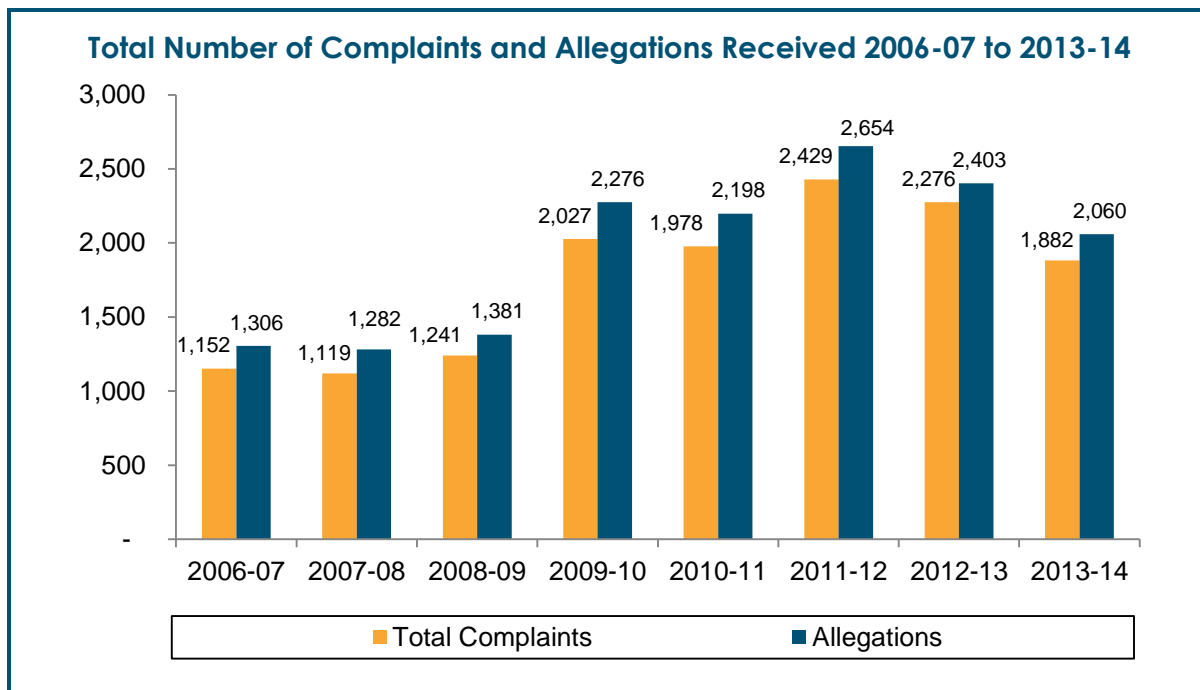
In some cases, Ombudsman staff may be able to assist the person making the enquiry by making informal contact with the public authority.



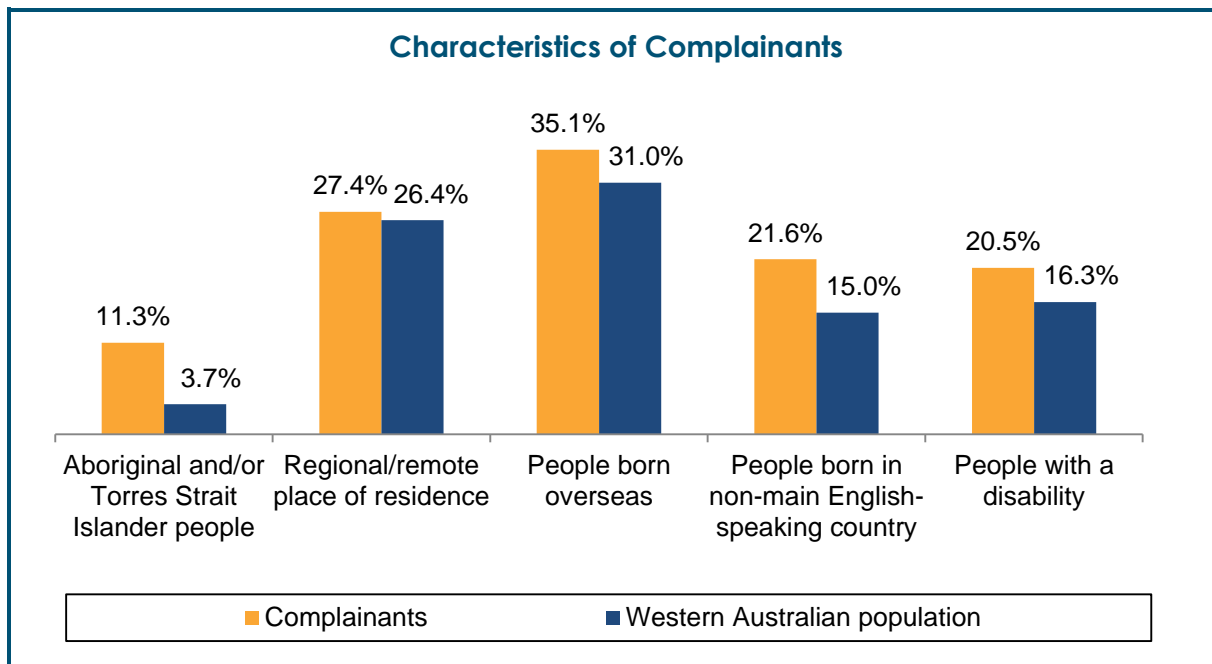
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2013-14, the Office received 1,882 complaints, with 2,060 separate allegations, and finalised 1,910 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 in this and other charts 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.



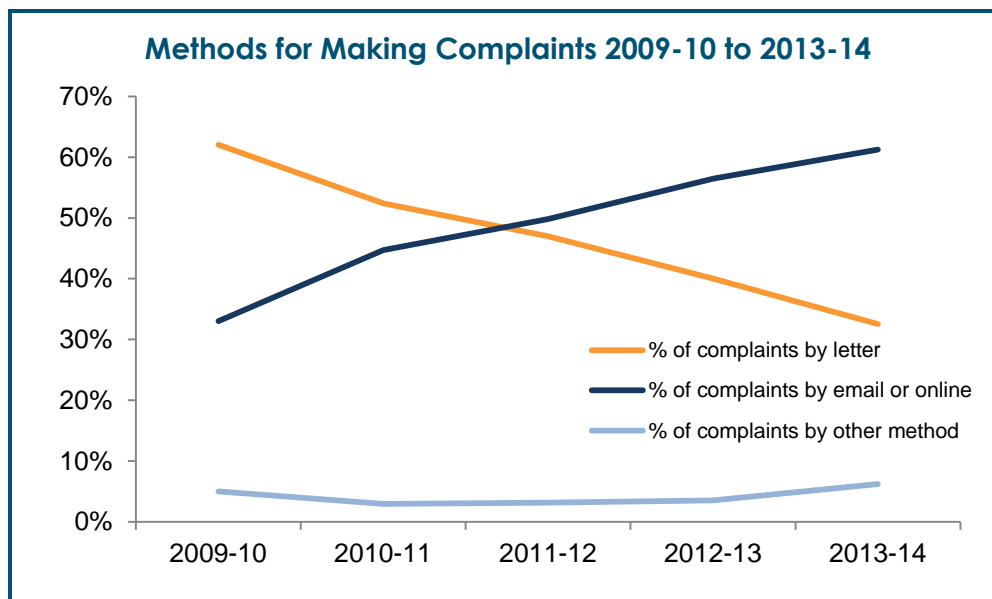
NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply a lack of proficiency in English.



How Complaints Were Made

The increase in the use of email and online facilities to lodge complaints has continued in 2013-14, increasing from 56% in 2012-13 to 61% in 2013-14. Over the last five years the proportion of people using email and online facilities to lodge complaints has nearly doubled since 2009-10 when 33% were received in this way.

During the same period, the proportion of people who lodge complaints by letter has reduced from 62% to 33%. 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.

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. There have been further enhancements to complaint handling processes in 2013-14, in particular in relation to the early resolution of complaints.

Together, these initiatives have resulted in substantial improvements in the timeliness of complaint handling.

Over the last year:

- The percentage of allegations finalised within 3 months improved from 83% to 98%; and
- At 30 June 2014 the Office has no complaints over 6 months old.

Aged cases have been eliminated. There are no complaints over 6 months old.

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

- The average age of complaints has decreased from 173 days to 23 days; and
- Complaints older than six months have decreased from 40 to none.

Complaints Finalised in 2013-14

There were 1,910 complaints finalised during the year and, of these, 1,375 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 830 were finalised at initial assessment, 513 were finalised after an Ombudsman investigation and 32 were withdrawn.

Complaints finalised at initial assessment

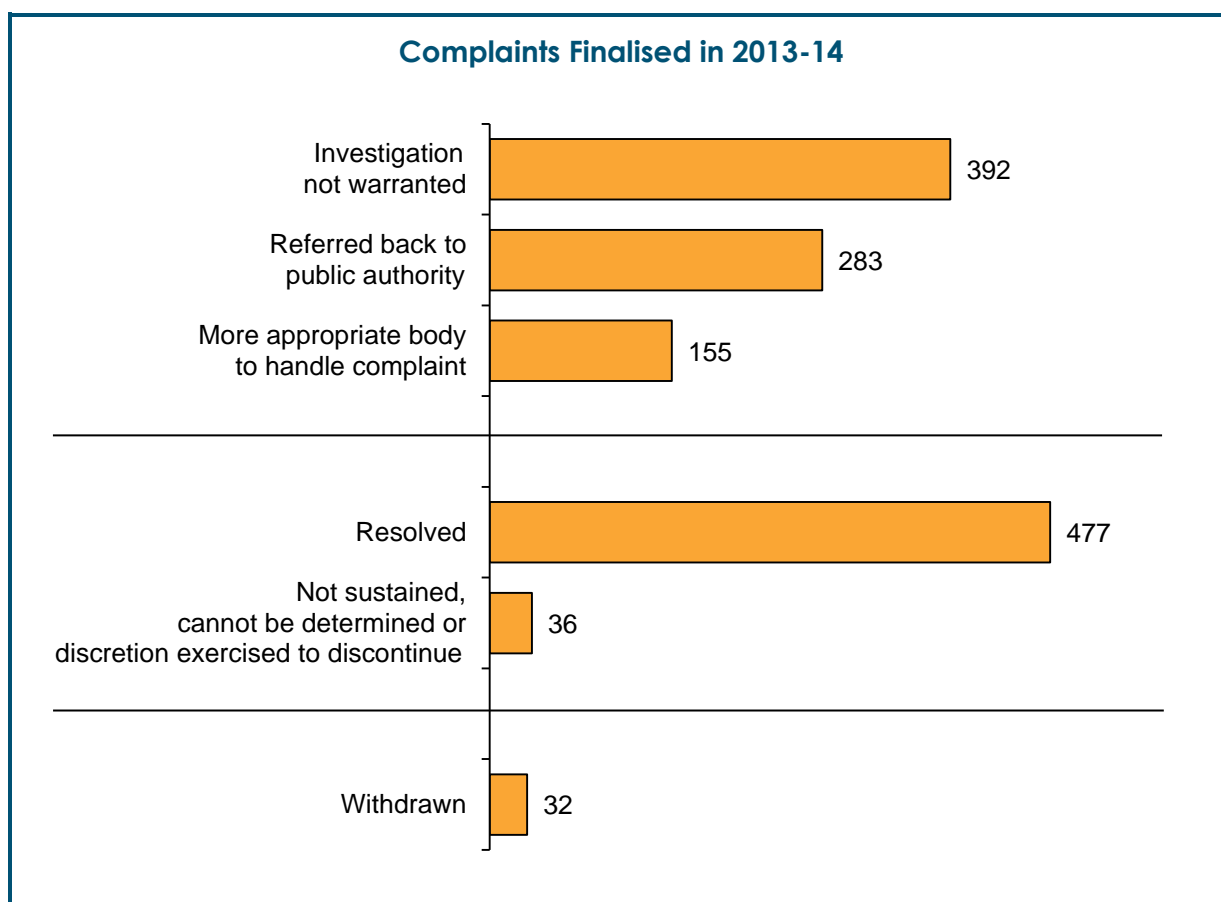
Over a third (34%) of the 830 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before investigation by the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is asked to contact the Office again if their complaint remains unresolved. In a further 155 (19%) 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 513 complaints finalised after investigation, 91% 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.

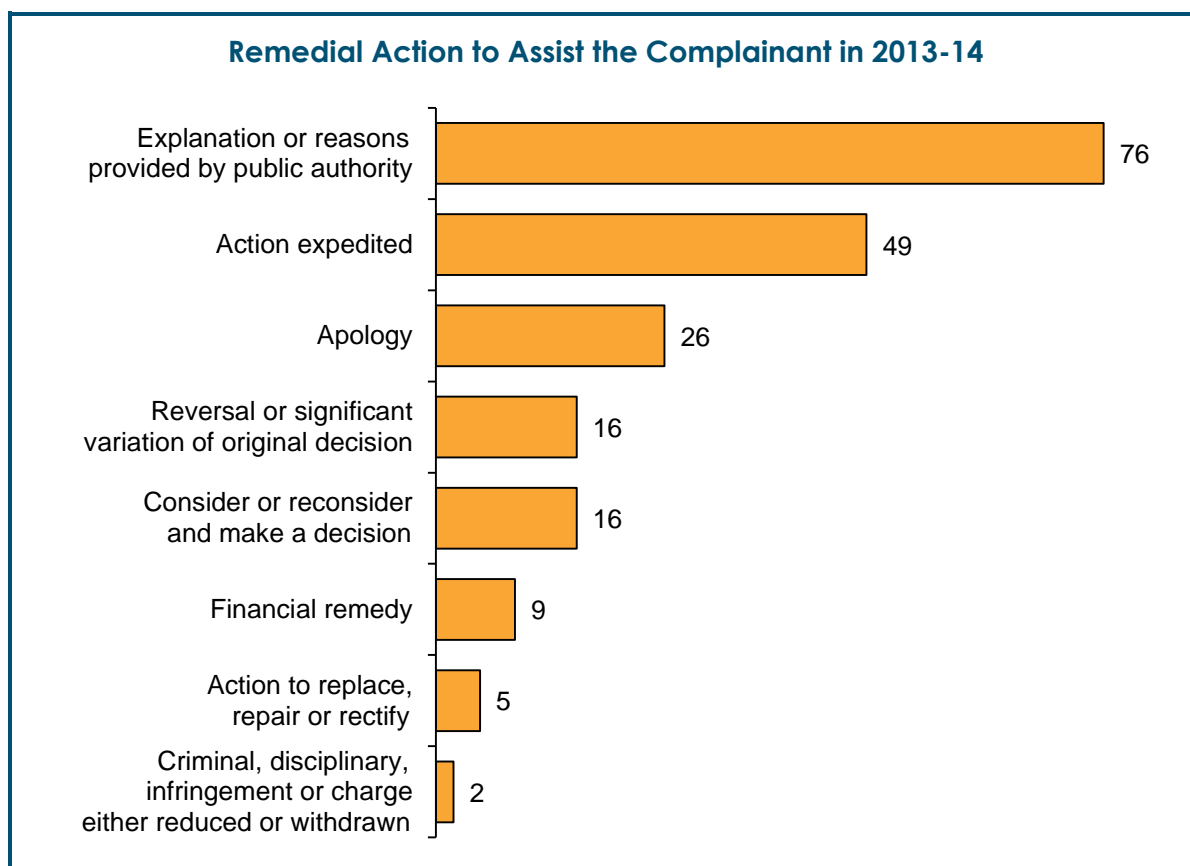


The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised.



Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2013-14, there were 199 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, an increase of 43% from 139 in 2012-13. In some cases there is more than one action to resolve a complaint. For example, the public authority may apologise and reverse their original decision. The following chart shows the types of remedies provided to complainants.



Case Study



Documents found and returned

A person complained that they had been required to provide personal documents to a public authority for safe keeping as required under its policies and procedures. However, when they requested their return, the public authority informed the person that it no longer had them in its possession.

Following enquiries by the Office, the public authority undertook a more detailed search and found that the documents had been incorrectly entered into its system and incorrectly stored. It located the documents and returned them. The public authority also corrected its records relating to the documents and, to prevent a reoccurrence, reinforced with staff the correct procedure for recording and storing personal documents.

In a further 53 instances, the Office referred the complaint to the public authority following its agreement to expedite examination of the issues and to deal directly with the person to resolve their complaint. In these cases, the Office follows up with the public authority to confirm the outcome and any further action the public authority has taken to assist the individual or to improve their administrative practices.

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



Decision reversed and system changed

A public authority has an online booking system for the public. Cancellation of a booking with less than two working days' notice results in a fee for late cancellation. A person complained that, when they used the public authority's online booking system on a weekend to cancel a booking, they were not notified that they had not provided sufficient notice of two working days for the cancellation and would be charged a fee. Consequently they proceeded with the cancellation and were charged a fee for a late cancellation.

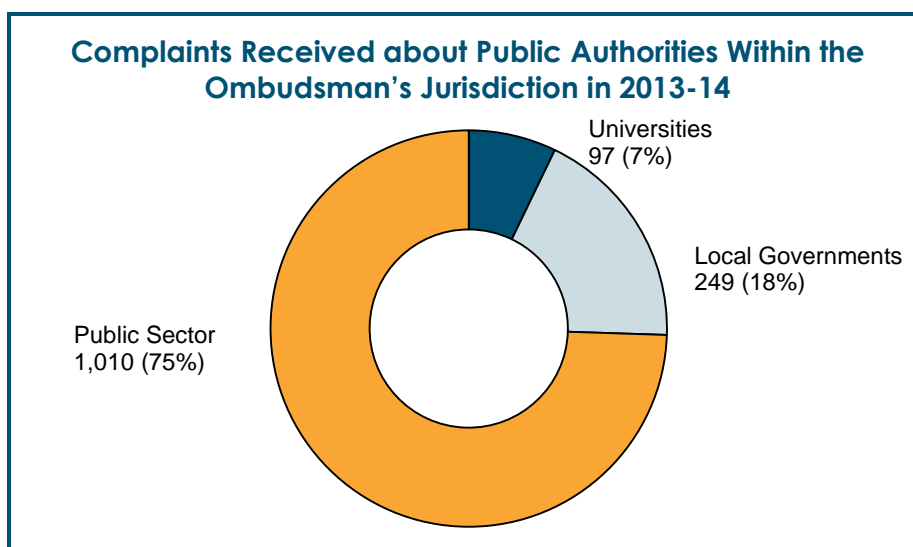
Following enquiries by the Office, the public authority found that its online booking system was providing notifications in relation to cancellations on week days but not on weekends or public holidays. Subsequently the public authority took steps to rectify this so that notifications would be provided in such situations and, given that the person had not been notified of the consequences of the cancellation, they were not required to pay the fee.



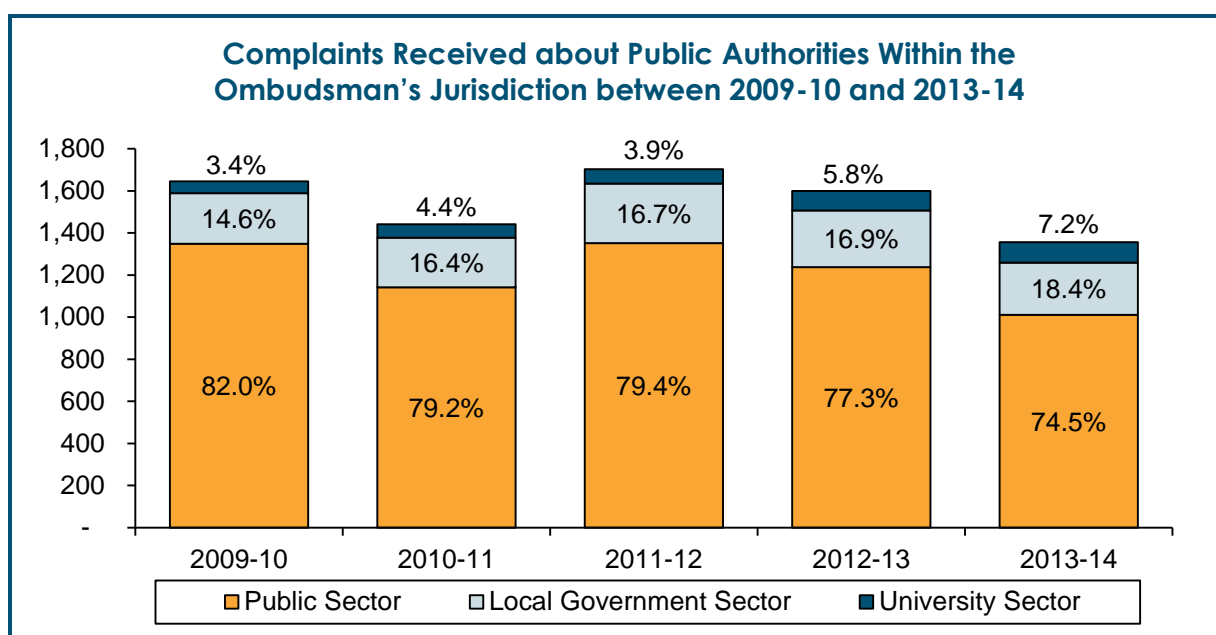
About the Complaints

Of the 1,882 complaints received, 1,356 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 526 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 (1,010 complaints) which includes State government departments, statutory authorities and boards; the local government sector (249 complaints); and the university sector (97 complaints).



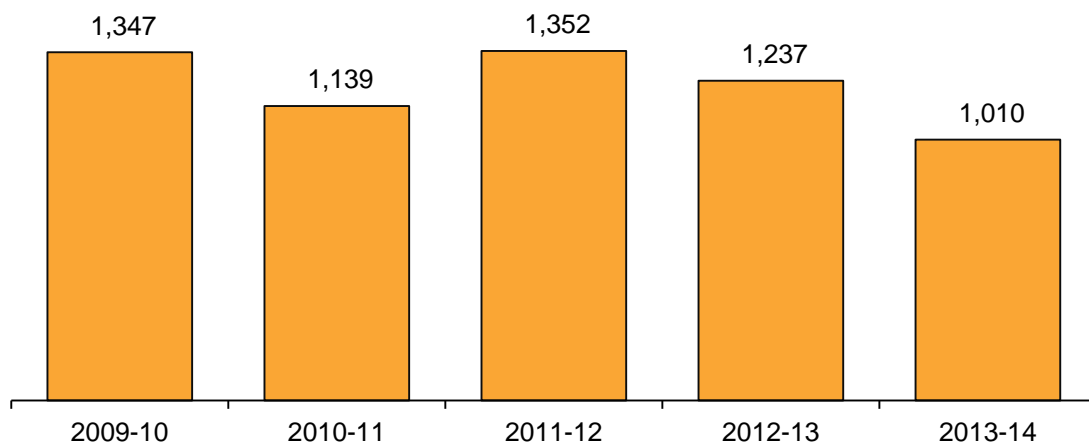
The proportion of complaints about each sector has remained relatively steady.



The Public Sector

In 2013-14, there were 1,010 complaints received about the public sector and 1,029 complaints were finalised. The number of complaints about the public sector as a whole since 2009-10 is shown in the chart below.

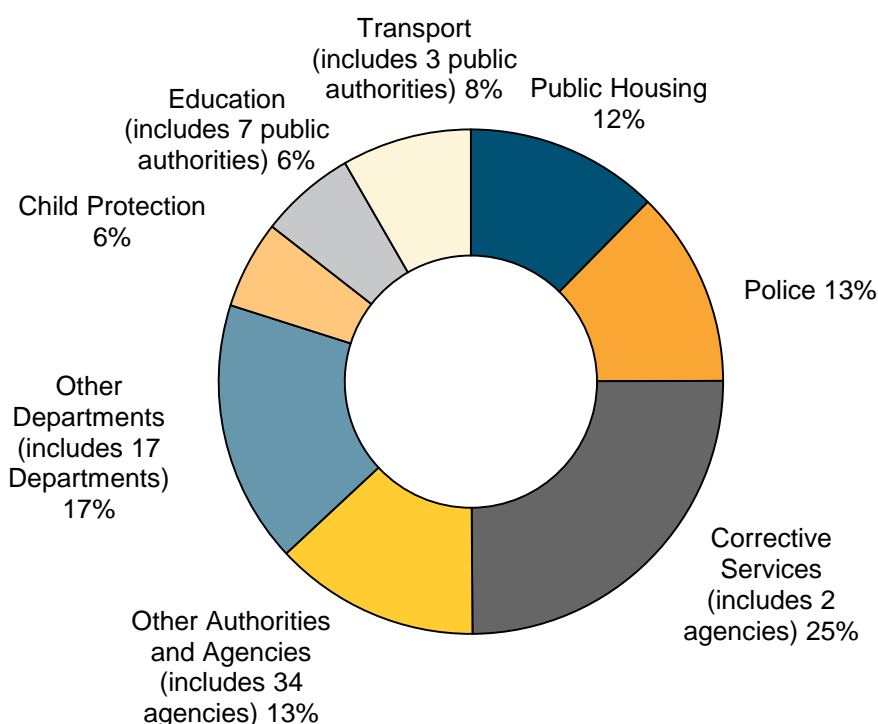
Complaints Received About the Public Sector between 2009-10 and 2013-14



NOTE: 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 there are identical complaints signed by different people.

Public sector agencies are very diverse. In 2013-14, complaints were received about 66 agencies as shown in the following chart.

Complaints Received About the Public Sector in 2013-14



Of the 1,010 complaints received about the public sector in 2013-14, 70% were about six key areas covering:

- Corrective services, in particular prisons (252 or 25%);
- Police (126 or 13%);
- Public housing (125 or 12%);
- Transport (84 or 8%);
- Child protection (62 or 6%); and
- Education - public schools and Technical and Further Education (**TAFE**) colleges (57 or 6%). Information about universities is shown separately under the University Sector.

The remaining complaints about the public sector (304) were about 51 other State Government departments, statutory authorities and boards. For 38 (75%) of these agencies, the Office received five complaints or less.

Outcomes of complaints about the public sector

There were 187 actions taken by public sector bodies as a result of complaints finalised in 2013-14. These resulted in 151 remedies being provided to complainants and 36 improvements to public sector practices.

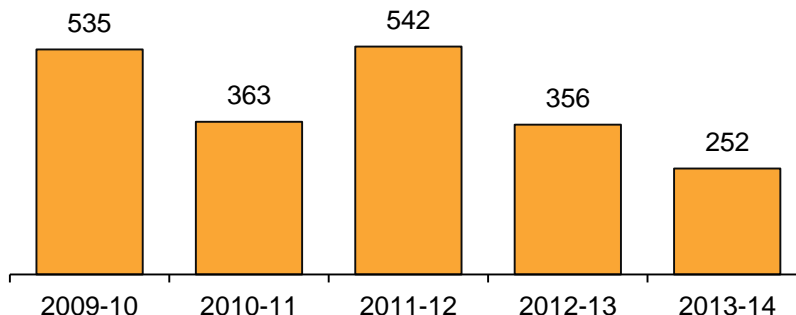
Further information about the issues raised in complaints and the outcomes of complaints is shown in the following tables for each of the six key areas and for the other public sector agencies as a group.



Public Sector Complaint Issues and Outcomes

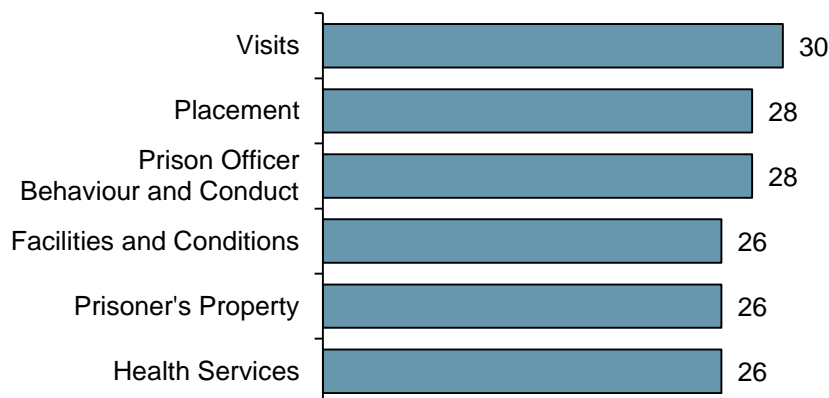
Corrective Services

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

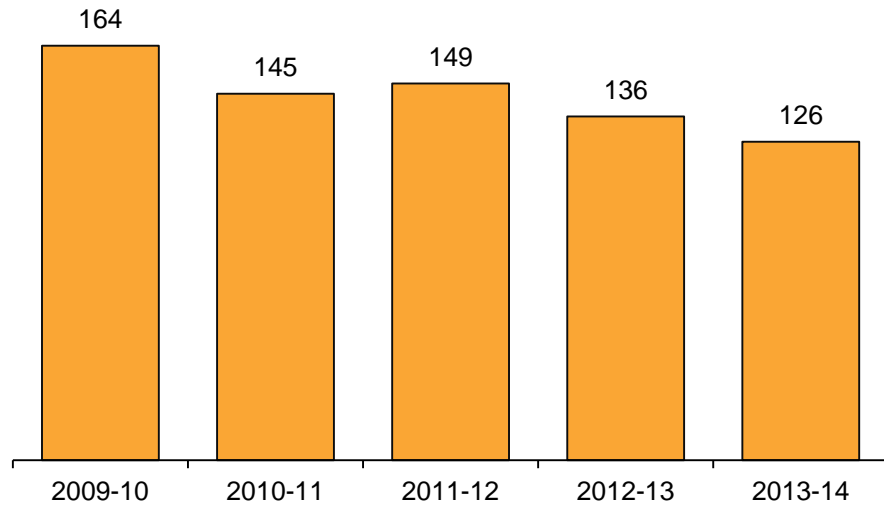
- Food and diet;
- Communication;
- Sentencing, parole and reintegration issues;
- Security classification;
- Discipline;
- Education courses and facilities; and
- Rehabilitation programs.

Outcomes achieved

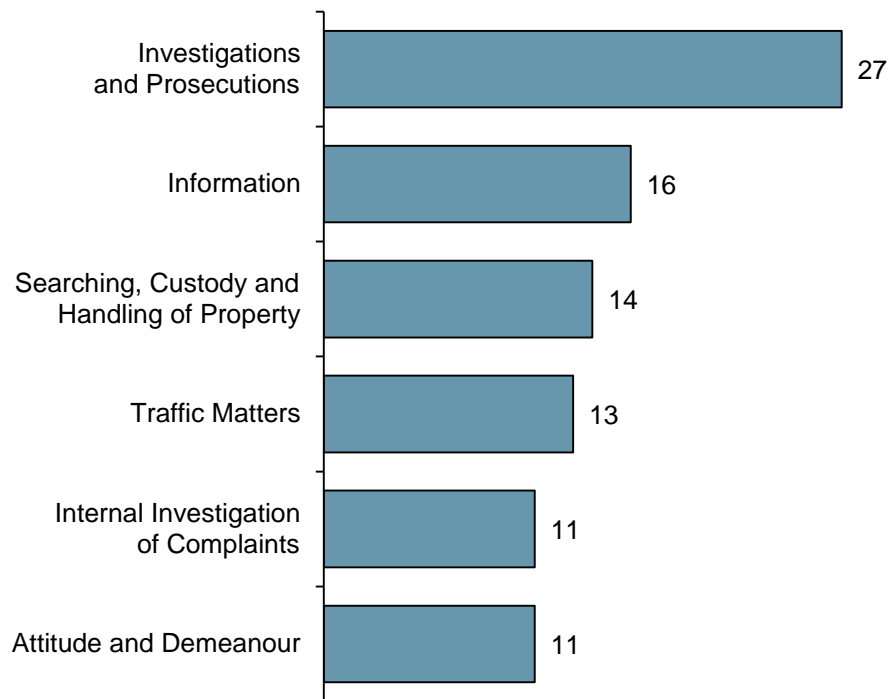
- Consider or reconsider a matter and make a decision;
- Action to replace, repair or rectify a matter;
- Action expedited;
- Explanation given or reasons provided;
- Apology given;
- Change to policy or procedure;
- Change to business system or practices;
- Conduct an audit or review; and
- Staff training.

Police

Complaints received



Most common allegations



Other types of allegations

- Assault;
- Arrest and detention;
- Improper conduct; and
- Management issues.

Outcomes achieved

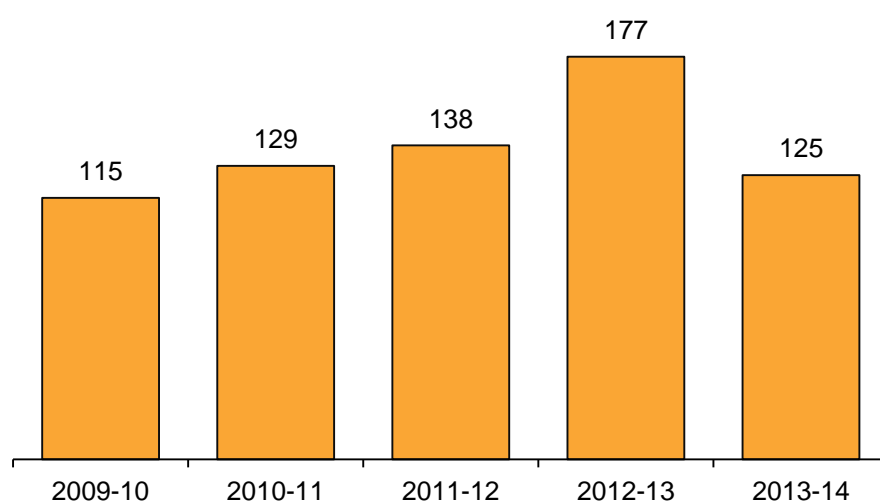
- Infringement reduced or withdrawn;
- Action expedited;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.



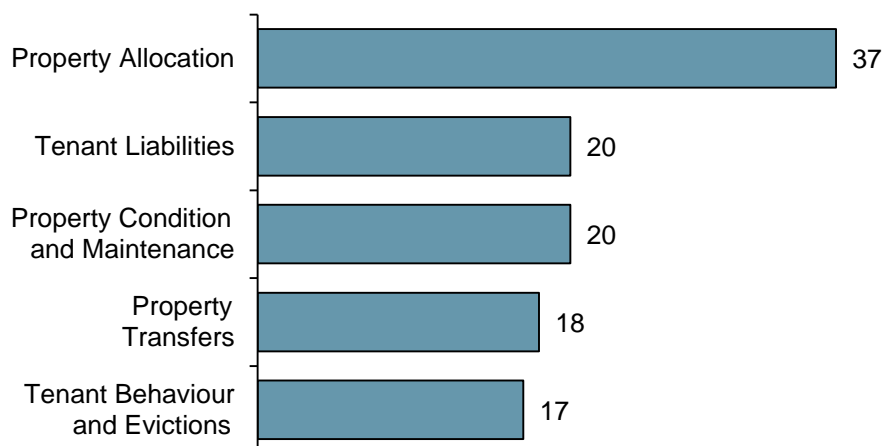
Complaint Resolution

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

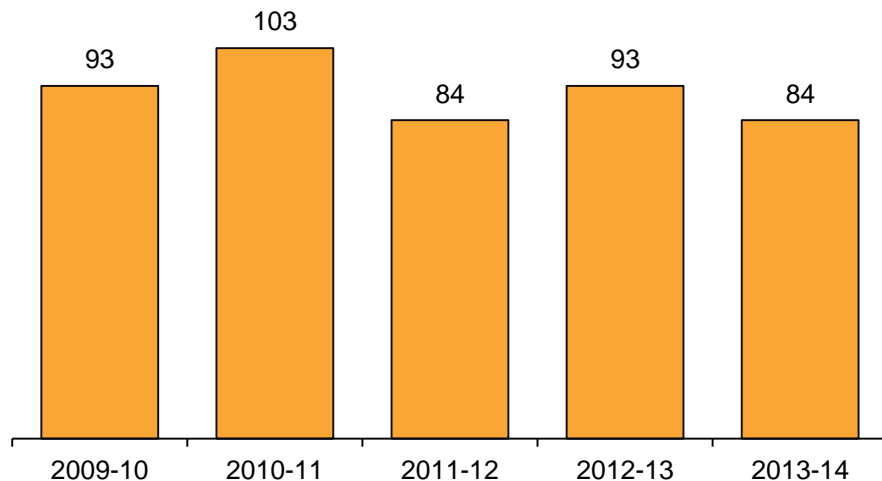
- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Tenant liability waived;
- Action to replace, repair or rectify a matter;
- Action expedited;
- Apology given;
- Explanation given or reasons provided;
- Change to policy or procedure; and
- Conduct an audit or review.



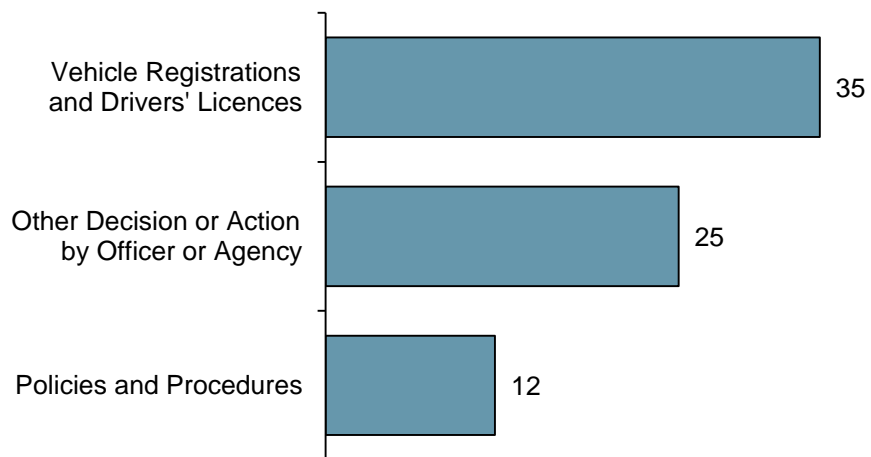
Complaint Resolution

Transport

Complaints received



Most common allegations



Other types of allegations

- Conduct of officer; and
- Fines and infringements.

Outcomes achieved

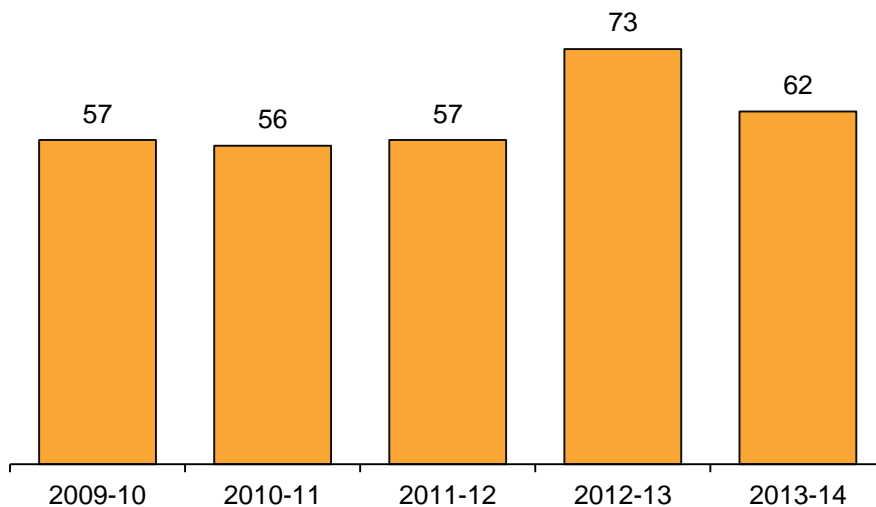
- Monetary charge withdrawn;
- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Explanation given or reasons provided;
- Apology given;
- Conduct an audit or review;
- Change to policy or procedure;
- Change to business system or practices; and
- Staff training.



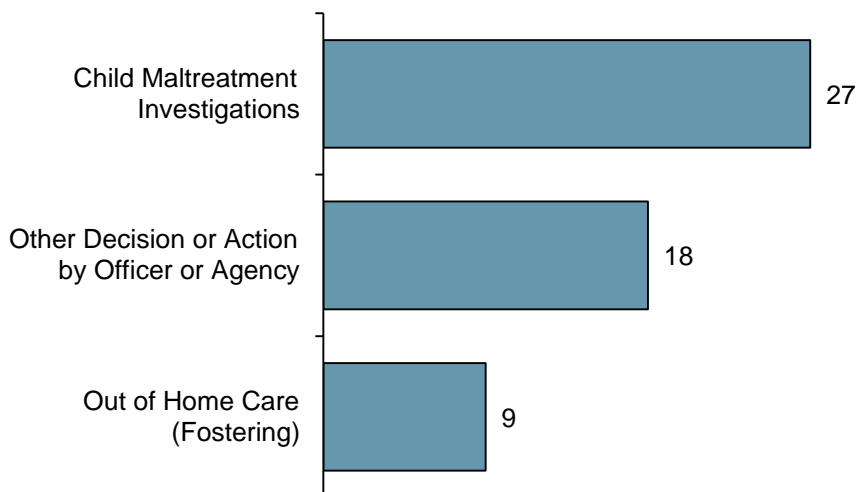
Complaint Resolution

Child Protection

Complaints received



Most common allegations



Other types of allegations

- Family court proceedings;
- Adoption;
- Human resource management issues; and
- Complaint management.

Outcomes achieved

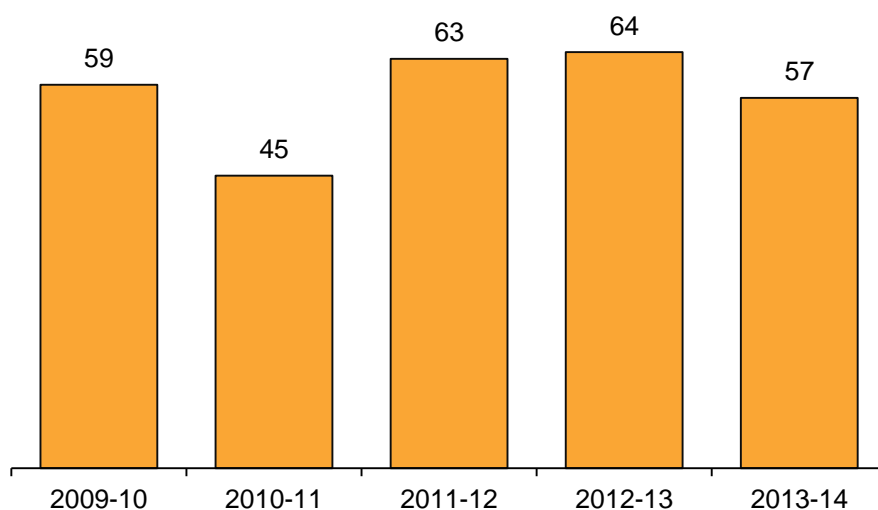
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited; and
- Explanation given or reasons provided.



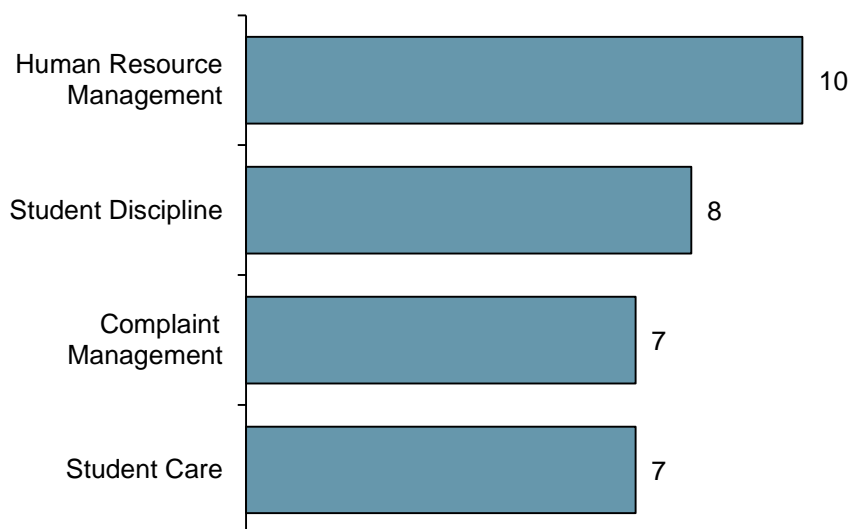
Complaint Resolution

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

- Enrolment;
- Examinations, assessments and prizes;
- Fees; and
- Staff conduct.

Outcomes achieved

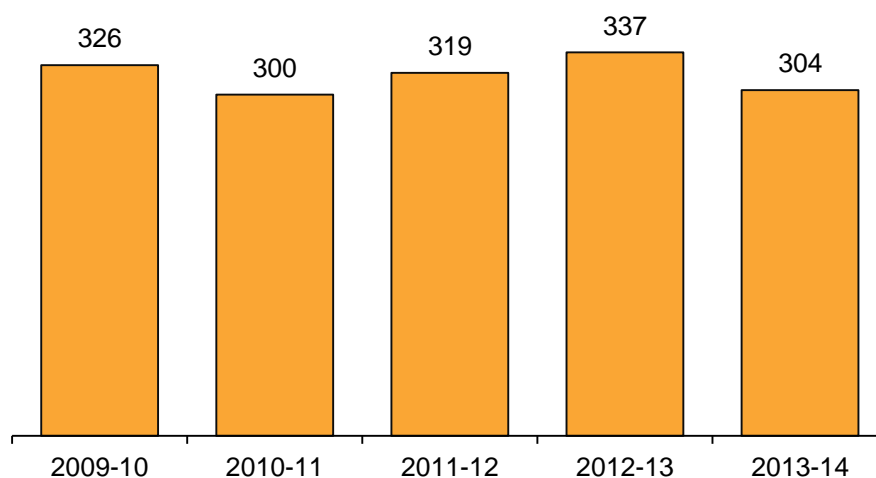
- Action expedited;
- Explanation given or reasons provided;
- Reversal or significant variation of original decision;
- Change to policy or procedure; and
- Staff training.



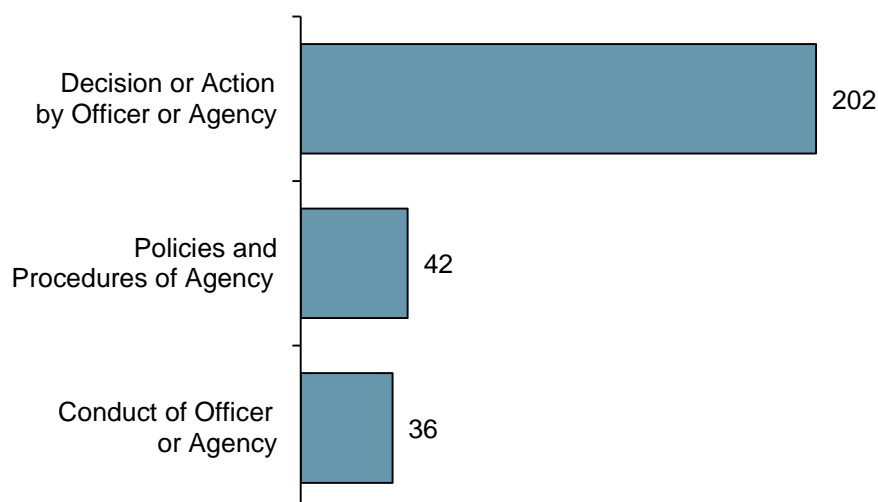
Complaint Resolution

Other Public Sector Agencies

Complaints received



Most common allegations



Other types of allegations

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

Outcomes achieved

- Monetary charges reduced or withdrawn;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy or procedure;
- Apology given;
- Conduct an audit or review; and
- Staff training.

The following case study provides an example of action taken by public sector agencies as a result of the involvement of the Ombudsman.



Correction of personal information

A person complained that a public authority had written to them about a tenancy matter and had provided them with private third party information about a tenant when they were neither the tenant nor the landlord of the property. The person was concerned that they had received someone else's private information and that their details may be wrongly entered into the public authority's database.

Following contact by the Office, the public authority investigated the matter and found that the person had an identical name to the tenant and the person's details were incorrectly attached to a system generated letter due to a system error. The public authority informed them that the postal addresses would be removed from its system. The public authority also confirmed that its system was being audited for duplicate names and to correct any errors.

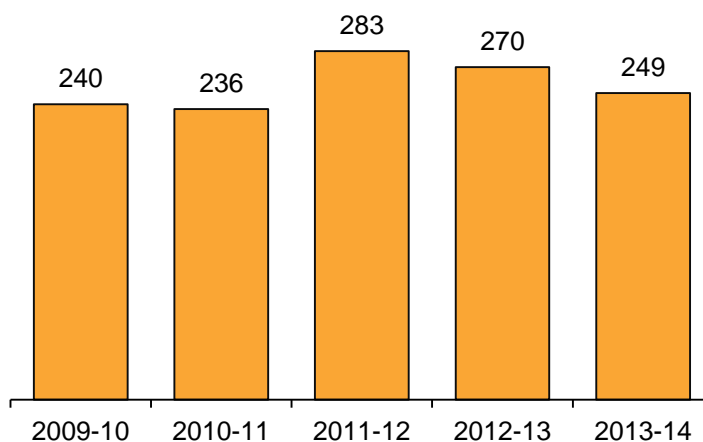


The Local Government Sector

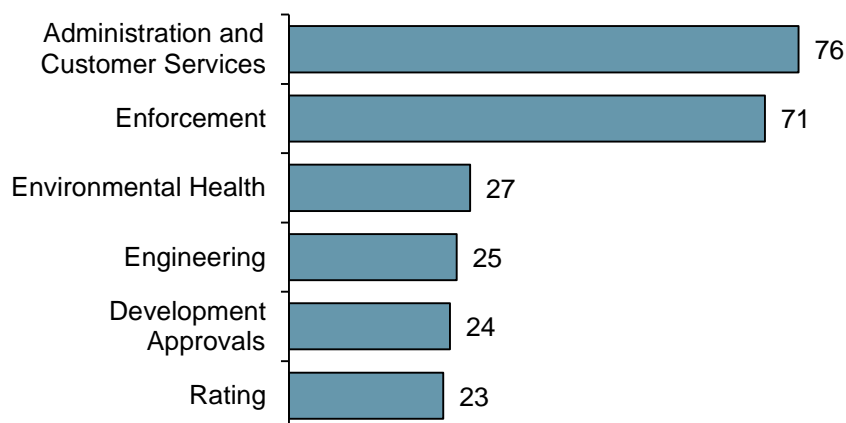
The following section provides further details about the issues and outcomes of complaints for the local government sector.

Local Government

Complaints received



Most common allegations



Other types of allegations

- Building approvals;
- 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;
- Infringement reduced or withdrawn;
- Change to policy or procedure;
- Conduct an audit or review;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

Case Study

Improved contractor registration and customer service

A person complained that they had been removed from a local government's Contractor Register and had not been able to resolve the matter satisfactorily with the local government. The person was also dissatisfied with the time taken by the local government in responding to their enquiries, the reasons it gave for removing them from the Register, and the handling of their request to be reinstated on the Register.

Following enquiries by the Office, a senior officer of the local government personally met with the individual to discuss their concerns and subsequently, the person was reinstated on the Register. The local government also provided the person with contractor induction paperwork to complete as part of the registration process.

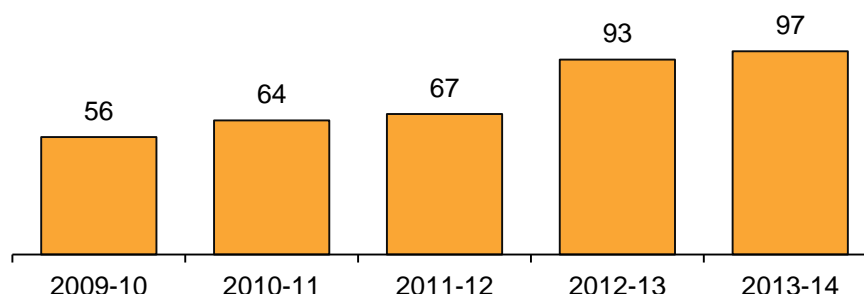
The local government then took steps to finalise a Customer Service Charter and Policy which outlined the obligations on staff to respond to enquiries. In addition, the local government reviewed its contractor induction and management processes and took steps to implement the new processes.

The University Sector

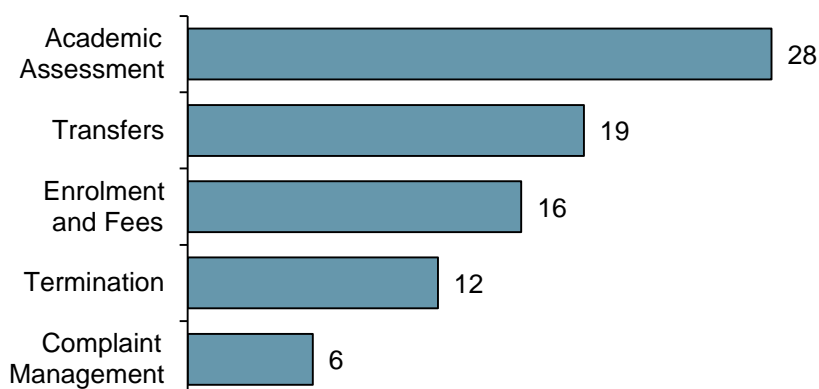
The following section provides further details about the issues and outcomes of complaints for the university sector.

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;
- Academic misconduct;
- Personal information and privacy;
- Examinations; and
- Other dealings with the public.

Outcomes Achieved

- Apology given;
- Monetary charge reduced;
- Explanation given or reasons provided;
- Reversal or significant variation of original decision;
- Change to policy or procedure;
- Consider or reconsider a matter and make a decision;
- Action expedited; and
- Conduct an audit or review.





University changes complaints procedure

A university student, who had complained to the University about a number of administrative issues affecting their studies, complained to the Ombudsman that the University had failed to resolve their complaints, one of which was almost two years old.

As a result of the Office's enquiries, the University recognised that there were deficiencies in its complaints process which had resulted in the University not addressing the oldest complaint and a delay in the processing of other complaints.

The University apologised to the student and informed them of the outcome of their complaints. The University also improved its complaints process by requesting progress reports and final outcomes for each complaint to improve its timeliness when addressing future complaints.

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.

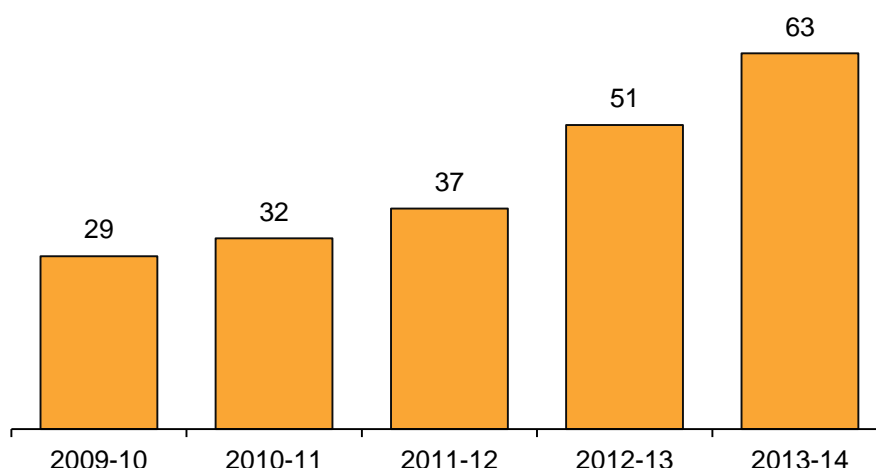
In Western Australia, the Ombudsman is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [*Overseas Students Ombudsman*](#) is the external appeals body for overseas students studying in private education and training organisations.

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.



Complaints Received from Overseas Students under the National Code between 2009-10 and 2013-14



During 2013-14, the Office received 62 complaints about public education and training providers from overseas students. Fifty one complaints were about universities, seven were about TAFEs and four were about other education agencies. The Office also received one complaint that, after initial assessment, was found to be about a private education provider. The Office referred this person to the Overseas Students Ombudsman.

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

- Transfers between education and training providers (20).
- Termination of enrolment (13);
- Academic assessment (12); and
- Fees (8).

During the year, the Office finalised 71 complaints about 82 issues.



New investigation conducted

An overseas student at a Western Australian University was expelled from the university following an investigation of an allegation of academic misconduct. The student complained to the Ombudsman that the University's decision was unreasonable and unfair because it was based on a flawed investigation process.

As a result of the Office's investigation, which found defects in the University's process, the University agreed to conduct a new investigation of the allegation and to ensure that the student was given the opportunity to respond to any adverse material arising in the course of the new investigation.

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, five 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 three 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.

Seven requests for review were received in 2013-14, compared to 24 in 2012-13, representing less than one tenth of one per cent of the total number of complaints received by the Office. In all cases where a review was undertaken, the original decision was upheld.

