

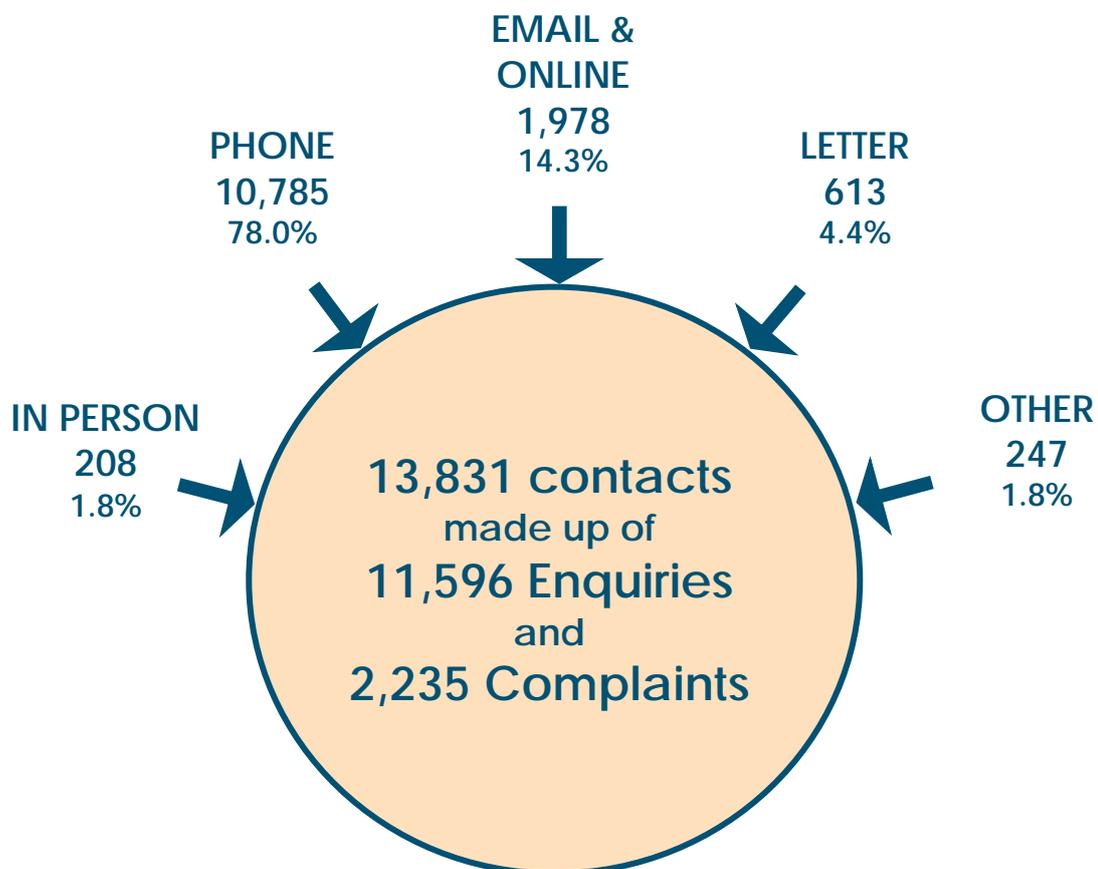
Complaint Resolution

A core function of the Ombudsman 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 2017-18, the Office received 13,831 contacts from members of the public consisting of:

- 11,596 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,235 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

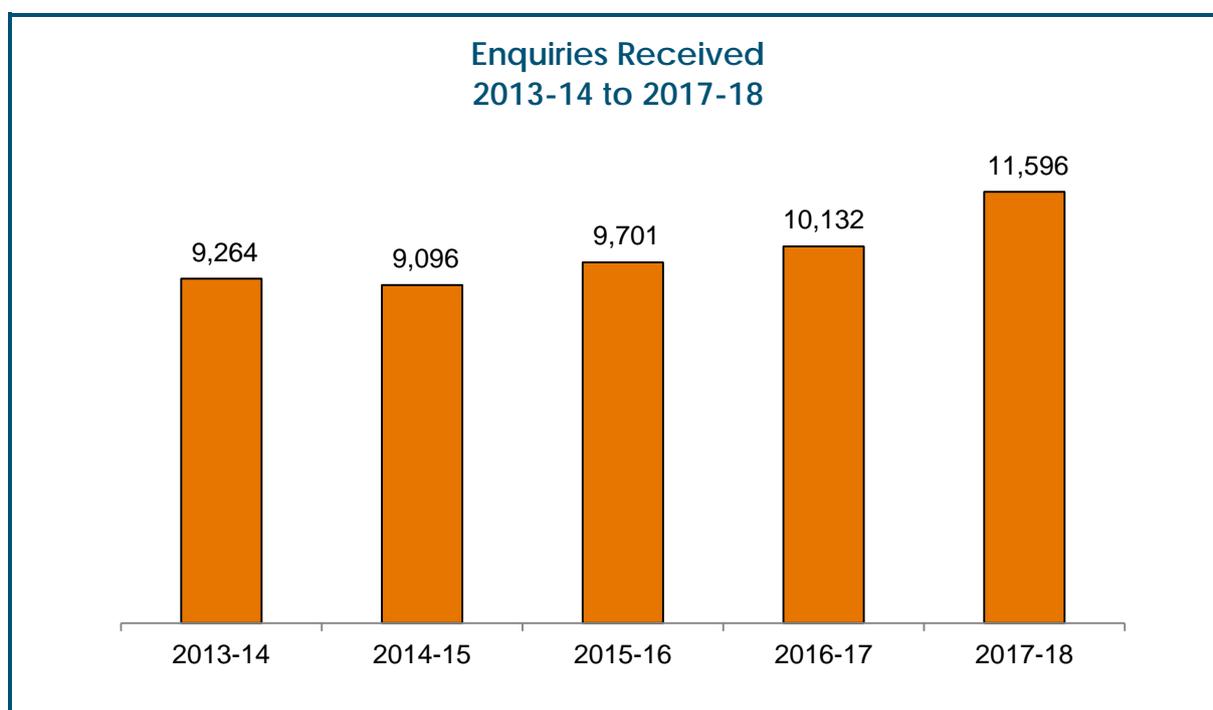


Enquiries Received

There were 11,596 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 over 40% 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 deal with the issue. Enquirers are advised that if their issues are not resolved by the public authority, they can make a complaint to the Ombudsman.

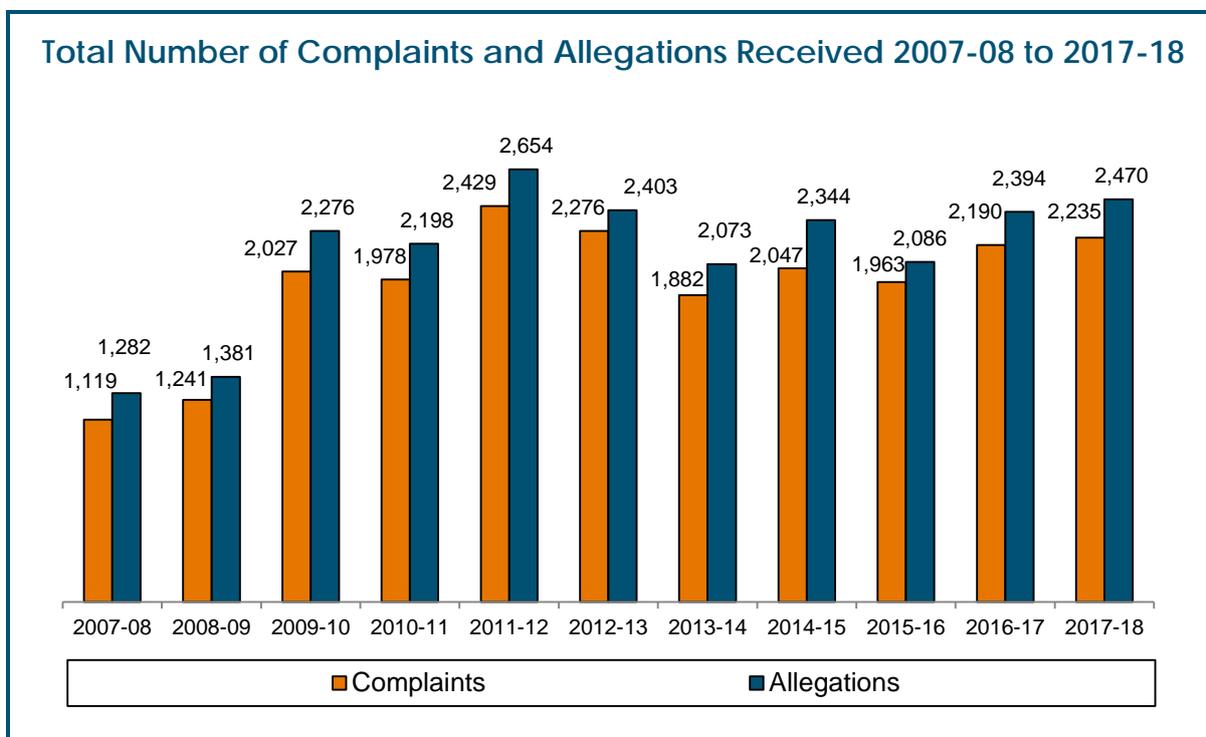
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.



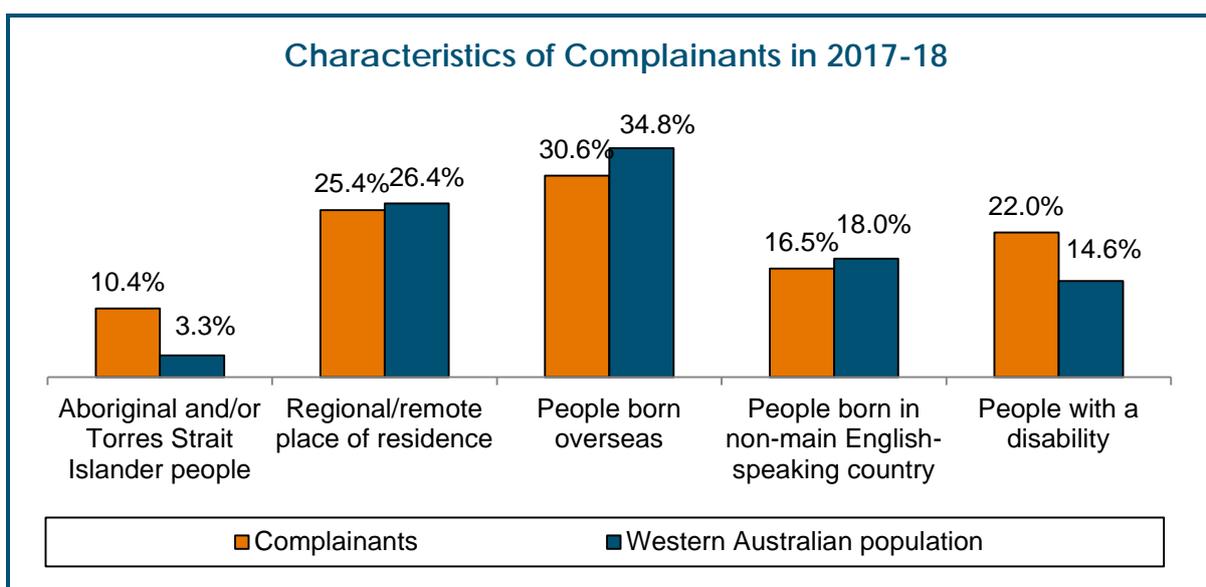
Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Complaints Received

In 2017-18, the Office received 2,235 complaints, with 2,470 separate allegations, and finalised 2,212 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.

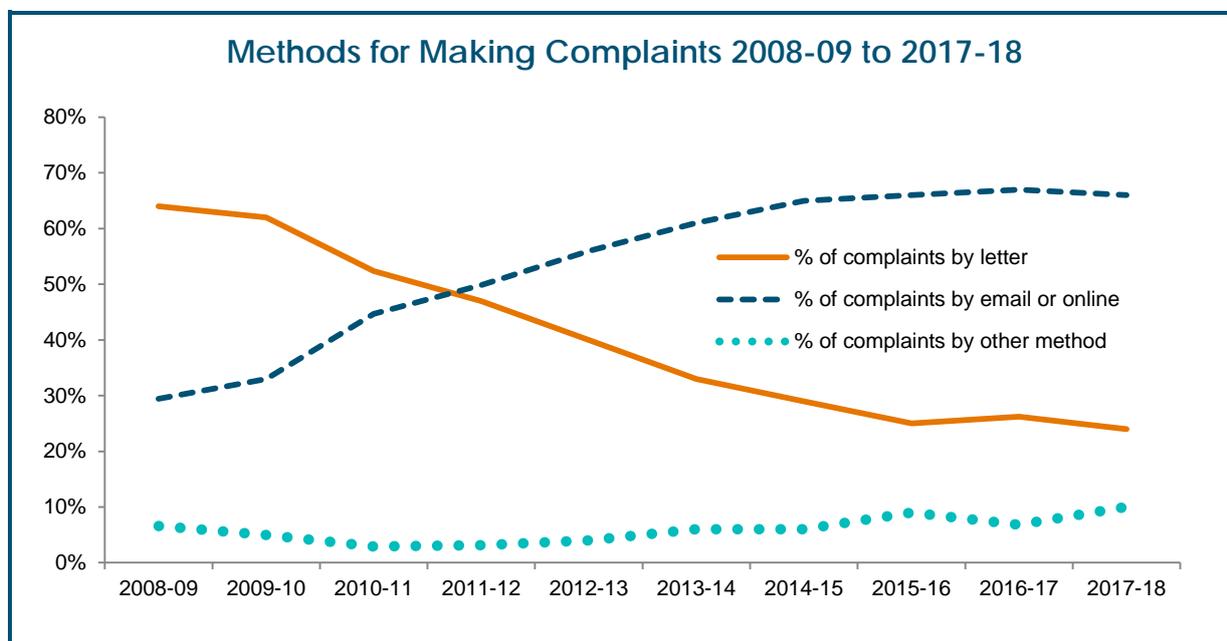


NOTE: Non-main English-speaking countries as defined by the Australian Bureau of Statistics are countries other than Australia, the United Kingdom, the Republic of Ireland, New Zealand, Canada, South Africa and the United States of America. Being from a non-main English-speaking country does not imply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

How Complaints Were Made

Over the last 10 years, the use of email and online facilities to lodge complaints has increased and the proportion of people who lodge complaints by letter has declined.

In 2017-18, 66% of complaints were lodged by email or online, compared to 24% by letter and 10% by other methods including 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 2017-18, in particular in relation to the early resolution of complaints.

Together, these initiatives have enabled the Office to maintain substantial improvements in the timeliness of complaint handling.

In 2017-18:

- The percentage of allegations finalised within 3 months was 94%; and
- The percentage of allegations on hand at 30 June less than 3 months old was 92%.

94% of allegations were finalised within 3 months.

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 33 days; and
- Complaints older than 6 months have decreased from 40 to 7.

Complaints Finalised in 2017-18

There were 2,212 complaints finalised during the year and, of these, 1,693 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 953 were finalised at initial assessment, 692 were finalised after an Ombudsman investigation and 48 were withdrawn.

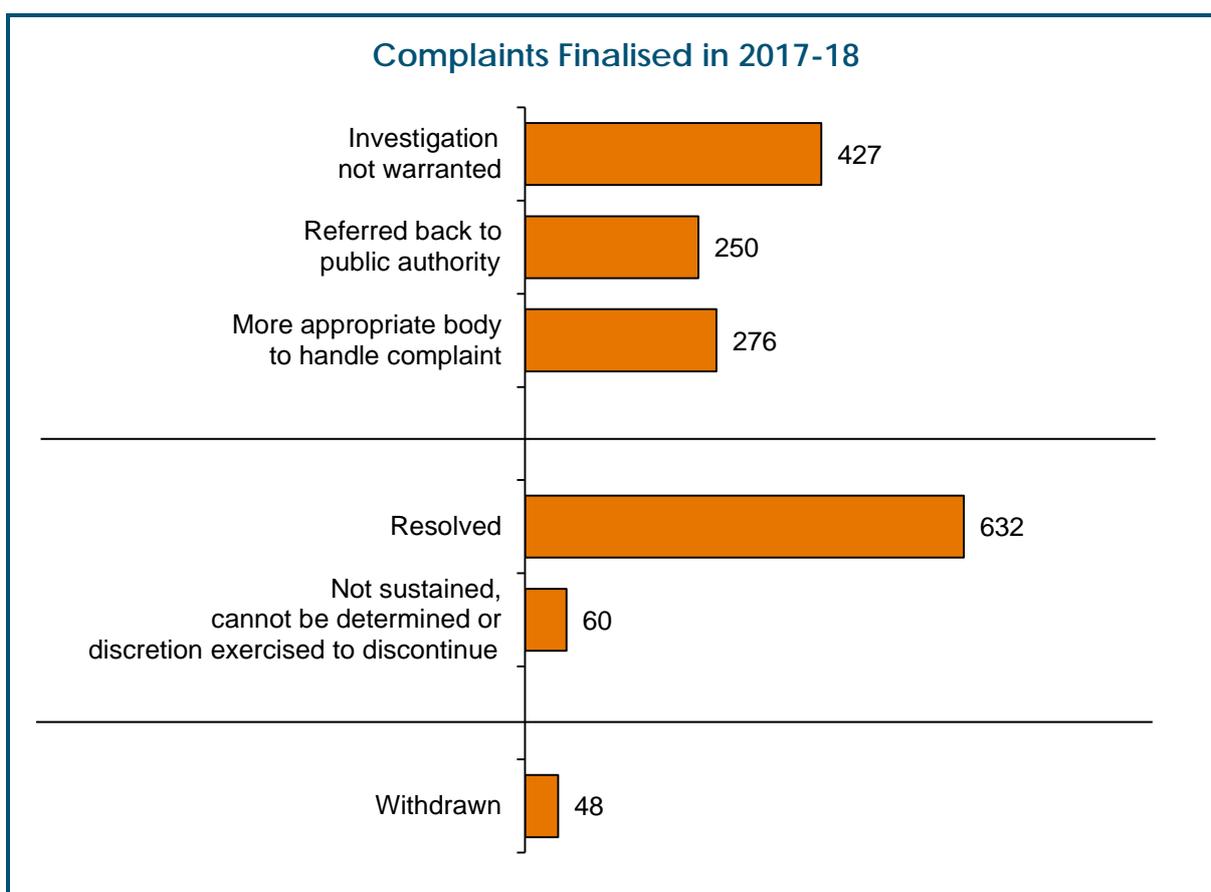
Complaints finalised at initial assessment

Over a quarter (26%) of the 953 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 276 (29%) 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 692 complaints finalised after investigation, 88% 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.

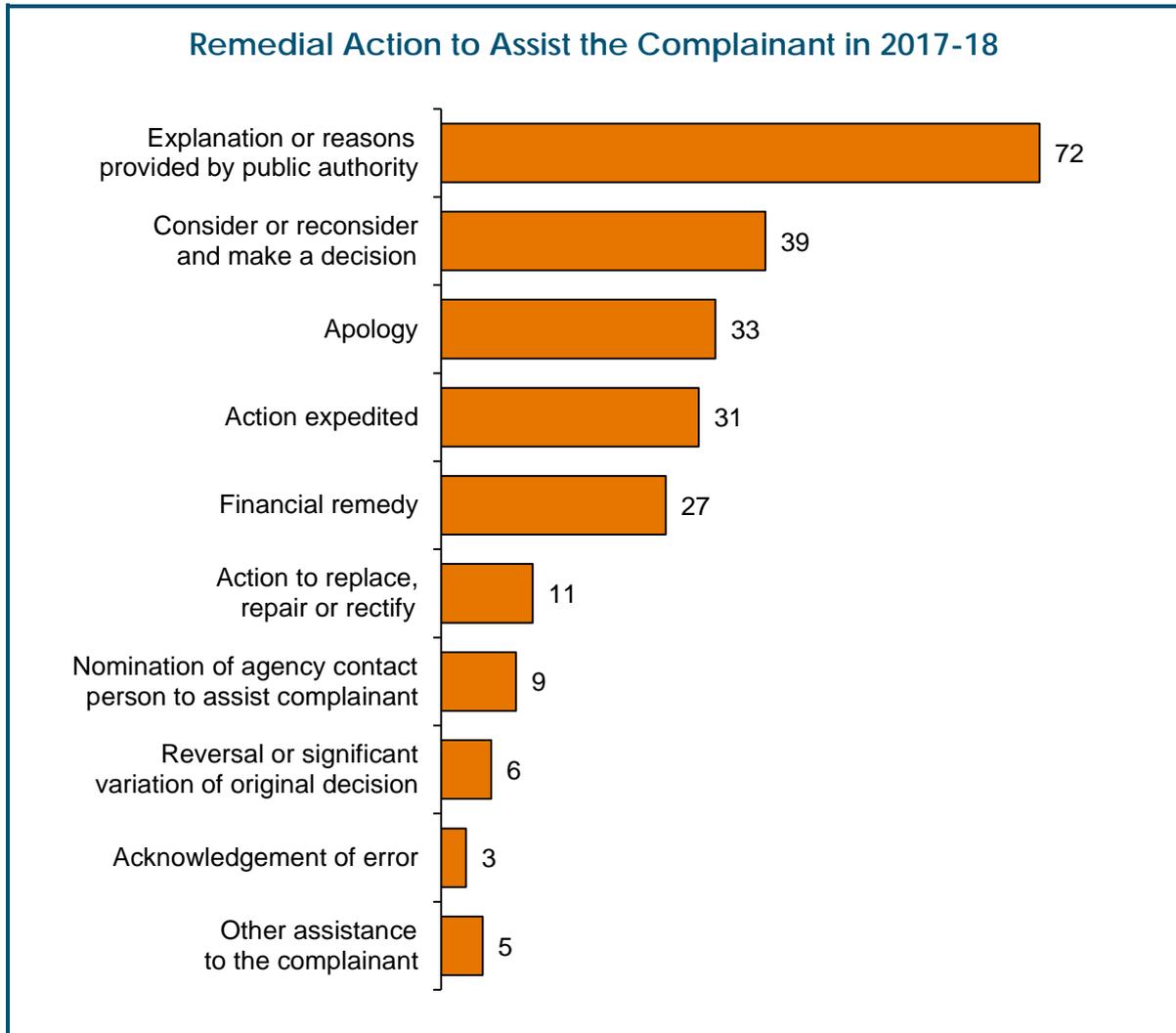


Note: Investigation not warranted includes complaints where the matter is not in the Ombudsman's jurisdiction.

Outcomes to assist the complainant

Complainants look to the Ombudsman to achieve a remedy to their complaint. In 2017-18, there were 236 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman. 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. In a further 46 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.

The following chart shows the types of remedies provided to complainants.



Case Study

Exercise of discretion reconsidered

A couple who were tenants were charged for maintenance work and agreed to pay the charges in instalments. When one of the couple passed away, the remaining tenant's circumstances made it difficult for them to make the payments and they lodged an appeal to the public authority to review its decision relating to the charges. When the public authority informed the tenant the appeal was ineligible on the basis that more than 12 months had passed since the decision to charge the tenant, the tenant complained to the Office.

Following enquiries by the Office, which considered the provisions in the public authority's policies that enabled the exercise of discretion, the public authority reconsidered its position and agreed to waive the charges.

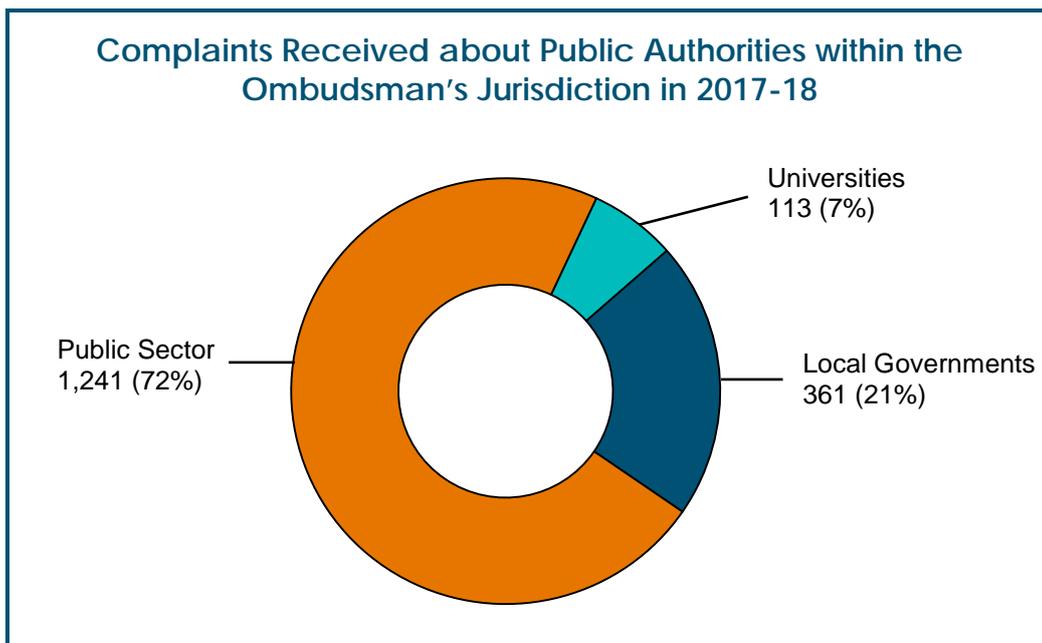
Outcomes to improve public administration

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.

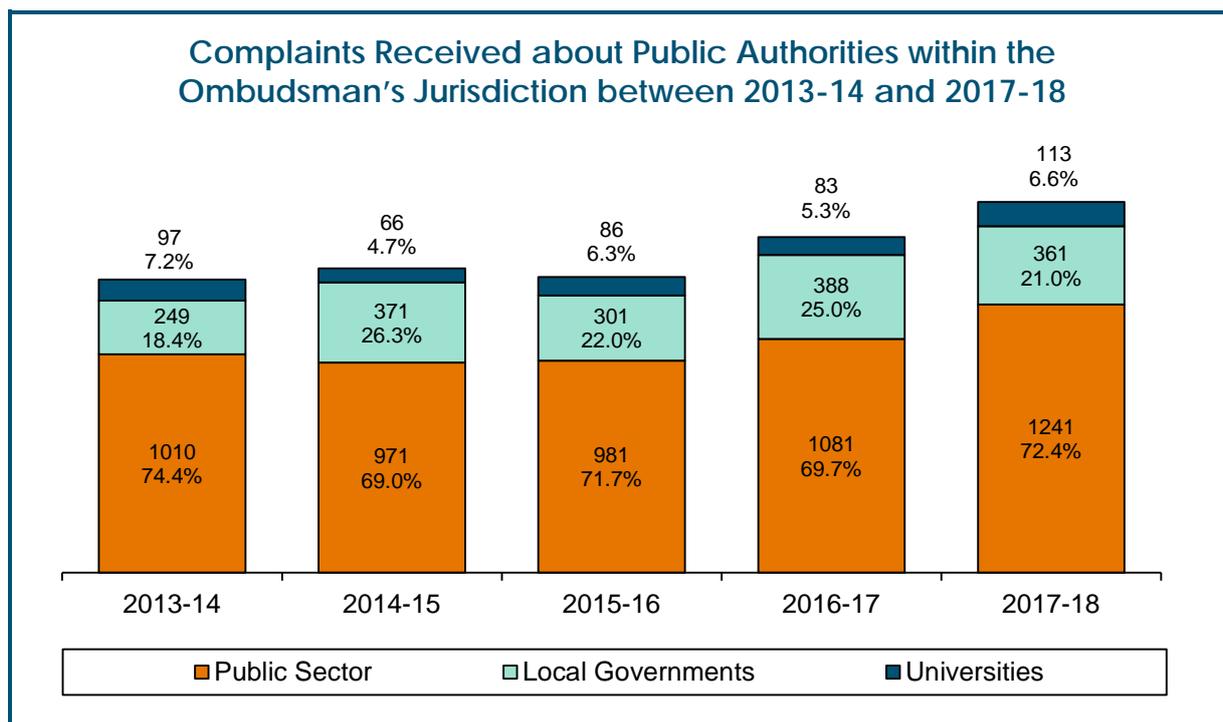
About the Complaints

Of the 2,235 complaints received, 1,715 were about public authorities that are within the Ombudsman's jurisdiction. The remaining 520 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 (1,241 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (361 complaints); and the university sector (113 complaints).

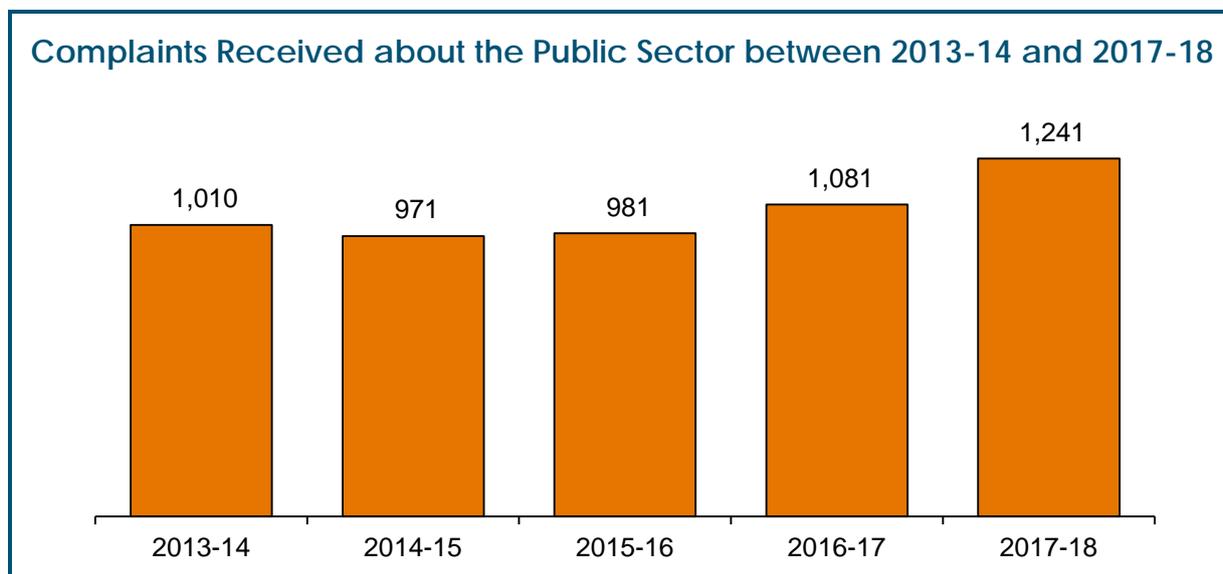


The proportion of complaints about each sector in the last five years is shown in the following chart.

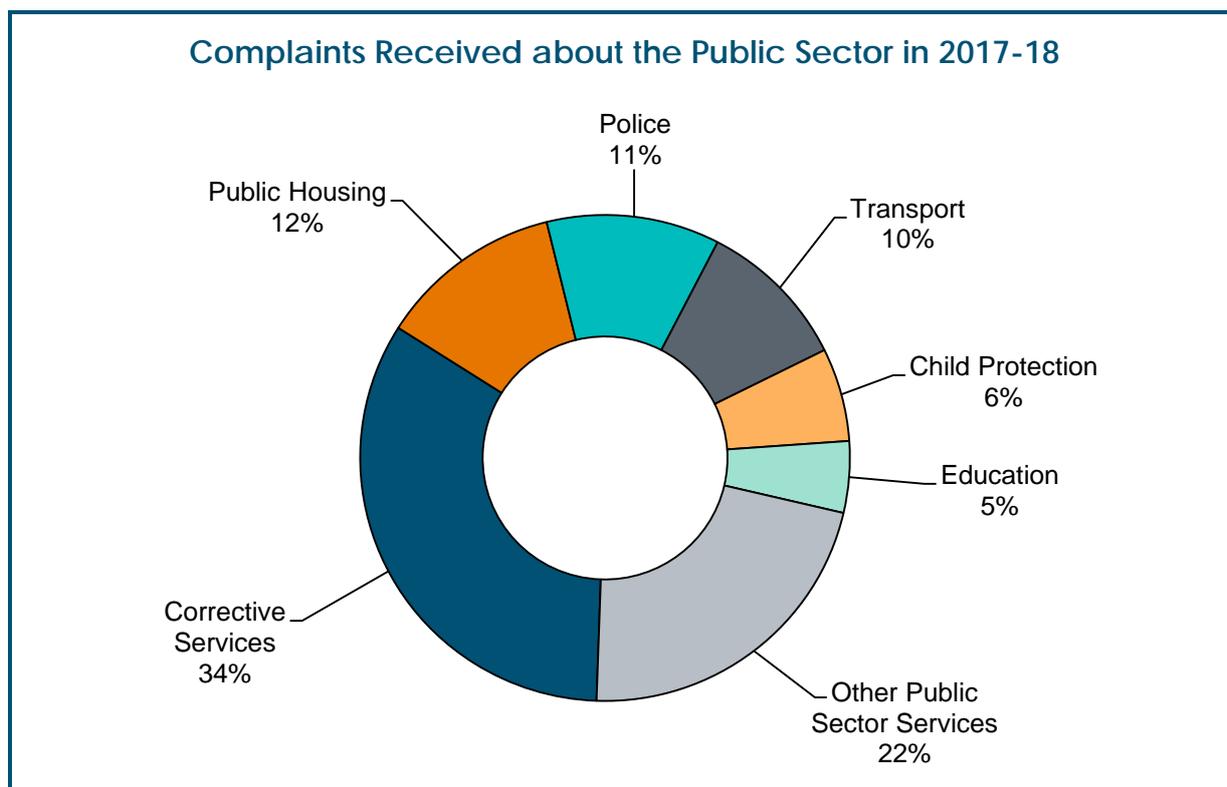


The Public Sector

In 2017-18, there were 1,241 complaints received about the public sector and 1,219 complaints were finalised. The number of complaints about the public sector as a whole since 2013-14 is shown in the chart below.



Public sector agencies deliver a very diverse range of services to the Western Australian community. In 2017-18, complaints were received about key services as shown in the following chart.



Of the 1,241 complaints received about the public sector in 2017-18, 78% were about six key service areas covering:

- Corrective services, in particular prisons (415 or 34%);
- Public housing (151 or 12%);
- Police (142 or 11%);
- Transport (125 or 10%);
- Child protection (77 or 6%); and
- Education, including public schools and TAFE colleges (59 or 5%). Information about universities is shown separately under the University Sector.

For further details about the number of complaints received and finalised about individual public sector agencies and authorities, see [Appendix 1](#).

Outcomes of complaints about the public sector

In 2017-18, there were 225 actions taken by public sector bodies as a result of Ombudsman action following a complaint. These resulted in 175 remedies being provided to complainants and 50 improvements to public sector practices.

The following case study illustrates the outcomes arising from complaints about the public sector. 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 services as a group.

Case Study

Reconsideration of decision and improved governance

A person complained to the Office about the process used by a public authority when making a decision which affected their ability to undertake their work. Following an investigation by the Office, the public authority, in a very positive way, agreed to (among other things):

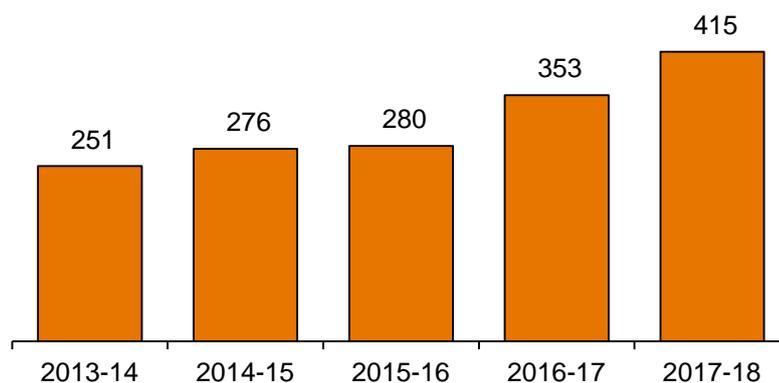
- Write to the person and outline its concerns about their suitability to undertake their work; and
- Propose a pathway forward to resolve the matter.

Further the public authority informed the Office that it had commenced a project to identify and progress a range of administrative improvements to strengthen its ability to govern bodies and persons carrying out the work on its behalf, including consideration of amendments to relevant regulations.

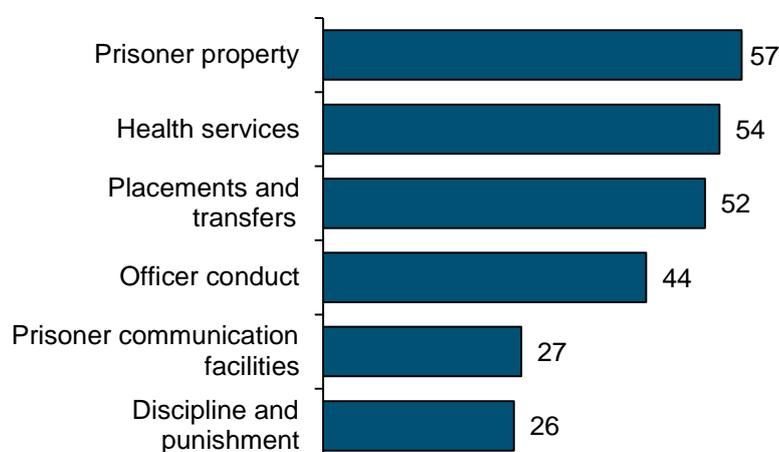
Public sector complaint issues and outcomes

Corrective Services

Complaints received



Most common allegations



Other types of allegations

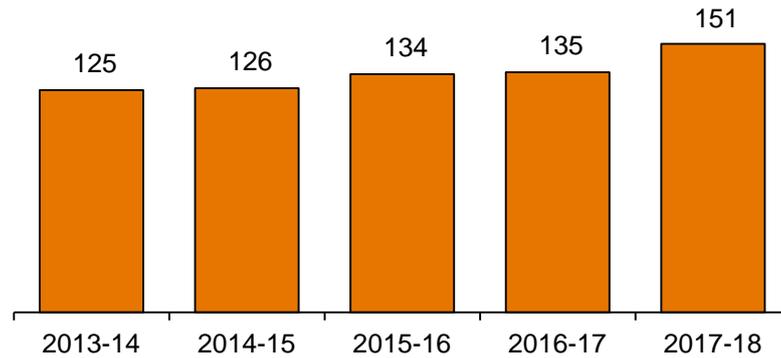
- Prisoner employment;
- Facilities and conditions;
- Canteen and prisoner allowance issues;
- Individual Management Plans; and
- Visits.

Outcomes achieved

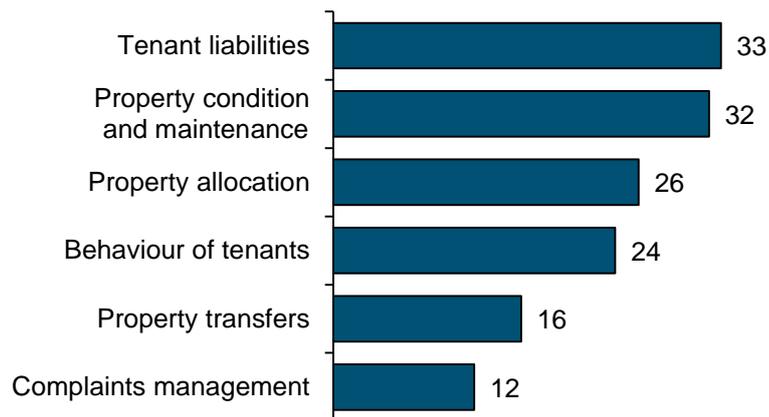
- 'Act of grace' payment or monetary charge reduced/refunded;
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Update to publications or website;
- Conduct audit or review; and
- Staff training.

Public Housing

Complaints received



Most common allegations



Other types of allegations

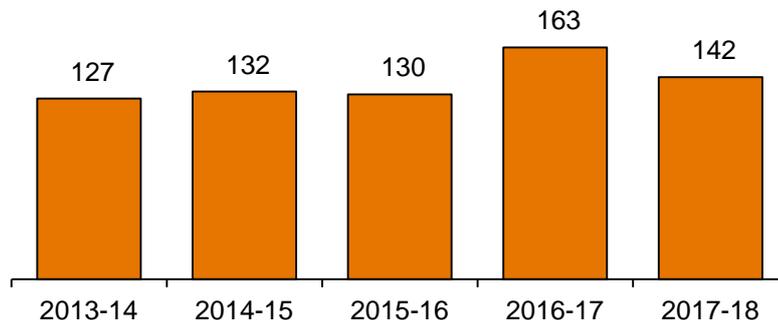
- Rent or bond assistance;
- Debt repayments;
- Tenant's personal property;
- General communication and provision of information;
- Dividing fence issues; and
- Termination of tenancy.

Outcomes achieved

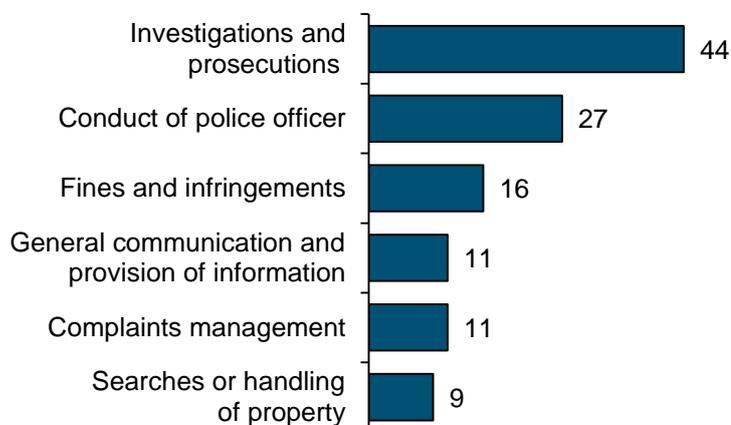
- Monetary charge reduced or withdrawn;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices;
- Improved recordkeeping; and
- Staff training.

Police

Complaints received



Most common allegations



Other types of allegations

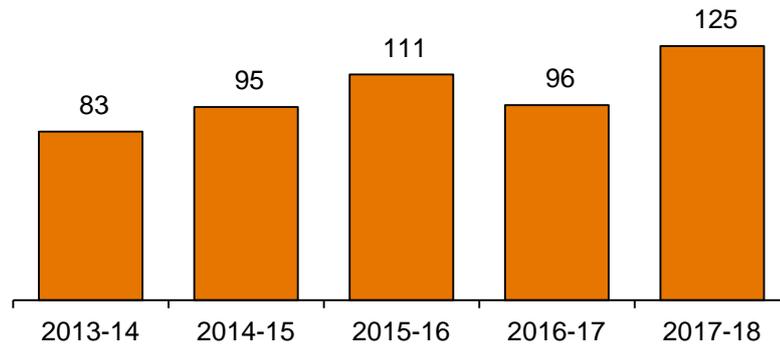
- Traffic matters;
- Arrest and detention issues;
- Permits and licences;
- Personal information and privacy issues; and
- Human resource management issues.

Outcomes achieved

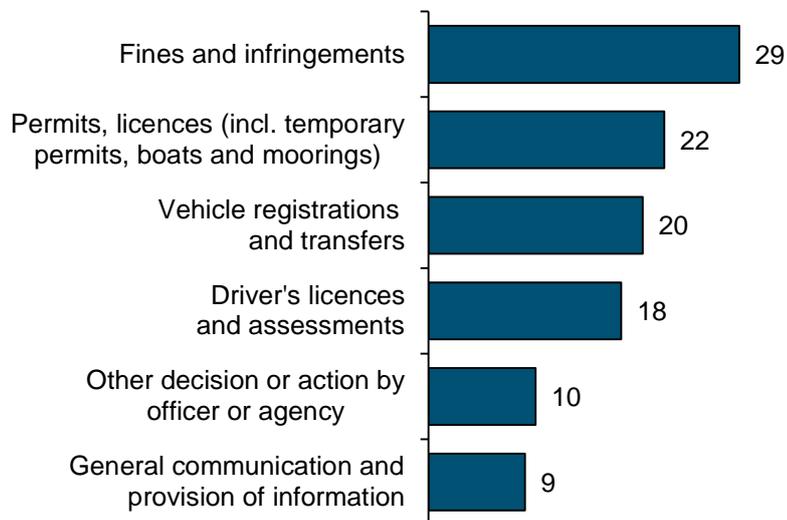
- Action to replace, repair or rectify a matter;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Update to publications or website; and
- Staff training.

Transport

Complaints received



Most common allegations



Other types of allegations

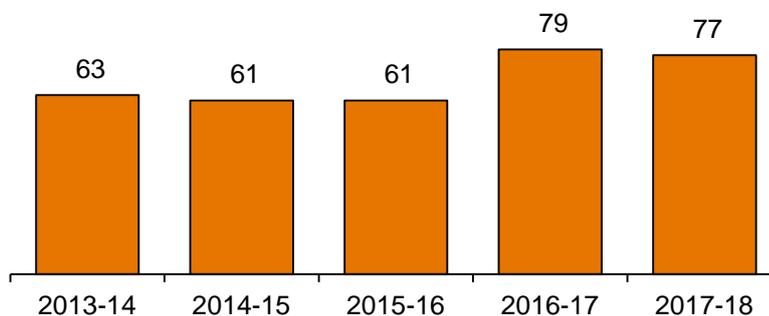
- Policies and procedures of the agency;
- Public transport ticketing (other than infringements); and
- Human resource management issues.

Outcomes achieved

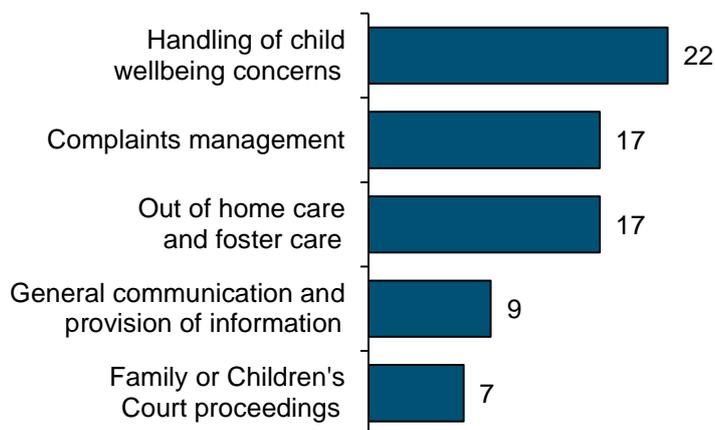
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgement of error;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to legislation;
- Change to policy, procedure, business systems or practices;
- Update to publications or website;
- Conduct audit or review; and
- Staff training.

Child Protection

Complaints received



Most common allegations



Other types of allegations

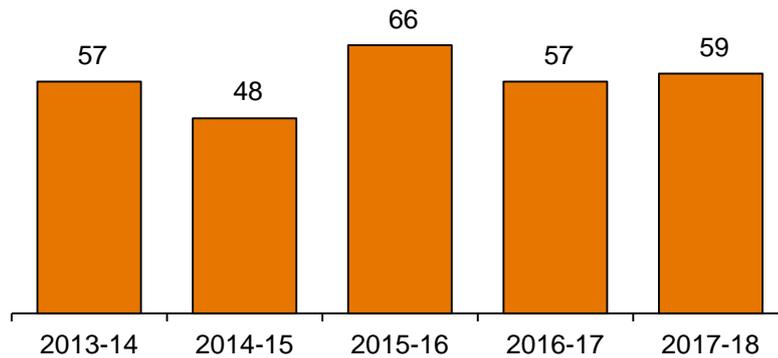
- Policies and procedures of the agency;
- Human resource management issues;
- Personal information and privacy issues; and
- Special assistance and grants.

Outcomes achieved

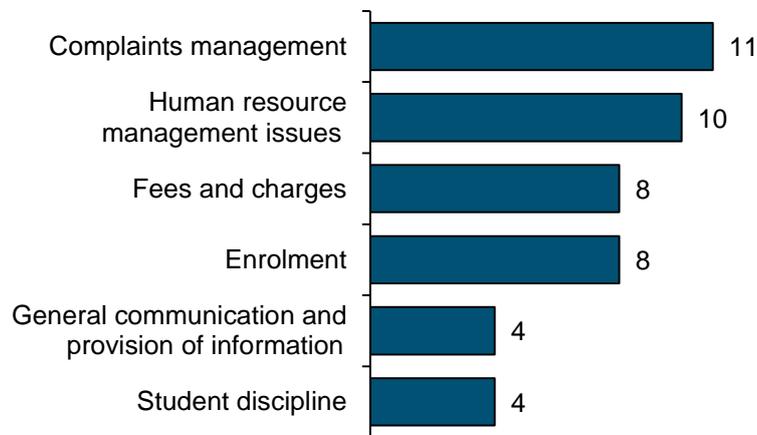
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy or procedure; and
- Staff training.

Education

Complaints received



Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) relating to TAFE colleges and other public education agencies. Further details on these appeals are included later in this section.

Other types of allegations

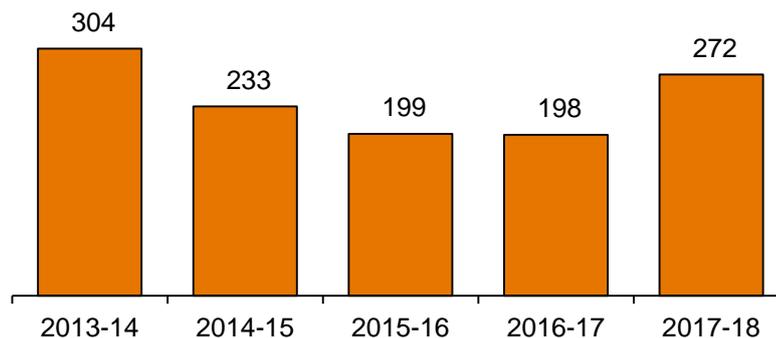
- Transfers between education providers;
- Termination of enrolment;
- Student care; and
- Examinations and assessments.

Outcomes achieved

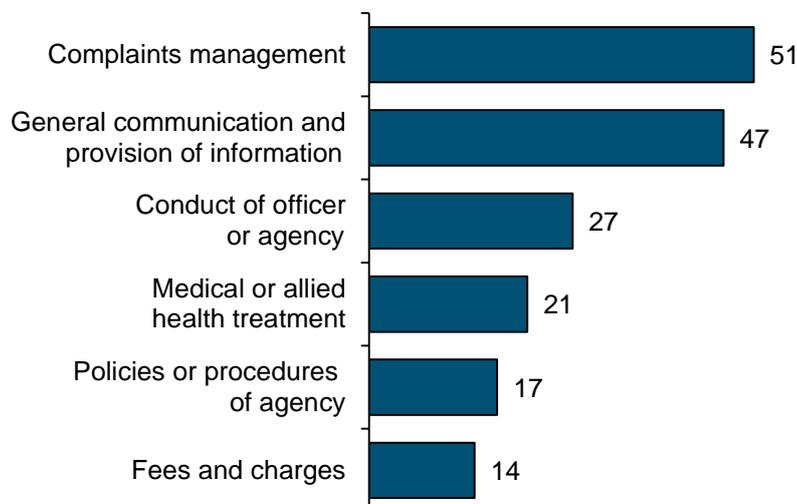
- Monetary charge reduced, withdrawn or refund given;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to business systems or practices; and
- Update to publications or website.

Other Public Sector Services

Complaints received



Most common allegations



Other types of allegations

- Enforcement action;
- Service quality;
- Patient's property;
- Board or committee proceedings;
- Personal information and privacy issues; and
- Human resource management issues.

Outcomes achieved

- 'Act of grace' payment or monetary charge reduced, withdrawn or refunded;
- Consider or reconsider and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Senior officer nominated to handle the matter;
- Change to policy, procedure, business systems or practices;
- Update to publications or website; and
- Conduct audit or review.

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

Case Study

Decision reconsidered due to misunderstanding

A student informed an educational institution of a planned absence during the semester. Prior to the absence, the educational institution informed the student that there was a scheduled assessment during their absence and it would look at what could be done about the assessment on their return. Subsequently, the student received a zero grade for the assessment. The student complained to the Office about the alleged change in the position of the educational institution.

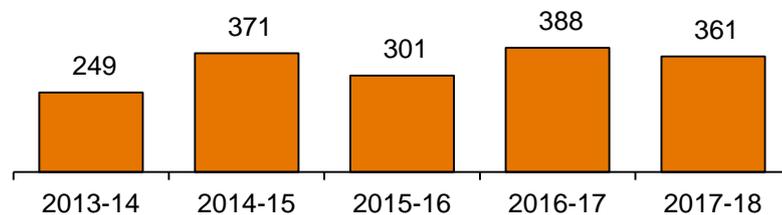
Following enquiries by the Office, the educational institution agreed to provide the student with a score for the assessment based on their performance in previous assessments.

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

- General communication and provision of information;
- Fines and infringements;
- Liability claims;
- Engineering;
- Approvals and licences (other than development, planning and building); and
- Community facilities.

Outcomes achieved

- 'Act of grace' payment or monetary charge refunded or withdrawn;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Action expedited;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Update to publications or website;
- Conduct audit or review;
- Improved recordkeeping; and
- Staff training.

Case Study

Request for additional rates payment withdrawn

A resident visited their local government office to pay their annual rates with cash and was issued a receipt by the customer service officer. Sometime later, the local government contacted the resident informing them of an operator error that resulted in an incorrect receipt being issued for the full rates instead of a lower payment option. As a result, the local government said the resident still owed an amount for their rates and requested payment. The resident believed that they had paid the full amount as shown on the receipt and complained to the Office about the local government's request for further payment.

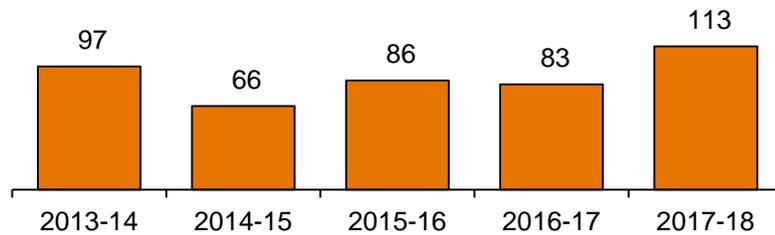
Following enquiries by the Office, the local government reviewed the circumstances surrounding the incident. As a result of that review, the local government informed the resident that it had decided not to pursue the payment further and would adjust the rate record to reflect that the rates had been paid in full and apologised for any inconvenience and misunderstanding that may have arisen. Further, the local government implemented multiple operational changes to prevent a similar situation occurring in the future.

The university sector

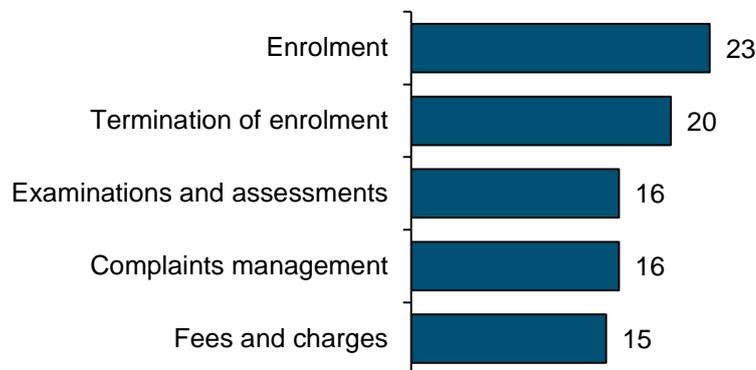
The following section provides further details about the issues and outcomes of complaints for the university sector.

Universities

Complaints received



Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#). Further details on these appeals are included later in this section.

Other types of allegations

- Management of academic misconduct;
- General communication and provision of information;
- Prizes, awards and scholarships;
- Human resource management issues; and
- Transfers.

Outcomes Achieved

- Monetary charge reduced, withdrawn or refunded;
- Action to replace, repair or rectify a matter;
- Reversal or significant variation of original decision;
- Consider or reconsider a matter and make a decision;
- Apology given;
- Acknowledgment of error;
- Explanation given or reasons provided;
- Change to policy, procedure, business systems or practices;
- Conduct audit or review; and
- Staff training.

Case Study

Refund of fees and improved refund processes

A prospective student made an application to study a course at a Western Australian university. The student paid the course fees but was later unsuccessful in meeting a pre-requisite for the course and requested a refund of the fees. When the student did not receive a response from the university, they complained to the Office about the university's delay in refunding the fees.

Following enquiries by the Office, the university informed the Office that there was an oversight in the processing of the refund and that it would refund the fees and undertake a review to understand why the refund was not actioned. Following the review, the university informed the Office that, in addition to the request for the refund occurring at a busy time and human error, there was an administrative process step that needed to be addressed. This was already under review by the university with an estimated completion by the next admission period.

Other Complaint Related Functions

Reviewing appeals by overseas students

The [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (the **National Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australian universities, TAFE colleges and other public education agencies. 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.

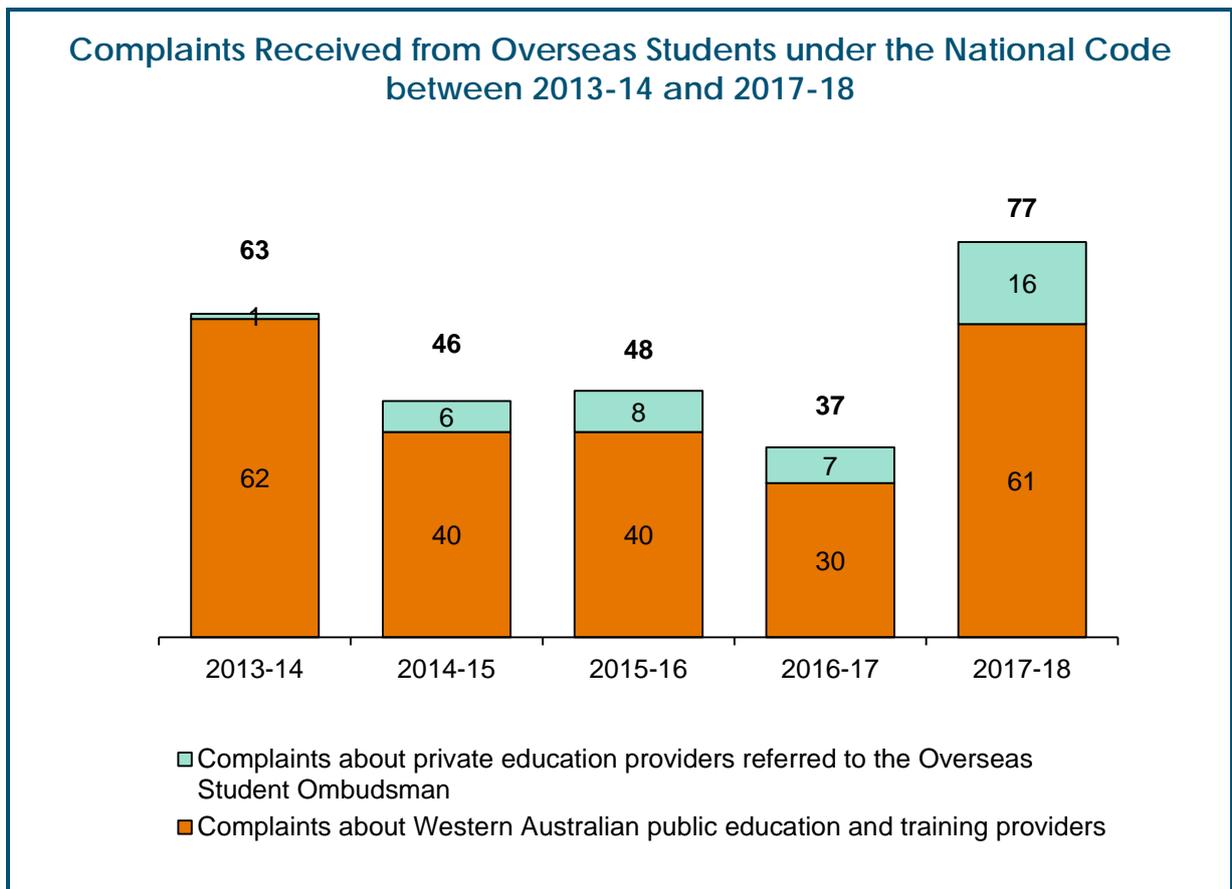
Overseas students studying with both public and private education providers have access to an Ombudsman who:

- 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 11 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 2017-18, the Office received 77 complaints from overseas students, including 61 complaints about public education and training providers. Fifty complaints about public education and training providers were about universities, six were about TAFE colleges and five were about other education providers. The Office also received 16 complaints that, after initial assessment, were found to be about a private education provider. The Office referred these complainants to the Overseas Students Ombudsman.

The 61 complaints by overseas students about public education and training providers involved 82 separate allegations. There are more allegations than complaints because one complaint may cover more than one issue. The most common issues raised by overseas students were decisions about:

- Termination of enrolment (20);
- Fees and charges (12);
- Enrolment (11);
- Management of academic misconduct (8);
- Examinations and assessments (6); and
- Transfers between education and training providers (5).

During the year, the Office finalised 55 complaints about 75 issues.

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 disclosures were received.

Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints about State Government departments and authorities delivering services in the Indian Ocean Territories and about local governments in the Indian Ocean Territories. 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.

In 2017-18, 11 reviews were undertaken, representing half of one per cent of the total number of complaints finalised by the Office. In all cases where a review was undertaken, the original decision was upheld.