

# Newsletter of the Western Australian Ombudsman



Edition 12 - December 2011

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## Planning for children in care report tabled in Parliament

On 29 November 2011 the Western Australian Ombudsman tabled in Parliament an own motion investigation into planning for children in the care of the Chief Executive Officer of the Department for Child Protection (**DCP**).

### Background

The Western Australian Ombudsman reviews investigable child deaths, identifies patterns and trends arising from these reviews and makes recommendations designed to prevent or reduce investigable child deaths.

“In undertaking my child death review function I identified a need to undertake an investigation of planning for children in the care of the Chief Executive Officer of DCP – a particularly vulnerable group of children in our community,” Western Australian Ombudsman, Chris Field, said.

At the commencement of the investigation there were 3,356 children in care. The investigation examined the administration of care planning for those children in care who were of primary school age at the commencement of the investigation, had been taken into care after 1 July 2008, and were still in care when the investigation commenced. This group numbered 443 children in total.

### Care plans

The *Children and Community Services Act 2004* (**the Act**) requires the Chief Executive Officer of DCP to prepare provisional care plans and care plans for children in care.

Provisional care plans and care plans are written plans that identify the needs of the child, outline steps and measures to address these needs and set out decisions about the care of the child. These requirements differ depending on the circumstances under which the child is taken into care.

### Agencies involved

The investigation involved DCP, the Department of Health and the Department of Education and considered, among other things, the relevant provisions of the Act, the internal policies of each of these departments along with the recommendations arising from the Review of the Department for Community Development undertaken by Ms Prudence Ford.



Follows on page 2

## Message from the Ombudsman

We were very pleased to table the report on our own motion investigation into planning for children in care in Parliament on 29 November. To summarise our findings, significant and pleasing progress on improved planning for children in care has been achieved by the three agencies involved, however, there is still work to be done in certain areas. You can read more about the investigation and subsequent report in our cover story.

We have had a very busy and productive year. You can review highlights of our work this year on the coming pages of this newsletter.

With Christmas fast approaching, I want to take this opportunity to wish you and your families health, happiness and prosperity over the festive season, and in 2012.



Chris Field

## Planning for children in care report tabled in Parliament

### Findings

Mr Field said that the investigation found that since the introduction of the Act, the Departments for Child Protection, Health and Education had worked cooperatively to operationalise the requirements of the Act.

“Significant and pleasing progress on improved planning for children in care has been achieved, however, there is still work to be done, particularly in relation to the timeliness of preparing care plans and ensuring that care plans fully incorporate health and education needs, other wellbeing issues, the wishes and views of children in care and are regularly reviewed,” Mr Field said.

### Recommendations

The investigation report makes 23 recommendations for improvement, focusing on a range of issues identified during the investigation. Mr Field said that all of the recommendations had been agreed to by the government.

“It is pleasing that the government has agreed to these recommendations and the agencies have been very cooperative and positively engaged with our investigation.

“Each of these recommendations will be monitored by our office to ensure their implementation and effectiveness in relation to the observations made in the investigation,” Mr Field said.

The report titled *Planning for children in care: An Ombudsman’s own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004* is available from the Ombudsman’s website at [www.ombudsman.wa.gov.au/careplanningreport](http://www.ombudsman.wa.gov.au/careplanningreport)



# Our performance – Highlights from 2010-11

Our performance and highlights for the year include:

## Complaints

- 8,190 contacts were made with our office including 6,220 enquiries and 1,970 complaints.
- Timely complaint handling meant that 78% of allegations were finalised within 3 months and 96% were finalised within 12 months.
- We have recorded a significant reduction in aged cases over the last five years with the average age of open complaints decreasing by 72%, open complaints more than 12 months old decreasing by 96% and those more than 6 months old decreasing by 84%.

## Child Death Reviews

- In our second full year of operation of the child death review function there were 31 child deaths that were investigable by our office.
- Timely review processes have resulted in 57% of reviews being completed in 3 months and 87% of reviews completed in 6 months.
- We identified a number of important patterns and trends in relation to child deaths. Our reviews have also achieved improvements to public administration, designed to prevent or reduce child deaths.
- We undertook significant work on two major own motion investigations relating to planning for children in care and the deaths of infants.

## Administrative Improvement

- We published a report on an own motion investigation into the management of personal information which highlighted good practices and opportunities for improvement, as well as providing a self assessment checklist for use by public authorities.
- Our workshop program and published guidelines have provided targeted assistance to staff in public authorities to strengthen their capacity in complaint handling and decision making.

## Collaboration and Access to Services

- We continued to work collaboratively with other accountability agencies, including coordinating the Integrity Coordinating Group Forum 2011 and launching the *Integrity in Decision Making* product developed by the Integrity Coordinating Group.
- Access for Indigenous people continued to be a focus through strategies to strengthen networks, particularly for people in rural and remote locations.
- The office visited the Great Southern Region, the Indian Ocean Territories and Wiluna to continue to provide access to Ombudsman services for people living and working in regional areas.



# Energy Ombudsman – Year in review 2010-11

## Complaint Numbers

- In 2010-11 there were 4,043 complaints received comprising:
  - 3,790 electricity complaints; and
  - 253 gas complaints.
- There has been a 53% increase in complaints in 2010-11 compared to 2009-10.
- There were 3,902 complaints closed comprising:
  - 3,652 electricity complaints; and
  - 250 gas complaints.

## Timeliness

- 89% of electricity complaints and 96% of gas complaints were closed within 10 business days of receiving the complaint.

## Issues Raised

- Concerns about billing and credit were the main issues raised in complaints with these issues identified in 85% of complaints received (69% for billing and 16% for credit). Of these:
  - High bills and alleged errors were the most common reasons for billing complaints; and
  - Payment of arrears and debt collection were the most common reasons for credit complaints.

## Liaison and Access

- Effective relationships with key stakeholders and access to Ombudsman services have been maintained during the year through:
  - Continuous liaison and communication with Energy Ombudsman Scheme members, the Economic Regulation Authority and other regulators and Ombudsman industry bodies; and
  - Ensuring ongoing access to Ombudsman services for residential and small use customers, and community groups who may represent them.
- A Communications Strategy that formalised these stakeholder and access activities was developed in early 2010 and implemented in 2010-11.



## Office farewells Assistant Ombudsman

We are sad to be saying farewell to Andrew Harvey, Assistant Ombudsman Complaint Resolution, as he departs the office for his new role as Deputy Inspector with the Office of the Inspector of Custodial Services. Andrew will commence his new position early in January 2012.

Andrew was integral in the implementation of the office's new complaint management database in 2007. He was also a key member of the project team working on the office's internal program to improve the efficiency, effectiveness, consistency and timeliness of the Ombudsman's complaint handling processes. There have consequently been significant improvements in the last five years.

Ombudsman, Chris Field said that since Andrew commenced with the office in March 2005, he had made a significant contribution to improving the way the office conducts its core business of resolving complaints.

"Andrew has provided superb leadership on our commitment to improving the quality and timeliness of our complaint handling. His even handed approach, good humour and integrity will be missed by me and the office as a whole, and we wish him very well in his important new role," Mr Field said.



## Insights from Churchill Fellowship research

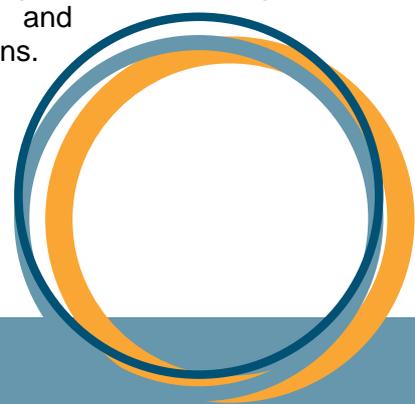
As reported in Edition 9 of the Ombudsman's newsletter, the office's Principal Indigenous Liaison Officer, June Councillor, was awarded a Churchill Fellowship in 2009. June's particular area of interest is Fetal Alcohol Spectrum Disorder (**FASD**) and she has been researching national and international child protection and parenting programs for families and individuals living with, or affected by, FASD.

In 2010, June undertook an eight week visit to the United States of America and Canada. She completed research into the effects of FASD, how it can be prevented and the implications for individuals, families and communities. The insights shared, and relationships established during this trip, prompted an invitation from senior FASD Specialists to return to the United States and Canada for a First Nations women's conference. June completed her return trip in November this year.

June continues to share her knowledge and insights into this important area with staff of the office through her work on child death review cases and in resolving complaints. She also continues to be an active member of the Western Australian FASD research community, making presentations to public authorities, key advisory groups and community and Indigenous organisations.



June at the *Healing our Spirit Conference 2010* showing a modesty cloth developed by Maori women to encourage young mothers to breastfeed their babies.



This is the final of our three-part *Hints and Tips* series focusing on the three key steps that cover the 10 good practice principles for effective complaint handling in public sector agencies and local government. The three steps are:

- Step 1:** Enabling complaints
- Step 2:** Responding to complaints
- Step 3:** Accountability and learning

See [Edition 10](#) for Step 1 hints and tips and [Edition 11](#) for Step 2 hints and tips.

## Hints and Tips

# Step 3: Accountability and learning from complaints

An effective complaint handling system should have clearly established accountabilities in place and continuous improvement opportunities should be identified and implemented as appropriate. These are the last two principles of the 10 good practice principles for effective complaint handling.

### Accountability

#### PRINCIPLE:

**Accountabilities for complaint handling are clearly established and complaints, and responses to them, are monitored and reported**

- Ensure it is clear who is responsible for handling complaints and communicate this to staff.
- There should be a 'fit for purpose', centralised system for recording and tracking complaints, and reasons for decisions. The system should also track demographic information to meet service delivery needs.
- Remedies and proposed improvements to practices should be followed up and acted upon.
- Complaints and any improvements should be part of an internal reporting and planning process.
- All correspondence should be managed in accordance with record keeping plans.
- The effectiveness of the system should be monitored and reported on to management.

### Learning

#### PRINCIPLE:

**Complaints are a source of improvement for organisations**

- Analyse complaints data and feedback to identify patterns and themes that might show systemic issues.
- Use information gathered through the complaint handling system to identify service, process and information issues that need to be addressed.
- Where appropriate, analyse feedback and complaints to identify and implement improved practices for people from different customer groups including:
  - People with disabilities;
  - People living in regional or remote areas;
  - Indigenous Australians;
  - Children and young people; and
  - People from culturally and linguistically diverse backgrounds.

## Case Study

# Energy Ombudsman involvement leads to removal of debt from credit rating file

A man discovered he had a 'bad debt' referred to a debt collector which he believed was related to a billing incident with his energy retailer several years earlier that had affected his credit rating. When he discovered the credit listing, he contacted the retailer and was told that, if he paid the debt, it would be removed from his credit file. He paid the debt and advised the retailer, however it then said the debt would not be removed but could only be marked as 'paid.'

As the customer was dissatisfied with the outcome, the Energy Ombudsman investigated the complaint. Ombudsman staff raised several concerns which led to the retailer reviewing a recording of the conversation where the customer was told his debt record would be removed. The retailer admitted providing incorrect information to the customer and arranged for the debt to be removed from his credit file.

## Coming Events

### Government Accountability – Law and Practice 2012

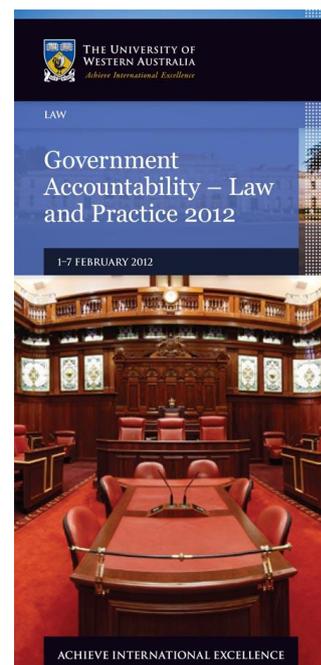
This new intensive unit, in the Faculty of Law at The University of Western Australia (UWA), will be held for the first time in February 2012 and will explore:

- The place of government in the modern State and the how and why of government accountability;
- Accountability frameworks (with reference to traditional and contemporary administrative law, political structures, the media, academia and non-government organisations); and
- The theoretical underpinnings, development, evolving law and practice, and regulation of various accountability agencies.

The five-day course will feature units presented by joint coordinators of the course, Western Australian Ombudsman Chris Field and Professor Simon Young, UWA Faculty of Law, as well as guest presentations from a number of prominent Western Australians.

There are 7 CPD points available to professional attendees. Registrations close 5pm, 20 January 2012.

For more information visit [www.law.uwa.edu.au/cpd/galp](http://www.law.uwa.edu.au/cpd/galp).



## Ombudsman Western Australia

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