

Western Australian Ombudsman

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Our performance

This year, we have again achieved significant improvements in the timeliness of our complaint handling. This has been achieved at a time when our office has been receiving an increasing number of complaints.

Highlights of our performance include:

- A substantial reduction in the age of complaints with a 72% reduction in open complaints older than 6 months (from 78 cases to 22 cases) and an 84% reduction in open complaints older than 12 months (from 37 cases to 6 cases);
- Our office initiated 69 improvements to public administration and 124 remedial actions by public authorities to assist complainants;
- 100% of our recommendations for administrative improvements were accepted by public authorities;
- Significant work undertaken on two major administrative improvement projects - the first examining the management of personal information by public authorities and the second examining complaints management by public authorities;
- The establishment and delivery of our Regional Awareness and Accessibility Program including the Ombudsman and staff visiting the Goldfields/Esperance, Mid West and Peel regions; and
- Establishing the Child Death Review jurisdiction.

Timeliness

Over the last three years, the office has put a range of management initiatives in place to reduce the time taken to resolve complaints. Public authorities have also contributed significantly by improving the timeliness of their responses to our enquiries. Together, this has greatly assisted our performance, resulting in the following improvements in timeliness over the last three years:

- Complaints finalised within three months has increased from 62% to 82%;
- Open complaints older than 6 months are down 89%, from 199 complaints to 22 complaints; and
- Open complaints older than 12 months are down 94%, from 97 complaints to 6 complaints.

Message from the Ombudsman

This edition of the newsletter provides you with an update on our work over the last three months.

Our cover story features our performance in 2009 including the significant improvements we have made to the time it takes to resolve complaints. There has been a considerable amount of work carried out in the office to improve the efficiency and effectiveness of the way we handle complaints, which is bringing benefits for complainants and public authorities alike.

We have also been busy building and strengthening relationships with the community and public authorities. You can read about this work in this edition.

The *Managing Unreasonable Complainant Conduct Practice Manual* was launched in November, which we hope will greatly assist complaint handling officers in dealing with complainants whose behaviour is challenging.

It has been an extremely busy but rewarding year for the office. I would like to take this opportunity to wish you and your families a prosperous, happy and safe festive season.



A handwritten signature in black ink, appearing to read 'Chris Field'.

Chris Field

Managing Unreasonable Complainant Conduct Practice Manual launched

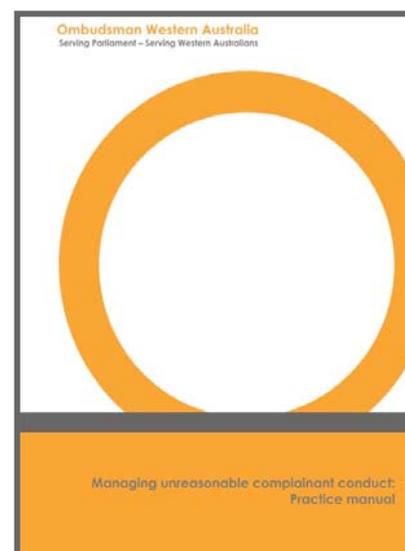
In November, the office launched the *Managing Unreasonable Complainant Conduct Practice Manual*. The manual provides information, strategies and practical tools to help agencies deal with unreasonable complainant conduct.

The manual has been developed as part of a collaborative national research project involving Parliamentary Ombudsman across Australia.

Ombudsman Chris Field said that the manual should prove to be a valuable tool for staff dealing with complaints.

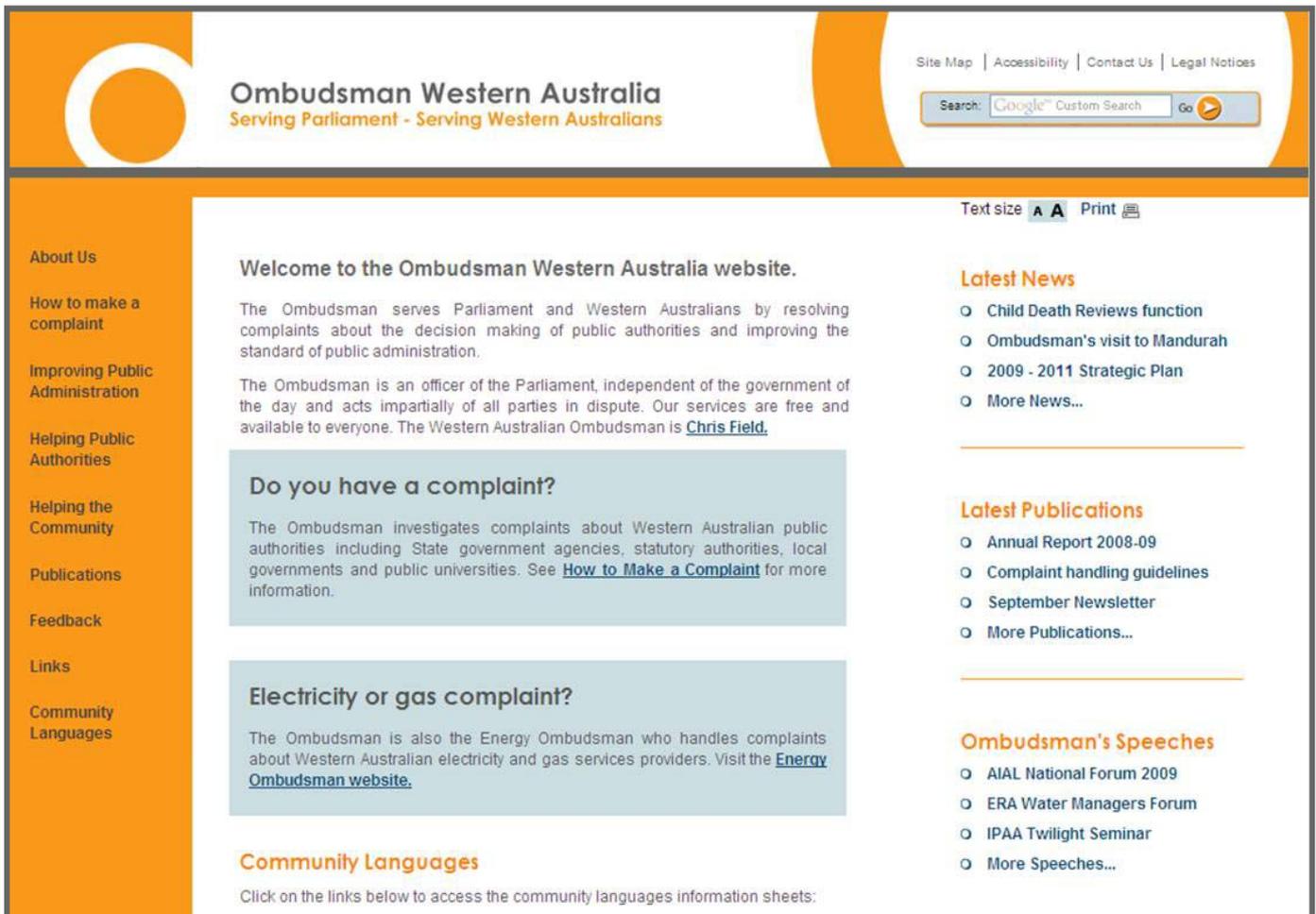
“Agencies deal with many complainants each year and most complainants act reasonably. However, occasionally, the conduct of some complainants may be unreasonable and, in these circumstances, special measures to deal with this conduct may be required. It is important, however, to remember that, even where a person’s conduct may be unreasonable, they may have a valid complaint. Their complaint should be handled appropriately, but it is ultimately unfair for everyone if such complaints use an unreasonable level of resources. The manual sets out strategies to help people deal with unreasonable conduct and provides practical advice for staff who provide services to the public,” Mr Field said

The manual is available for download from www.ombudsman.wa.gov.au



New website launched

We are very pleased to announce that the new Ombudsman Western Australia website has been launched.



The site has been completely redeveloped and features a clean and professional new design and enhanced navigation. We have taken the opportunity to significantly enhance the content on the site including a focus on how we can help public sector agencies and complainants.

Key new features of the site include:

- Sections and content specifically focused on helping complainants, public authorities and the community;
- A section on how the Ombudsman helps to improve public administration;
- Links throughout the site to useful Ombudsman publications as well as links to external websites of interest; and
- A new community languages page with helpful information for complainants translated into 15 different languages to assist people from diverse backgrounds.

Visit the new site at www.ombudsman.wa.gov.au

Regional visits wrap up for 2009



L-R: Sandra Pelham, Investigation Officer, Commonwealth Ombudsman, Ombudsman Chris Field and Information Commissioner Sven Bluemmel.

handling systems and practices and managing unreasonable complainant conduct. The workshops were well received.

The Mandurah visit concluded the regional program for 2009.

“The visits have been very valuable and we will be continuing with the Program visiting different regional areas in 2010. We will be announcing those locations early in the New Year,” said Mr Field.

Case Study

Builder gets fees refunded by local government

Earlier this year, a builder was contracted to build a new home in a riverside Perth suburb. He prepared and submitted development plans to the local government and subsequently paid the \$9,500 development application fee. Shortly after, the clients withdrew from the contract. The builder applied for a refund of the fee but a refund was declined by the local government in accordance with its policy at the time.

The builder then made a complaint to us citing that it was unfair and unreasonable of the local government to deny a refund, particularly as staff had conceded that it was impossible to quantify the value of work that had actually been undertaken to process the application.

Our investigation showed that neighbouring councils had a policy of making 50 per cent refunds in similar situations. We determined the local government did have the statutory discretion to offer a partial refund and that it was unfair and unreasonable to charge for work that was never fully carried out.

Two recommendations were made to the local government: the first that they consider adopting a practice where a partial refund is given for similar situations in the future; and second, that they give this particular complainant a 50 per cent refund. Both recommendations were accepted by the local government.

Ombudsman speaks to local government managers at Annual State Conference 2009

The Ombudsman addressed 250 local government Chief Executive Officers and managers at the Local Government Managers Australia (WA) (LGMA) 2009 Annual State Conference on 19 November.

In his presentation, Ombudsman Chris Field talked about the role of the office, current trends in local government complaints received by the office and how the work of the office is improving public administration.

“Complaints about local governments accounted for 14 per cent of all complaints received by the office in 2008-09,” Mr Field said.

Mr Field commended the prompt responses of local governments to enquiries from the office, which he noted had greatly assisted Ombudsman staff to resolve cases in a timely way.

During the presentation, Mr Field also spoke about the survey on complaint handling systems currently being undertaken by the office. The work is part of the Ombudsman’s ongoing administrative improvement role.

“We value working collaboratively with local governments to assist them to have in place the most effective and efficient procedures to deal with complaints,” said Mr Field.



L-R: Sarah Cowie, Director Research and Projects, Ombudsman WA, Mike Archer, Acting Manager Asset Management, City of Joondalup and Kim Lazenby, Assistant Ombudsman, Administrative Improvement, Ombudsman WA.

LGMA WA Chief Executive Officer, Steve Cole observed that: “The Ombudsman’s presentation gave delegates an update on the roles, responsibilities and approach of the Ombudsman’s office to local government matters. Delegates were especially interested in the office’s approach to unreasonable complainant conduct.”

To help build relationships and distribute information to local government managers, the office had a booth in the adjoining exhibition hall. Ombudsman staff manned the booth talking to conference delegates. Some delegates requested Ombudsman staff to conduct workshops for local government practitioners in the regions and many commended the Ombudsman’s approach for the early resolution of complaints.

The City of Joondalup’s Acting Manager Asset Management, Mike Archer, visited the booth and talked at length with Ombudsman staff.

“The Ombudsman’s booth provided a unique opportunity for local government practitioners to meet first hand with the Ombudsman’s office and to exchange views on industry practices and processes, which is critical to maintaining and ensuring high standards of corporate governance,” Mr Archer said.

Feedback on the event indicates that local government and Ombudsman staff alike found the experience to be extremely valuable.

Staff Profile

Julie Roberts, Assistant Ombudsman, Child Death Reviews



Julie Roberts was appointed to the role of Assistant Ombudsman of the new Child Death Review Team in August 2009. This important new jurisdiction for the office was established to:

- Review, investigate and make recommendations to the Department for Child Protection in relation to the preventable deaths of children; and
- Advance good decision making and practices in services to children and their families, and strengthen collaborative approaches across the public sector to child safety and well-being.

Julie was actively involved with the transfer of the child death review legislation to the Ombudsman's office and the implementation of systems and procedures for the new function.

"I now have a dedicated and professional team of people working with me and we look forward to working to improve public administration in the area of child safety and well-being," Julie said.

Julie has more than 25 years experience in the Commonwealth and State public sectors and a vast experience in the community sector, with a particular interest in working with vulnerable people in the community. Julie holds a Bachelor of Applied Science (Social Work).

Ombudsman Western Australia

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