

Western Australian Ombudsman

Edition 9 - September 2010

Ombudsman releases report on complaint handling in government

In November 2009, the Ombudsman's office surveyed all organisations within its jurisdiction to examine complaint handling by Western Australian state and local government organisations. The 2009-10 survey was structured according to a series of complaint handling principles, against which participants were asked to assess themselves. These principles are based on, and are consistent with, the Public Sector Commissioner's *Circular 2009 – 27 Complaints Management* and the Australian Standard (AS ISO 10002-2006: *Customer Satisfaction – Guidelines for Complaints Handling in Organisations*).

On 30 June, the Ombudsman released a comprehensive analysis of the survey responses, *2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors*. The survey report found that:

- Western Australian state and local government organisations:
 - Take complaint handling seriously;
 - Largely have appropriate practices in place to handle complaints; and
 - Are generally doing a good job of handling complaints.
- Opportunities for the improvement of complaint handling practices were identified.
- Effective and efficient implementation of the complaint handling principles can be achieved through a 'fit for purpose' complaint handling system. This is a system that varies to fit an organisation's circumstances and is proportionate to the number and type of complaints it receives.

The office currently undertakes a number of activities to assist agencies with their complaint handling. Following the opportunities for improvement identified through the report, where appropriate, the office will also assist agencies to:

- Develop the basic arrangements that enable customers to complain;
- Tailor complaint handling practices to suit customer demographics;
- Set target timeframes for complaint handling and meet them as well as manage unreasonable complainants;
- Better connect complaint handling and existing whistleblower and anti-corruption processes;
- Inform complainants about their rights to external review mechanisms; and
- Develop greater connection between receiving complaints and learning from complaints.

The *Complaint Handling* report is available at
www.ombudsman.wa.gov.au/complainthandlingsurvey

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Message from the Ombudsman

The Ombudsman's office has two principal functions:

- Investigating and resolving complaints from the public about the decision making and practices of public authorities; and
- Improving the standard of public administration over time.

Following significant work undertaken to improve the quality and timeliness of our complaint handling, in late 2008 we established an Administrative Improvement Team to enable a stronger and more strategic approach to improving public administration at a systemic level. Administrative improvement projects are selected on the basis of a number of criteria. These include analysis of common sources of complaints from the community and the underlying causes of them, the public interest of the issues raised and the number of people likely to be affected, as well as the potential for the Ombudsman's investigation to improve administration across the public sector. Projects must also be evidence-based and any recommendations for improvement must be practical, proportionate, well-targeted and cost-beneficial.



On 30 June this year we were very pleased to release the first major administrative improvement report following the establishment of this team: *Complaint Handling Practices in the Western Australian State and Local Government Sectors*. More information on this project is in the lead story of this newsletter or you can download the report from our [website](#).

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

Chris Field

Indonesian Ombudsman staff visit Western Australia

Ombudsman Western Australia was pleased to host a visit for three delegates from the Ombudsman of the Republic of Indonesia (ORI) in June. The visit was part of the Indonesian Australian Ombudsman Linkages and Strengthening Program, funded through the Australian Government's AusAID program, under the AusAID Government Partnership Fund.

The office has contributed to the program since 2006 and has strong links with staff from Indonesia. Developing international cross-institutional relationships and linking Ombudsman offices with the international Ombudsman community has been a key focus of the program. This visit provided an opportunity to further strengthen links with ORI and to share and exchange information and mutual experiences about complaint handling and investigation practices. ORI staff attended presentations on the role of the Western Australian Ombudsman and the Energy Ombudsman and participated in focus group discussions on complaint handling initiatives and effective strategies for promoting good decision making practices.

The success of the program can be attributed to Ombudsman practitioners from Australia and Indonesia working together to strengthen the capacity of staff. The office has contributed to the program through placement activities in Indonesia and hosting Indonesian Ombudsman staff placements in Perth.

Working with Indigenous communities

Over the past 12 months, the Ombudsman's office has been focusing on promoting increased awareness of, access to, and use of, its services among Indigenous Western Australians. The office has appointed a Principal Indigenous Liaison Officer (see the *Staff Profile* later in this edition) and also undertaken a number of outreach visits to remote Indigenous communities.

Broome and Bidiyadanga

Visits to Broome and Bidiyadanga have been undertaken as part of the office's Regional Awareness and Accessibility Program. In Broome, staff from the office, along with staff from the Office of Health Review, were invited to attend a local meeting of Indigenous people coordinated by the Health Consumers' Council. The Deputy Ombudsman and Principal Indigenous Liaison Officer also traveled to Bidiyadanga to meet with locals.

Deputy Ombudsman, Dr Peter Wilkins said that the learnings and observations made by the office from the visits with the Indigenous Kimberley communities had been extremely positive.

"A large number of the people we spoke to during the visits wanted to know what we do. Many people wanted to gain a better understanding about how to navigate government complaint handling systems, and we can help with that," Dr Wilkins said.

Pilbara

Ombudsman staff were invited to make a presentation about the role of the Ombudsman at a meeting of Indigenous women from throughout the State in the Pilbara in May. Various State and Federal Government agencies also attended the event. Traditionally in Aboriginal culture, women can affect and encourage change within the community which made this opportunity a very important one for the office. The women were open to discussing their problems with service providers and were appreciative of the opportunity to learn about what the office does and how the Ombudsman may be able to assist their communities.

Wiluna

Staff had a similar experience on a visit to Wiluna in June. The four-day visit to the town on the edge of the desert in the Goldfields was valued by the Ombudsman staff involved. Assistant Ombudsman Child Death Reviews, Julie Roberts said that the opportunity to establish a presence in the community was invaluable in raising awareness of the Ombudsman.

"Many people find it hard to complain about government agencies especially when they live in the same small town and know the people that work for the agencies. Taking our services direct to the community allows us to provide information about our services, and get a sense of the issues facing regional Western Australian Indigenous communities," Ms Roberts said.

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Julie Roberts,
Assistant Ombudsman,
Child Death Reviews

Ombudsman addresses conferences



Ombudsman Chris Field at the APOR conference in March.

In March, the Ombudsman attended the 25th Annual Australasian Pacific Ombudsman Region (APOR) Conference, including presenting a paper on *'The Ombudsman in the Integrity Framework.'* The two day conference, held in Canberra, allowed Ombudsmen from Australia, New Zealand, Cook Islands, Federated States of Micronesia, Hong Kong, Kiribati, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Taiwan, Timore Leste, Tonga and Vanuatu to collaborate on best practice for the office of the Ombudsman.

In May, the Ombudsman also attended the Australia and New Zealand Ombudsman Association (ANZOA) 2010 Conference in Wellington, New Zealand. The conference was well attended by Australian and New Zealand

Parliamentary and Industry Ombudsmen. The Ombudsman – who is also a member of the ANZOA Executive – presented a paper titled *'The Independence of Ombudsmen – A Key Principle.'*

Ombudsman, Chris Field said that opportunities to attend and present at events such as the APOR and ANZOA conferences are of real value.

“Working collaboratively with other Ombudsmen, and those from other accountability and integrity agencies, helps us to benchmark our practices and performance against other similar organisations, and gives us useful ideas for improvement to our services,” Mr Field said.

Copies of the Ombudsman’s speeches are available on the [website](#).

Case Study

Ombudsman involvement results in complainant receiving compensation for damaged car

A complainant’s car was damaged by a branch falling from a nearby tree while parked in a designated area of a public authority’s car park. The complainant initially approached the public authority asking it to pay for the damage to her vehicle. The public authority sought advice from its insurer, which denied liability for the damage to the car. This was based on the fact that it believed the public authority had maintained a regular maintenance and gardening program, and there was no indication from regular maintenance that the tree was possibly dangerous.

The complainant was dissatisfied with this initial response and contacted our office. We investigated whether there were grounds to conclude that the public authority had some responsibility in the matter, and whether it should carry out its own independent assessment of the claim considering what was fair and reasonable in the circumstances.

Following a series of negotiations, the public authority concluded that the trees surrounding the car park had not been satisfactorily inspected until after the complainant’s car was damaged. In light of this, it agreed to reimburse the complainant for the total cost of repairs to her vehicle on a *without prejudice* basis.

Regional Awareness and Accessibility Program – Albany Visit 17 to 19 November 2010

If you work for a State Government agency or local government in the Great Southern region, or if you belong to a local community or Indigenous group, come along to a seminar to find out about the services provided by a range of key Western Australian accountability agencies.

The Western Australian Ombudsman, Energy Ombudsman, Information Commissioner and staff from the Commonwealth Ombudsman's office and the Office of Health Review are attending.

Go to www.ombudsman.wa.gov.au or email outreach@ombudsman.wa.gov.au for more information.



Unreasonable Complainant Conduct Project

Most complainants act reasonably but in some cases, their behaviour can be unreasonable and challenging to manage. It is important that public authorities afford these complainants fair process but also have strategies in place to manage the challenging behaviours.

In June, Ombudsman Western Australia and the New South Wales Ombudsman's office arranged a training session and focus group session on managing unreasonable complainant conduct. The sessions, held in Perth, were part of the wider Unreasonable Complainant Conduct Project which involves all Australian Parliamentary Ombudsman.

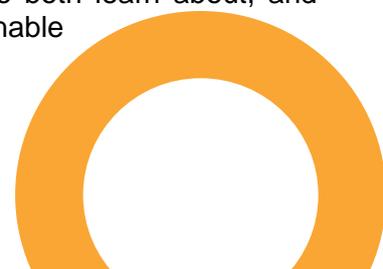


Paul Myles from Wooroloo Prison and Sarah Cowie, Director Research & Projects, Ombudsman Western Australia discussing issues at the training session.

Western Australian public authorities were invited to attend the training session to learn about best practice strategies for managing unreasonable complainant conduct. During the focus group session, public authorities were given the opportunity to contribute their own experiences in dealing with unreasonable conduct.

The focus group also explored what happens when a public authority has an ongoing relationship with an unreasonable complainant. Dealing with challenging behaviours in a rural or remote service delivery context was also discussed.

Representatives from the public authorities' who attended the sessions, reported their enthusiasm for the opportunity to both learn about, and contribute their ideas to, handling unreasonable complainants successfully.



Staff Profile

June Councillor, Principal Indigenous Liaison Officer

In June 2010, the Ombudsman appointed June Councillor to the newly created position of Principal Indigenous Liaison Officer. June will work to build networks and relationships with Indigenous Western Australians as part of the office's important new responsibilities in reviewing child deaths, as well as our ongoing strategy to improve awareness of, access to, and use of, its services among Indigenous Western Australians.

June is a Banjima woman from the Pilbara region of Western Australia. She has a Bachelor of Applied Science, Aboriginal Community Management and Development (Honours) and has worked in many areas including women's health, social justice, financial counselling, advocacy, legal services and victim support. She has also worked extensively with Foetal Alcohol Spectrum Disorder (FASD) and was awarded a prestigious Churchill Fellowship in 2009. As part of a Churchill Fellowship, June is currently travelling through America and Canada studying child protection and parenting programs for families and individuals living with, or affected by, FASD. The insights she gathers from the Fellowship will be very beneficial to her work with the Ombudsman's office.

June said she hoped that her 30 years of experience working in the government, community and social services sectors will assist her in her new role.

"I am looking forward to raising awareness of the Ombudsman's functions in Aboriginal communities, ensuring that Aboriginal people understand that the Ombudsman is here to help community people, and assisting Ombudsman staff to work more effectively with Aboriginal people," June said.

Ombudsman Chris Field warmly welcomed June's appointment. "June has significant experience in building positive and productive relationships with the Western Australian Indigenous community. In the short time she has been with us, she has already enhanced our knowledge of relevant issues for Indigenous Western Australians, but also, effective engagement with the Western Australian Indigenous community," he said.



Ombudsman Chris Field and June work on Indigenous strategies for the Ombudsman's office.

Ombudsman Western Australia

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