

Oversight of the Office of the Queensland Ombudsman

Report No. 73

Legal Affairs and Community Safety Committee

September 2014

Legal Affairs and Community Safety Committee

Chair	Mr Ian Berry MP, Member for Ipswich
Deputy Chair	Mr Peter Wellington MP, Member for Nicklin
Members	Miss Verity Barton MP, Member for Broadwater Mr Bill Byrne MP, Member for Rockhampton (to 26 August 2014) Mr Sean Choat MP, Member for Ipswich West Mrs Yvette D'Ath MP, Member for Redcliffe (from 27 August 2014) Mr Aaron Dillaway MP, Member for Bulimba Mr Trevor Watts MP, Member for Toowoomba North
Staff	Mr Brook Hastie, Research Director Mr Peter Rogers, Acting Research Director Ms Kelli Longworth, Principal Research Officer Ms Lucy Manderson, Principal Research Officer Mr Gregory Thomson, Principal Research Officer Mrs Gail Easton, Executive Assistant
Contact details	Legal Affairs and Community Safety Committee Parliament House George Street Brisbane Qld 4000
Telephone	+61 7 3406 7307
Fax	+61 7 3406 7070
Email	lacsc@parliament.qld.gov.au
Web	www.parliament.qld.gov.au/lacsc

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Abbreviations

Act	<i>Ombudsman Act 2001</i>
CCYPCG	Commission for Children and Young People and Child Guardian
CMC	Crime and Misconduct Commission
Committee	Legal Affairs and Community Safety Committee
Office	Office of the Queensland Ombudsman

Glossary¹

Administrative error	Decisions and administrative actions of public agencies that are unlawful, unreasonable, unjust, oppressive, improperly discriminatory or wrong
Agency	A government department, local council or public university that falls within the jurisdiction of the Queensland Ombudsman
Agreed action	An agreed action involves working with the agency and complainant to reach a satisfactory resolution. This is a more effective and timely way to resolve a complaint where an assessment reveals evidence of administrative error
Assessment	The complaint is finalised through research and assessment, without contacting the agency concerned
Complainant	A person bringing a complaint to the Ombudsman's Office
Complaint finalised	A complaint that the Ombudsman's Office reviews and establishes an outcome
Complaint open	A complaint outstanding at the close of the financial year
Corporate governance	The system by which an organisation is controlled and operates and the mechanisms by which it is held to account – includes ethics, risk management, compliance and administration
Direct benefit	Any recommendation made by the Office that directly benefits the complainant, for example an apology or refund
Inquiry	Contact where the person seeks information or assistance but does not make a specific complaint
Internal review	Investigation of a decision undertaken by the agency that made the initial decision
Major investigation	Cases where significant time and resources is expended on investigating systemic maladministration
Maladministration	Decisions and administrative actions of public agencies that are unlawful, unfair, unreasonable or wrong
Ombudsman	Ombudsman is a Swedish word that means 'the citizen's defender' or 'representative of the people'. The first Ombudsman was appointed in Sweden in the 1800s to investigate complaints about government decisions. There are now more than 150 Ombudsmen around the world. Australia has an Ombudsman in each state and territory and in the Commonwealth. ²
Out of jurisdiction	A complaint that the Office of the Ombudsman does not have the power to investigate

¹ Queensland Ombudsman *Annual Report 2012-2013*, pages 104-105.

² Queensland Ombudsman *Annual Report 2011-2012*, page 1.

Own initiative investigation	The Ombudsman decides to undertake an investigation into systemic issues in a certain agency without first receiving a complaint
Positive outcome	A complaint where no maladministration finding was necessary
Public administration	The administrative practices of Queensland public sector agencies
Public Interest Disclosure (PID)	A confidential disclosure of wrongdoing within the public sector that meets the criteria set out in the <i>Public Interest Disclosure Act 2010</i> . PIDs commonly include allegations of official misconduct or maladministration
Public agencies/public sector agencies	State government departments and local councils
Public reports	A report issued by the Ombudsman under section 50 of the <i>Ombudsman Act 2001</i> that is tabled in Parliament or publicly released with the Speaker's authority
Recommendation	Formal advice given by the Ombudsman to improve administrative practices. The Ombudsman cannot direct agencies to implement recommendations but they rarely refuse to do so. If agencies refuse to implement recommendations, the Ombudsman can require them to provide reasons and report to the relevant Minister, the Premier, or Parliament if not satisfied with the reasons
Rectification	An investigation that results in the total or partial resolution of the complaint
Referral	When a complaint is outside the Ombudsman's jurisdiction, it is referred to another complaint agency
Review	The Ombudsman may conduct a review of the administrative practices and procedures of an agency and make recommendation for improvements
Internal review request	If a complainant is not satisfied with the outcome of an assessment or investigation by the Office, they can ask that the decision be reviewed by another officer at the same or more senior level to the decision maker
Systemic issue	An error in an agency's administrative process that may impact on a number of people

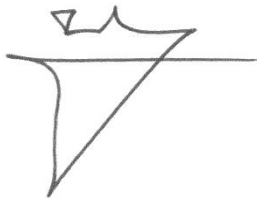
Chair's foreword

The Legal Affairs and Community Safety Committee (Committee) has oversight responsibilities of the Office of the Queensland Ombudsman. This report provides information regarding the performance of the Office of the Queensland Ombudsman and its functions under the *Ombudsman Act 2001*.

The Committee met with the Queensland Ombudsman, Mr Phil Clarke and his staff on 21 May 2014. The Committee also reviewed the Queensland Ombudsman's Annual Report 2012-2013 which was tabled in the Legislative Assembly on 27 September 2013.

On behalf of the Committee, I thank the Queensland Ombudsman and his staff who assisted the Committee throughout the course of this inquiry.

I commend this Report to the House.

A handwritten signature in black ink, appearing to read 'Ian Berry', with a stylized flourish above the name.

Ian Berry MP

Chair

Recommendations

Recommendation 1

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The Committee recommends the House note the contents of this report.

1. Introduction

1.1 Role of the Committee

The Legal Affairs and Community Safety Committee (Committee) is a portfolio committee of the Legislative Assembly which commenced on 18 May 2012 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.³

The Committee's primary areas of responsibility include:

- Justice and Attorney-General;
- Police Service; and
- Fire and Emergency Services.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation;
- the application of fundamental legislative principles; and
- for subordinate legislation – its lawfulness.

The Committee also has oversight responsibilities for the Office of the Information Commissioner, the Office of the Queensland Ombudsman, the Electoral Commissioner and the Criminal Organisation Public Interest Monitor.

This report is made in relation to the Committee's statutory oversight responsibility of the Office of the Queensland Ombudsman.

1.2 Purpose and functions of the Office of the Queensland Ombudsman

The Office of the Queensland Ombudsman (Office) was established in 1974 to investigate the administrative actions of Queensland government agencies, local councils and universities.

Under the *Ombudsman Act 2001* (Act), the Ombudsman has a dual role:

- to provide a fair, independent and timely investigative service for people who believe that they have been adversely affected by the decisions of a public agency; and
- to help public agencies improve their decision-making and administrative practice.

The majority of investigations arise from complaints received, but the Ombudsman also conducts own-initiative investigations.⁴

The Act provides the functions of the Ombudsman as:

- (a) to investigate administrative actions of agencies –
 - (i) on reference from the Assembly or a statutory committee of the Assembly; or
 - (ii) on a complaint; or
 - (iii) on the ombudsman's own initiative; and
- (b) to consider the administrative practices and procedures of an agency whose actions are being investigated and to make recommendations to the agency –

³ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

⁴ Queensland Ombudsman, *Annual Report 2012-2013*, page 5.

- (i) about appropriate ways of addressing the effects of inappropriate administrative actions;
or
- (ii) for the improvement of the practices and procedures; and
- (c) to consider the administrative practices and procedures of agencies generally and to make recommendations or provide information or other help to the agencies for the improvement of the practices and procedures; and
- (d) the other functions conferred on the Ombudsman under [the Act] or any other Act.⁵

The Act also provides that, subject to any other Act or law, the Ombudsman is not subject to direction by any person about –

- (a) the way the ombudsman performs the ombudsman's functions under [the Act]; or
- (b) the priority given to investigations.⁶

The Ombudsman may investigate administrative actions of agencies, and an administrative action despite a provision in any Act to the effect that the action is final or cannot be appealed against, challenged, reviewed, quashed or called in to question.⁷

The Ombudsman must not question the merits of a decision, including a policy decision, made by a Minister or Cabinet; or a decision that the Ombudsman is satisfied has been taken for implementing a decision made by Cabinet.⁸

The Ombudsman must not investigate administrative action taken by any of the following:

- a tribunal, or a member of a tribunal, in the performance of the tribunal's deliberative functions;
- a person acting as legal adviser to the State or as counsel for the State in any legal proceedings;
- a member of the police service, if the action may be, or has been, investigated under the *Crime and Corruption Act 2001*;
- a police officer, if the officer is liable to disciplinary action, or has been disciplined under the *Police Service Administration Act 1990*;
- the Auditor-General;
- a mediator at a mediation session under the *Dispute Resolution Centres Act 1990*;
- a person in a capacity as a conciliator under the *Health Rights Commission Act 1991* or the repealed *Health Quality and Complaints Commission Act 2006*; or
- the Information Commissioner in the performance of the Commissioner's functions under the *Right to Information Act 2009*.⁹

⁵ *Ombudsman Act 2001*, section 12.

⁶ *Ombudsman Act 2001*, section 13.

⁷ *Ombudsman Act 2001*, section 14.

⁸ *Ombudsman Act 2001*, section 16(1).

⁹ *Ombudsman Act 2001*, section 16(2)(a)-(h); also note there are other exceptions under the *Government Owned Corporations Act 1993*.

1.3 Committee's responsibilities regarding the Office of the Queensland Ombudsman

In addition to the jurisdiction conferred by the *Parliament of Queensland Act 2001*, the Act provides that the Committee is required to:

- monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Act;
- report to the Assembly on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of the Ombudsman's functions that the Committee considers should be drawn to the Assembly's attention;
- examine each annual report tabled in the Assembly under the Act and, if appropriate, to comment on any aspect of the report;
- report to the Assembly any changes to the functions, structures and procedures of the Office the Committee considers desirable for the more effective operation of the Act; and
- any other functions conferred on the Committee by the Act.¹⁰

1.4 Strategic Review of the Office of the Queensland Ombudsman

Section 83 of the Act provides that strategic reviews of the Office must be conducted at least every five years and that the review must include a review of the Ombudsman's functions and the performance of the functions to assess whether they are being performed economically, effectively and efficiently.

The Committee completed its most recent strategic review of the Office in 2012 and tabled its report on 22 November 2012.¹¹

¹⁰ *Ombudsman Act 2001*, section 89.

¹¹ Legal Affairs and Community Safety Committee, *Report on the Strategic Review of the Office of the Queensland Ombudsman*, Report No. 15, November 2012.

2. Oversight of the Ombudsman

2.1 Process followed by the Committee

In conducting its oversight functions of the Office, the Committee followed the process it previously adopted.

The process included:

- Questions on Notice being provided to the Ombudsman with a request for responses to be provided prior to the hearing;
- a public hearing with the Ombudsman to discuss his responses to the Questions on Notice and to ask questions without notice; and
- providing this Report.

On 21 March 2014, the Committee provided Questions on Notice to the Ombudsman.

The Committee received the Ombudsman's written response to the Questions on Notice on 30 April 2014. The responses to the Questions on Notice are at **Appendix A**.

On Wednesday 21 May 2014, the Committee held a public hearing with the Queensland Ombudsman, Mr Phil Clarke, and the following officers from his Office:

- Mr Andrew Brown, Deputy Ombudsman;
- Mr Peter Cantwell, Assistant Ombudsman, Intake and Engagement Unit; and
- Ms Diane Gunton, Manager, Corporate Services Unit.

A copy of the transcript of the public hearing is available on the Committee's website.¹²

¹² www.parliament.qld.gov.au/work-of-committees/committees/LACSC.

3. Meeting with the Ombudsman

3.1 Issues considered by the Committee

In his opening statement to the Committee, the Ombudsman focused on a number of key achievements of the Office during the 2012-13 financial year, firstly referring to the implementation of the recommendations from the Strategic Review of the Office, undertaken by Mr Henry Smerdon AM (Smerdon Review).

The Ombudsman reported that 46 of the total 57 recommendations had been implemented, some with ongoing change and enhancement. The Ombudsman noted:

...of those recommendations not yet implemented, seven are not now necessary or appropriate in the current circumstances and will not proceed, at least in the short term. These are generally relating to or required additional resources for the Office. A further four which relate to amendments to the Ombudsman Act 2001 are subject to the legislative convenience of the government and the government's priorities.... [and] have been included in ongoing discussions with the Department of Justice and Attorney-General.¹³

The Ombudsman also confirmed the implementation project was complete, and the recommendations not yet implemented will either be incorporated into the general legislative review program for the Office, or into its budget for subsequent years, and that normal strategic planning, priority setting, risk management and service delivery of the arrangements for the Office will now proceed in dealing with the majority of issues stemming from the Smerdon Review.¹⁴

Regarding the Smerdon Review, the Ombudsman added:

The review itself has provided a very sound platform for the ongoing reform of the office, including the current review of Corporate Services. I acknowledge the impact the review has had on the operations of the office and I am very much looking forward to the next strategic review in 2016. In short I have found it to be a very positive process.¹⁵

Secondly, the Ombudsman focused on operational reforms in complaints management, confirming that investigations are now largely complete and stable within the Office as a result of significant improvements in performance. The Ombudsman commented:

Of particular interest is the substantial improvement in the timeliness of investigations, which builds on previous achievements... in the previous year. Collectively, these measures mean that, on average, complainants have their complaint initially assessed within about five days and those complaints that are investigated are done so in an average of about 50 days. It is quite a significant difference from previous years. The timeliness, of course, is just one aspect of the management of complaints and the conduct of investigations. In the Office, this is recognised by measuring the rate at which investigations result in rectification by an agency. In the last six months about one in seven investigations led to rectification action by the agency concerned.

Now that these levels of performance have been achieved, the next challenge for the Office will be to consistently achieve the performance standards as workloads increase. In this regard I expect now that the overall complaints numbers have been rebased in line with Mr

¹³ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, pages 1-2.

¹⁴ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

¹⁵ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

*Smerdon's recommendations, there will be ongoing annual growth in complaints being made to the office.*¹⁶

The Ombudsman explained that the ongoing annual growth in complaints being made to the Office has been a long-term historical trend that he anticipates will continue, attributing this trend to: population growth; the increasing complexity of government administration; increasing preparedness of citizens to challenge government decisions; the increasing cost and complexity of accessing the courts; and government policy decisions.¹⁷

Noting government policy decisions flowing from the Queensland Child Protection Commission of Inquiry (Carmody Review), and the review of the Crime and Misconduct Act (Callinan Aroney Review), the Ombudsman thinks the Office will revert to its original jurisdiction in regard to child safety complaints which it exercised before the creation of the Commission for Children and Young People and Child Guardian (CCYPCG), with the addition of service providers from outside the public sector. The Ombudsman also thinks the Office will receive an unknown proportion of complaints, including public interest disclosures that were within the jurisdiction of the then Crime and Misconduct Commission (CMC). In this regard the Ombudsman drew the Committee's attention to the Carmody Review recommendation that recognised the need for additional resources, and noted that it is not yet clear what the impact of the changes to the CMC will be to the Office. The Ombudsman undertook to monitor these changes closely, and make necessary submissions to the government if additional resources are necessary.¹⁸

The Ombudsman also referred to the Regional Services Program as evidence of the Office's commitment to all Queenslanders, noting that the program was fully implemented from 1 July 2013. The Ombudsman explained that the Regional Services Program:

*Is a key plank in engaging with regional communities to build awareness of the services of the office and enhance access, particularly to discrete Indigenous communities, although it is a slow process. The program builds on the Office's training programs to deliver a range of additional services. ... In addition to the visits to communities, the office has developed a complaints management policy specifically tailored to the needs of small, remote councils and is currently being trialled in a number of communities.*¹⁹

Discussion also focused on the challenges of meeting client expectations, which goes to the issue of client satisfaction. The Ombudsman explained:

While the Office has, in the past, surveyed clients including complainants, about their experiences in dealing with the Office, 2012-13 was the first time that we established a target for client satisfaction. ... The measures adopted relate to the client service experience of the Office. It is not intended to be the satisfaction with the decision of the Office, but of the service experience of the Office. That includes respectfulness, helpfulness, professionalism and timeliness. It does not set out to measure ... the outcome of the investigation for the client. However, in an environment where staff of the Office must maintain independence from both complainants and agencies – in other words, we do not do advocacy; we do independent assessment – the willingness or capacity of the client to differentiate between outcome and service is sometimes clouded. This does not mean that

¹⁶ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

¹⁷ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

¹⁸ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

¹⁹ Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 2.

*there are not valuable lessons from surveying clients, and the surveys will continue. The challenge is simply to set a suitable target for client satisfaction reporting purposes.*²⁰

The Ombudsman noted that the client satisfaction target is set at 80 per cent, reflecting the standard of a broad basket of service delivery agencies, and that the ongoing challenge for the Office will be to establish what is an acceptable level of client satisfaction.²¹

Questions from the Committee focused on:

- The Public Trustee: complaints and explanations;
- finalisation of 100 per cent of complaints within 12 months;
- emerging trends with the types of complaints received;
- complaint trends within particular agencies;
- complaints breakdowns between state, local government, statutory bodies, and universities;
- strategies to further analyse complaints data;
- own initiative investigations;
- the 'reasonable test' for assessing corrupt conduct;
- application of section 38 of the then *Crime and Misconduct Act 2001*;
- Public Interest Disclosures;
- increases in local government and statutory body complaints;
- staffing;
- the 'Integrity Committee';
- prevention strategies;
- review pathways;
- fee-for-service models;
- agency uptake of training;
- correlation between complaints and training;
- official misconduct/maladministration.

3.2 Annual Report 2012-2013

The Annual Report of the Queensland Ombudsman for the 12 months ending 30 June 2013 was tabled on 27 September 2013. The Annual Report highlights a number of significant changes and developments for the Office, and the outcomes of the recent strategic review. The following areas were identified:

- Fair and reasonable treatment of complaints;
- Doing business better;
- Rectifying unfair or unjust decisions;

²⁰ *Transcript of Proceedings (Hansard)*, Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 3.

²¹ *Transcript of Proceedings (Hansard)*, Public Hearing, Legal Affairs and Community Safety Committee, 21 May 2014, page 3.

- Helping public agencies improve decision-making;
- Oversight of Public Interest Disclosures;
- Engaging with the community;
- A capable and accountable organisation;
- Strategic risks;
- Challenges;
- Opportunities.²²

Complaints received

The Office received 6,363 complaints in 2012-13, compared to 8,466 the previous year. However, this is not a like-for-like comparison because in previous years complaints received included written out of jurisdiction matters that are no longer reported as complaints (approximately 1,200 per year). The table below shows complaints received over the last three years, including an estimation of out of jurisdiction matters previously reported as complaints. In real terms, the Office received 12 per cent fewer complaints in 2012-13, compared to 2011-12.²³

The following table shows complaints received over the past three financial years.²⁴

	2010-11	2011-12	2012-13
In jurisdiction complaints	7,017	7,442	6,245
Out of jurisdiction complaints	1,261	1,206	118
Total	8,278	8,648	6,363

Of these complaints:

- 58% were about state government departments (3,663);
- 10% were about other authorities (625), including statutory authorities;
- 27% were about local councils (1,708); and
- 6% were about public universities (367).²⁵

Time to finalise complaints

The Annual Report provides:

In 2012-13, it took an average of 12 days to finalise a complaint, compared to 24.3 days in 2011-12. This meant that complainants received a response in less than half the time, a significant achievement resulting from the operational restructure and improved business practices.

²² Queensland Ombudsman, *Annual Report 2012-13*, pages 8-15.

²³ Queensland Ombudsman, *Annual Report 2012-13*, page 21.

²⁴ Queensland Ombudsman, *Annual Report 2012-13*, page 21.

²⁵ Queensland Ombudsman, *Annual Report 2012-13*, page 21.

Complaints requiring investigation took an average of 75.3 days to finalise, compared to 132 days the previous year. This represents a 43% improvement in the timeliness of investigations.²⁶

In 2012-13:

- 79% of complaints were finalised within 10 days (84% in 2011-12);
- 92% of complaints were finalised within 30 days (89% in 2011-12);
- more than 99% of complaints were finalised within 12 months (99% in 2011-12); and
- there were no open complaints more than 12 months old as at 30 June 2013.²⁷

Complaints finalised at preliminary assessment

The Office finalised 6,406 complaints in 2012-13. Of which 5,548 were finalised after a preliminary assessment. This represents 87% of the total number of complaints finalised in 2012-13. The majority of complaints finalised at preliminary assessment were premature, meaning that the complainant had not first raised the complaint with the agency before approaching the Office.²⁸

The Annual Report states:

With the Office's increased focus on timeliness, premature complaints were finalised in an average of 3.4 days in 2012-13, compared with 10.8 days in 2011-12. This is a 69% reduction in the average time taken to response to a premature complaint.²⁹

Complaint outcomes

There were 1,337 complaints where the Office decided, after preliminary assessment, that an investigation was not warranted. This includes situations where:

- there was a failure by the complainant to provide the further material needed to assess the complaint within the 14 day timeframe after initial contact (420 complaints or 7% of complaints finalised);
- the complainant has an appeal right that should first be exhausted (226 complaints or 4%);
- a more appropriate entity can investigate the complaint (214 complaints or 3%);
- the resources necessary to investigate the complaint are disproportionate to any likely outcome (142 complaints or 2%);
- further enquiries during the preliminary assessment identify the complaint as being out of jurisdiction (113 complaints or 3%).³⁰

Matters not finalised at preliminary assessment are referred for investigation.

Investigation outcomes

A complaint is investigated if, after preliminary assessment, it is:

- within jurisdiction;
- not premature;

²⁶ Queensland Ombudsman, *Annual Report 2012-13*, page 27.

²⁷ Queensland Ombudsman, *Annual Report 2012-13*, page 27.

²⁸ Queensland Ombudsman, *Annual Report 2012-13*, page 29.

²⁹ Queensland Ombudsman, *Annual Report 2012-13*, page 29.

³⁰ Queensland Ombudsman, *Annual Report 2012-13*, page 29.

- relevant material has been obtained;
- there is no reason why an investigation is not warranted.³¹

An investigation determines whether an administrative action is unlawful, unreasonable, unjust or otherwise unfair. In 2012-13, the Office investigated 795 complaints (12% of the total number of complaints finalised). A further 23 matters were the subject of own initiative investigations.³²

A total of 818 investigations were finalised in 2012-13.

In 116 investigations, intervention by the Office resulted in the total or partial rectification of the issue (14% of investigations).

In 389 investigations (48% of investigations) no administrative error was identified.

In 302 investigations, the Office decided that the continuation of the investigation was not warranted because: investigation was considered unnecessary or unjustifiable; the complainant did not have sufficient direct interest in the matter; the complainant's appeal right had been exhausted and further investigation was unnecessary; the complainant was out of time and no special circumstances required further action; another complaint entity was investigating the matter; or the complainant had been referred back to the agency for internal review.³³

Ombudsman's recommendations

If the Office identifies an administrative error during an investigation, it can negotiate a resolution with the agency or the Ombudsman can make recommendations to an agency to rectify the problem. Remedies may include a request that the agency remake the decision, apologise or make a refund to the complainant. The Ombudsman may also recommend the agency improve its policies and procedure to avoid future errors. If an investigation does not find evidence of administrative error, the complainant is provided with a detailed explanation of the Office's findings.³⁴

The Office made 183 investigative recommendations in 2012-13: 107 recommendations under section 50 of the Act, and the Office negotiated a further 76 agreed actions with agencies to rectify errors. An agreed action involves working with the agency and complainant to reach a satisfactory resolution. Agreed actions were known as informal recommendations, and previous annual reports only reported the total number of recommendations.³⁵

Recommendations or agreed actions can also be divided into those of direct benefit to an individual and those dealing with systemic concerns. Direct benefit recommendations produce an outcome for an individual complainant. Systemic recommendations address faults with policies, procedures or practices.³⁶

In 2012-13 there were 33 direct benefit recommendations/agreed actions and 150 systemic recommendations/agreed actions. As in previous years, the majority of recommendations identified improvements to agencies' policies or procedures.³⁷

In 2012-13, 99% of recommendations that received a response from the agency by 30 June 2013 were accepted.³⁸

³¹ Queensland Ombudsman, *Annual Report 2012-13*, page 35.

³² Queensland Ombudsman, *Annual Report 2012-13*, page 35.

³³ Queensland Ombudsman, *Annual Report 2012-13*, page 35.

³⁴ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

³⁵ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

³⁶ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

³⁷ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

³⁸ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

The following table represents the types of investigative recommendations made to agencies:³⁹

	2010-11	2011-12	2012-13
Improve policy or procedure	105	82	130
Give better explanation or reasons	15	14	16
Change decision	10	5	14
Review decision	1	4	9
Provide training	7	7	5
Expedite action	4	6	4
Follow policy or procedure	14	14	2
Financial remedy	5	5	1
Admit error or apologise	12	2	1
Explanation given by agency	2	0	1
Total	175	139	183

Financial Performance

The general purpose financial statements included in the *Annual Report 2012-13* are certified as having been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009*, relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements.

Additionally, the Annual Report 2012-13 includes an independent auditor's report which includes an opinion that the financial reports present a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Ombudsman for the financial year 1 July 2012 to 30 June 2013 and of the financial position as at the end of that year.⁴⁰

Committee Comment

The Committee appreciates the Office's assistance in apprising the Committee of its activities during this reporting period. The material provided to the Committee prior to and at the hearing, along with material included in the Office's annual report, is very informative and provided great assistance to the Committee as it monitors and reviews the Office's performance.

The Committee congratulates the Office on managing a year of significant change and development, and on completing the implementation of the Smerdon review recommendations. The Committee looks forward to again monitoring this process as the next strategic review commences in 2016.

The Committee notes that in the past year the Office has dealt with 15,191 contacts and finalised 6,406 complaints. Of these matters, 79 per cent were finalised within 10 days of receipt and most matters were assessed within 24 hours of receipt. The Committee acknowledges that, on average, it took 12 days to finalise a complaint – meaning that the waiting time for Queenslanders was halved

³⁹ Queensland Ombudsman, *Annual Report 2012-13*, page 36.

⁴⁰ Queensland Ombudsman, *Annual Report 2012-13*, page 84.

from the previous year. The Committee congratulates the Office on this significant achievement that reflects the value of the operational reforms regarding complaint management resulting in substantial improvements in the timeliness of assessment and investigation. The Committee acknowledges the challenge presented to maintain these performance standards as the workload increases.

The Committee notes the Office's commitment to regional Queenslanders with the Regional Services Program being fully implemented by 1 July 2013. The Committee also notes the range of strategies employed to provide equitable and accessible services to all Queenslanders, aimed at helping people understand when and how to access services. These measures also impact on the nexus between client expectations and client satisfaction, key indicators the Committee will continue to monitor.

The Committee acknowledges that in 2012-13 the Office conducted 818 investigations and tabled two major investigative reports in Parliament, and published, with the Speaker's approval, another two major investigation reports. Additionally, in this reporting period, the Office made 183 recommendations to public agencies and delivered 82 training sessions to agencies; 28 of which were held in six locations beyond south-east Queensland.

The Committee acknowledges the role the Office plays in ensuring fair, open and accountable public administration, and its commitment to effective and efficient ways to provide public services in Queensland.

Recommendation 1

The Committee recommends the House note the contents of this report.

Appendix A

Written Responses to Questions on Notice



Our ref: CSU/00001

29 April 2014

Mr Ian Berry MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Mr Berry

Meeting with the Legal Affairs and Community Safety Committee

I refer to your letter dated 21 March 2014 enclosing questions on notice for the Committee's meeting on 21 May 2014.

I now attach a copy of my responses to the questions for the Committee's consideration. I have also emailed my response to your office at lacsc@parliament.qld.gov.au for convenience of incorporating it into your future report to Parliament.

I confirm the following officers will be attending the meeting:

Phil Clarke	Queensland Ombudsman
Andrew Brown	Deputy Ombudsman
Peter Cantwell	Assistant Ombudsman, Intake and Engagement Unit
Diane Gunton	Manager, Corporate Services Unit

I look forward to our meeting on 21 May.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Phil Clarke".

Phil Clarke
Queensland Ombudsman

Enc

ombudsman

Complaints

Question 1

Please provide the Committee with updated complaint statistics from 1 July 2013 to 31 December 2013 including:

- number of complaints received and finalised;
- proportion of complaints finalised within 12 months of lodgement;
- proportion of complaints more than 12 months old;
- average time taken to finalise complaints;
- proportion of cases resolved informally;
- proportion of complaints investigated where a positive outcome was achieved for the complainant;
- proportion of complaints where there was a finding of maladministration; and
- number of recommendations for improvements in public administration and whether those recommendations were implemented.

Response

Table 1: Complaint statistics

	1 Jul 2013 – 31 Dec 2013	1 Jul 2012 – 31 Dec 2012	Comment
Number of complaints ¹ received	3,239	2,933	10.4% increase
Number of complaints ¹ finalised	3,217	2,928	9.9% increase
Proportion of complaints finalised within 12 months	100%	99%	
Proportion of complaints more than 12 months old ²	<i>No longer reported – see Clearance Rate measure below</i>		
Clearance rate for complaints ³	99.3%	99.8%	Slight decrease in performance
Average time taken to finalise complaints ⁴	<i>No longer reported – see Average Time measures below</i>		
Average time to complete assessments	5.2 days	4.1 days	Slight decrease in performance
Proportion of investigations completed within established timeframes	94%	72%	Significant improvement
Proportion of complaints resolved informally	99.4%	99.7%	
Proportion of complaints investigated where a positive outcome was achieved	<i>No longer reported – see Table 2 below</i>		
Proportion of complaints where there was a finding of maladministration	<i>No longer reported – see Table 2 below</i>		
Proportion of investigations resulting in agency rectification action ⁵	15.2%	11.6%	Improved performance
Number of recommendations for improvements in public administration ⁶	57	63	
Number of recommendations implemented ⁷	<i>No longer reported – see Proportion of Recommendations Accepted measure below</i>		
Proportion of recommendations accepted by the relevant agency at the time of reporting ⁸	96%	100%	

¹In July 2013, the Office ceased recording web-based contacts in which automated advice was provided to a complainant that their complaint was premature and should be raised first with the appropriate agency. Prior to this time such contacts were recorded as complaints. From 1 July to 31 December 2012 there were 154 such contacts and in July 2013 (before the change) there were 13 contacts. To allow for accurate comparison, these contacts have been excluded from the complaint data.

²This measure has been discontinued and replaced with a new service standard for the 2013-14 financial year to report on the clearance rate for complaints.

³This service standard compares the number of complaints closed with the number of new complaints opened in the financial year or reporting period. It is affected by both the number and timing of new complaints and closures. A number below 100% does not necessarily indicate an increasing backlog but may be a result of increased numbers of new complaints being opened late in the year or reporting period.

⁴This measure has been discontinued and replaced with two new measures. The first measure, the average time to complete assessments, measures the time taken to undertake a preliminary assessment in the intake area of the Office of matters that do not progress to an investigation (e.g. because the complaint is premature and should be referred back to the agency). The second measure, the proportion of investigations completed within established timeframes, is a new measure that coincided with a new method of categorising matters investigated by the Office. The established timeframes are related to the complexity of an investigation, namely 14 days for a preliminary investigation, 3 months for a straightforward investigation, 6 months for an intermediate investigation and 12 months for a complex investigation.

⁵Refer to Table 2 for further detail on this new measure.

⁶The July to December 2012 number does not include 40 recommendations made by this Office's Training and Audit Team in relation to Complaint Management System audits that it had undertaken. Therefore, the comparison between years only relates to recommendations/agreed actions arising from investigations.

⁷This measure has been discontinued in the Strategic Plan 2013-18 due to changes to operational practices within the investigative teams.

⁸This includes agreed actions where the Office worked with the agency and complainant to negotiate a resolution without the need for a recommendation made under s.50 of the *Ombudsman Act 2001*. Previously, agreed actions were known as informal recommendations.

As noted above, the proportion of complaints investigated where a positive outcome was achieved for the complainant and the proportion of complaints where there was a finding of maladministration are no longer reported. The positive outcomes measure was discontinued as a Service Delivery Statement (SDS) measure in 2012. Historically, the maladministration measure was reported annually. The reasons these measures are no longer used is that changes have been made to both business practices and the way that complaint outcomes are recorded that mean that these metrics no longer adequately describe Office performance. These measures have been replaced with a new SDS measure of the proportion of investigations resulting in agency rectification action (with a target of 10%) – see below.

Table 2: Complaint statistics continued

	1 Jul 2013 – 31 Dec 2013	1 Jul 2012 – 31 Dec 2012	Comment
Number of investigations	467	389	19% increase
Number of investigations resulting in an agency rectification action	71	45	58% increase
Proportion of investigations resulting in agency rectification action	15.2%	11.6%	Improved performance

Question 2

The Committee notes the total number of contacts received for the 2012-13 period was 15,191 representing a decrease of 29% when compared to 2011-12 (Annual Report 2012-13, page 19). This decrease goes against the trend for the previous three years where a steady increase every year can be observed (see Annual Report 2011-12, page 6). Is the Office aware of any reasons which could be attributable to the decrease?

Response

Total contacts received are made up of: complaints within jurisdiction; matters outside jurisdiction (OOJ); general enquiries; internal review requests; and public interest disclosures. As discussed in the 2012-13 Annual Report, the number of contacts dropped 6,238 between years. The most significant shifts were: a drop of 4,969 OOJ matters (Annual Report 2012-13, page 20) and a drop of 961 complaints received, in real terms (Annual Report 2012-13, page 21). The changes in general enquiries, internal review requests and public interest disclosures were less material.

As discussed in the Annual Report (page 20), in real terms there was a 37% decrease in the number of contacts about matters outside of the Ombudsman's jurisdiction in 2012-13 (a reduction of 4,969 matters from 13,328 in 2011-12 to 8,359 in 2012-13). This was a result of initiatives of the Office, including the use of a new telephone on-hold message (directing callers with OOJ matters to the appropriate agency) and website upgrades to provide clear guidance on how and where to complain.

This reduction is a positive outcome as it allowed the Office to focus on resolving complaints within jurisdiction and improving the timeliness of assessments and investigations.

Known reasons for the reduction in complaints are set out in response to question 3 below.

Question 3

In terms of overall complaints received, the Office reports that it received 12% fewer complaints in 2012-13 compared to 2011-12 (see Annual Report 2012-13, page 21). Is the Office able to provide any information that might explain this decrease?

Response

As can be seen in the table below, comparing complaints received in 2012-13 with 2011-12, the Office saw an 18.8% decrease in complaints received about state agencies, a 13.2% decrease in complaints received about local councils and a 10.2% increase in complaints about public universities.

Table 3: Complaints by agency type

	2011-12	2012-13	Difference
State agencies	5,195	4,217	-978
Local councils	1,967	1,708	-259
Public universities	333	367	+34

The largest decrease in complaint numbers occurred in relation to state agencies with almost 1,000 fewer complaints received in 2012-13. The drop in complaints is broadly distributed across state agencies. It is difficult to explain the difference in complaint numbers at an agency level from one year to another without undertaking a detailed longitudinal analysis. Further, significant Machinery-of-Government (MOG) changes during these years make it difficult to undertake a meaningful analysis of this decrease.

However, the large decrease in complaints about Queensland Corrective Services and the Queensland Parole Board has significantly contributed to the overall decrease in state

agency complaints. In 2012-13, the Office received 372 (a 35.8% decrease) fewer complaints about these agencies than the year before.

Question 4

Looking at complaints received about State government departments, the Committee notes an overall downward trend when compared with the previous year (see Annual Report 2012-13, Table 7, pages 21-26). However, two departments experienced an increase in complaints, being, the Department of Education, Training and Employment and the Queensland Treasury. Does the Office have any information to explain why these two Departments are experiencing an increase in the number of complaints when compared with the previous year?

Response

As outlined above, an analysis at an agency level of the change in complaint numbers from one year to another is difficult without undertaking a detailed longitudinal analysis, which is also made difficult when significant MOG changes have occurred during the period under review.

In relation to the Department of Education, Training and Employment, the increase in complaints from 2011-12 to 2012-13 only amounts to 28 matters or 6%. Although this increase is against the downward trend of state agency complaints, this increase is not considered to be a material change and this Office is not aware of any particular reason for this increase.

Queensland Treasury was particularly impacted by the State Penalties Enforcement Registry (SPER) moving into the Office of State Revenue in Queensland Treasury due to MOG changes. This means that SPER complaints were included in Queensland Treasury's total for 2012-13.

Question 5

Similarly, in relation to the complaints received about local councils, the general trend appears to be for the number of complaints to decrease when compared with the previous year. However, there has been an increase in complaints received about environmental management, water supply and complaint handling by local councils. Can the Office provide any additional details to explain why these three areas in particular might be experiencing an increase in the number of complaints?

Response

Against-trend increases in complaints received are evident in relation to both water supply and complaint handling issues from 2011-12 to 2012-13. However, when complaints data over a three year period is examined (i.e. including 2010-11), complaint numbers in relation to these two issues appear to have dipped in 2011-12 and then increased again in 2012-13 (although not back to 2010-11 levels). In these circumstances, the increase in complaint numbers for these matters in 2012-13 is not considered to be a trend and this Office is not aware of any particular reason for this increase.

The number of complaints received about environmental management issues has increased in each of the last two years. No particular council or type of issue appears to be driving this change. For example, in 2012-13, the 154 complaints received related to 35 local councils. The two largest segments within environmental management are Noise and Animal Welfare. In 2012-13, 66 complaints were received relating to these segments compared to 59 complaints in the previous year.

Investigations

Question 6

The Committee notes quite a large discrepancy between the anticipated target for the proportion of investigations completed within established timeframes (being 90%) when compared with the actual result which was 63% (see Annual Report 2012-13, Table 1, page 12). Could the Office please elaborate regarding which timeframes have been exceeded, and provide any reasons why the timeframes might have been exceeded?

Response

The number of investigations completed within established timeframes is a new measure that was introduced in 2012-13. It was implemented using immature monitoring procedures available at the time which made it difficult to effectively measure compliance with the expected timeframes on an ongoing basis. Subsequently, improvements have been made to the reporting system and progress in relation to timeframe compliance is reported monthly. Re-assessment of the 2012-13 data with these new procedures indicates that the then performance of 63% was more likely in the low 70% range.

Significant improvements have been achieved in relation to this measure during the current financial year. For the period 1 July 2013 to 31 December 2013, 94% of investigations have been completed within the target timeframes.

Although the Office did not achieve the target in 2012-13, it is noted in Table 1 of the Annual Report that the Office did significantly improve the timeliness of investigations during the year with the average time to complete an investigation improving from 132 days in 2011-12 to 75 days in 2012-13. As can be seen from the answer to question 1, this improvement has continued during the current financial year with the average time to complete an investigation between July and December 2013 being 51 days.

Question 7

How does the Office determine what matters warrant an “own initiative” investigation?

Response

The Office has commenced 24 investigations on my own initiative since 2011. Own initiative investigations are undertaken because, in my view, it is in the public interest to investigate the issues identified. The table below summarises the investigations by sector and reason for undertaking the investigation. Of the 24 investigations, five have been published, either by tabling in the Parliament or with the Speaker’s approval on the Ombudsman website, 16 have been provided to chief executive officers of agencies and three are ongoing.

Table 4: Own initiative investigations by sector and reason as at 10 April 2014

Reason for investigation	Agency sector			Total
	State	Local	University	
Systemic issue identified from complaint(s)	9	4	2	15
Media/topical issue from public	3	-	-	3
Correctional centre visit	3	-	-	3
Referral from office/agency	1	1	-	2
Other	-	1	-	1
Total	16	6	2	24

The five published investigation reports are:

- The Liquor Report: *An investigation into the regulation of licensed premises by the Office of Liquor and Gaming Regulation*
- The Asbestos Report: *An investigation into the regulation of asbestos in Queensland*
- Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions Report
- The Underground Coal Gasification Report: *An investigation into the approval and oversight of the Kingaroy underground coal gasification project*
- Ombudsman Recommendations to Councils: Analysis of Implementation 2007-2010.

Improvements

Question 8

The Office indicates that it will develop an action plan for 2013-14 based on the findings from a research survey conducted with agency officers (Annual Report 2012-13), page 37). Please provide the Committee with a status report and update on the progress of this action plan.

Response

The Office has developed an action plan, based on feedback from agencies that focuses particularly on ensuring a consistent approach is taken to communicating with agencies and agency officers. It includes the following key points:

- Whenever interactions take place with officers in other agencies, the following will be provided:
 - the direct telephone number of the relevant Ombudsman officer
 - when the matter relates to the provision of information for an investigation, a centralised investigations email address is provided that is centrally managed and coordinated to ensure actions are implemented within investigation timeframes. This also ensures that appropriate records are kept for all investigations.
- An Office-wide operating instruction has been developed to clarify instances when a formal letter should be used, and when email correspondence is appropriate. This provides a clear framework for officers, ensuring that written communication is consistent across teams and individual officers.
- Informal telephone requests for information from agencies are now confirmed with an email in order to clarify understanding.
- When agency officers have provided information for an investigation, written advice is provided informing them when a matter is closed.

Question 9

Following on from the strategic review of the Office conducted by Mr Henry Smerdon AM in 2012, the Office reports that the Ombudsman has implemented 35 of the 57 review recommendations, with 12 partially implemented and nine delayed for further consideration (Annual Report 2012-13, page 58). In relation to any recommendations not yet implemented to date, could the Office provide an update on how these are progressing?

Response

As at April 2014, 46 of the total 57 recommendations contained in the strategic review report have been implemented (see **Attachment A** for details). Seven recommendations (Nos 7, 9,

11, 14, 26, 29 and 45) are considered unsuitable to proceed or unnecessary in the current circumstances. These recommendations relate to seeking additional funding for certain functions or are not otherwise supported after recent changes to the Office have taken full effect. Four recommendations (Nos 12, 13, 15 and 56) relate to legislative change and remain unresolved. Discussions with the Department of Justice and Attorney-General are ongoing regarding a suitable timeframe for possible amendment to the Ombudsman Act.

Operational changes undertaken as a result of the Smerdon Review have had a major impact on the Office, particularly on the management and reporting of complaints. They have formed a very sound base from which to continue to improve the Office's operations, including corporate services. I now regard the project to implement recommendations from the Smerdon Review closed. Any outstanding actions will now be incorporated into the Office's ongoing legislative program or future budget bids as necessary.

Communications

Question 10

It is pleasing to see there is a growth in the number of subscriptions to the Office's publications from a target of 5% to an increase of 29% (see Annual Report 2012-13, Table 3, pages 13 and 49). Is the Office aware of the reasons for this improvement? Also, does the Office have additional information on the identity of the new subscribers?

Response

The Office made a concerted effort to increase subscribers to the Perspective publications in 2012-13. There were a number of methods used including:

- distributing newsletters and signing up subscribers at community events and information sessions
- actively promoting the newsletters through training program bookings and through enquiries
- advising agency and council staff through Office interactions (meetings, audits, advice).

The biggest increase in subscriptions was in Legal Perspective where additional subscribers were made up of officers from a number of regional Queensland councils, a range of Queensland state agencies, and a number of legal officers from private practices.

Local Perspective is aimed at local government officers and almost all of the subscribers are from a variety of Queensland councils.

State Perspective is aimed at state agency officers and a majority of subscribers are made up of officers from Queensland state agencies and statutory bodies.

Community Perspective is aimed at engaging with community organisations. Subscribers are mainly made up of officers from state agencies and statutory bodies who have an interest or a role in community services.

Question 11

The Committee notes that the Office has taken steps to upgrade the website homepage to provide clear guidance on how and where to complain (see Annual Report 2012-13, page 20). Can the Office please elaborate on what changes were made? Also, does the Office have any data or anecdotal evidence that these changes have assisted clients?

Response

Enhancing the online capacity of the Office is a key strategy to improving both client access to the Office and efficiency in complaints management.

The online complaint form was updated to give it greater prominence on the Office website by including clearly visible quick links to guide visitors through the complaint process.

As reported in the 2012-13 Annual Report, there was a 37% reduction in OOJ matters. Improvements to the website contributed to this reduction, as people were better able to navigate the complaint process more effectively, thanks to improved information about where and how to make a complaint about an issue either to the Office or another agency.

Also, the number of people lodging a complaint via email/online complaint form continued to increase. Improvements to the website have made it a more effective and convenient tool to help people make a complaint. It has also contributed to more efficiency in complaints management within the Office.

Performance

Question 12

While the proportion of clients who report they are satisfied or very satisfied with the service of the Office was anticipated to be 80%, the actual result, based on a survey conducted in 2012-13, was 64% (see Annual Report 2012-13, Table 1, page 12).

Can the Office provide any information regarding the contents and responses to the survey? The Committee would also be interested to learn whether the Office has instituted any specific measures as a result of this survey to try to increase the satisfaction level of clients.

Response

In establishing new performance measures for the Office over recent years, the need to consider client feedback about the services they receive was considered essential. A target for client satisfaction has never been included in the Office's performance measures before. The adoption of 80% as a target seeks to compare the Office's client satisfaction with a broad basket of service-oriented sectors.

The Office is committed to continuous service improvement and regularly seeks feedback from a range of stakeholders, including complainants.

In 2012-13, the Office conducted a telephone survey of complainants. The survey aimed to measure client satisfaction with the helpfulness, respectfulness, professionalism and timeliness of services provided by Ombudsman staff. The survey sample was complaints finalised at preliminary assessment between August and October 2012.

The survey was undertaken to measure the impact of recent structural and operational changes on the preliminary assessment of complaints and to identify further service improvements.

The results showed an improvement in performance since the previous survey, conducted in late 2011. Key results included:

- The initial telephone experience has improved
 - 74% of people received an explanation of how their complaint would be handled (67% previously)
 - 79% of people said the officer they spoke to understood their main concerns (74% previously).
- The perception of timeliness improved significantly with only 11% of people stating that their matter took longer than expected to reach a conclusion (37% previously).
- 60% of people found the information or advice provided useful (55% previously). Where the Office explained that the matter needed to be dealt with by the agency in the first instance, 65% of people found the advice useful (53% previously).
- Where advice was provided, 84% of people acted on it (73% previously).
- The perceived helpfulness and professionalism of officers improved, and were at their highest when contact was by telephone.

Overall, 64% of people were satisfied with the service provided based on helpfulness, respectfulness, professionalism and timeliness of the Office.

However, it should be noted that 95% of people surveyed had been referred back to the relevant agency because they had not followed the agency's complaint management process. This impacted overall satisfaction, where people initially expected the Office to resolve their complaint.

The actions identified and implemented as a result of client feedback included:

- a review of letter and email communication to clients, to ensure that clear reasons for decisions or actions are provided, particularly in instances where a complaint is refused
- emails now incorporate the Ombudsman insignia, to align them with letters sent to clients or the website of the Office, to provide a more professional presentation to email correspondence
- the information sheet provided to clients is being updated to reflect the structural and process changes implemented over the last two years.

Question 13

The Committee notes the Office has implemented a complaints management system (CMS) (Annual Report 2012-13, Appendix 5, page 96). Is the Office satisfied that the CMS is effective at dealing with internal review requests?

Response

The Office implemented its amended Complaints Management and Internal Review Policy from October 2012. The revised policy was introduced to clarify, into two separate procedures, complaints about service delivery in the Office and requests for review of decisions made by a delegated officer. These two procedures had not previously been sufficiently distinct to deal with the different nature of each type of complaint.

As distinct from case reviews, the Office has only recorded four service delivery complaints in the Service Delivery Register, established for that purpose in February 2013. These types of complaints would typically be about the behavior of officers.

The Procedure for the Management of Internal Review Requests provides a clear and unambiguous procedure for handling case review requests. It functions effectively in managing the annual demand of approximately 50 review requests.

Question 14

The Committee also notes that of the 54 internal review requests made in 2012-13, 50 were finalised (Annual Report 2012-13, Appendix 5, page 96). Can the Office provide information on the 4 outstanding internal review requests?

Response

While the Office did finalise 50 internal reviews during 2012-13, not all of those were the reviews actually received during 2012-13 (some were carried over from the previous financial year). The internal reviews that were not finalised during 2012-13 were all received late in the financial year (in May and June 2013). However, all these reviews were subsequently finalised by the end of 2013, with the exception of a complex matter that was finalised in January 2014.

Question 15

The Committee receives a small number of complaints each year from dissatisfied clients relating to how the Office dealt with their matter. While the Committee has not identified any trends or any systemic issues, does your Office look for trends in internal review requests to try and identify whether there are any trends relating to client dissatisfaction?

Response

Having regard to the very small number of internal review requests received each year (only 0.8% of the total complaints finalised by the Office in 2012-13), trends or systemic issues from individual cases are not apparent. However, from 1 July 2013, the Office established a new SDS measure which reports on the proportion of internal reviews where the original decision is upheld on review (target 80%). This is a measure of the quality of decision-making in complaints management and investigations, and monitoring changes in this proportion from year to year will provide trend information. For the period 1 July 2013 to 31 December 2013, 85% of decisions were upheld on review.

Additionally, during 2013 the Office introduced a process where the outcome and reasons for a review decision, that overturned an original decision, are provided to the original decision-maker and such cases are discussed in general terms with staff from the Investigation and Resolution Team at quarterly review meetings. This contributes to improved quality and reliability in decision-making.

People and resourcing

Question 16

While the overall outcomes of the 2012-13 staff survey identified satisfaction with a number of areas, the Annual Report 2012-13 notes that the survey identified room for improvement in morale issues, professional development, career opportunities and management communication with staff. The Annual Report 2012-13 also states that this has led to the introduction of a number of strategies to address these issues, such as the innovation forum and office-wide consultation on the 2013-14 professional development program. Does the Office feel that these strategies will successfully address the issues raised in the staff survey? Is the Office considering any additional strategies in this regard?

Response

The staff survey provides a valuable tool to identify opportunities for improvement across the Office.

The Smerdon Review report also noted a number of areas, identified through staff feedback, where the staff perception of opportunity in the Office was lacking. A number of strategies were put in place to address staff perception about these matters. These included:

- a guaranteed budget (2% of salaries) available for training each year
- all higher duties opportunities to be circulated across the Office
- selection for higher duties based on merit and individual development plans.

As a result, in 2013-14 (year to date):

- 61 (of 62) staff members have undertaken professional development
- there have been 20 opportunities for higher duties, 13 of those opportunities have been undertaken by women
- \$57,494 has been spent on external training providers to deliver 23 training programs
- the following professional development opportunities have been offered without cost:
 - Privacy Compliant Complaints Processes
 - online 'Introduction to the Information Privacy Act' module
 - online 'Introduction to RTI Act' module
 - Queensland Corrective Services (QCS) safety and security training for staff who visit prisons
 - IOMS training provided by QCS
 - internally provided training, including FMPM, recordkeeping, fraud prevention
 - agency training programs provided by the Training and Audit Team which new staff attend as part of their induction including, good decisions, your ethical compass, complaints management, administrative investigations
- four staff have been sponsored to undertake formal education programs through the Study and Research Assistance Scheme.

Formal staff meetings are held monthly between the Ombudsman and all staff, with team meetings held regularly with senior staff.

By agreement with Innovation Committee office holders, committee meetings were suspended while major change was implemented across the Office.

The next staff survey will be conducted in 2015.

Question 17

Has the Office undergone funding and or staffing cuts in the period since July 2013? If so, how has this impacted on the operations of the Office?

Response

There has not been any budget or staffing cuts to the Office since July 2013.

Engagement

Question 18

The Office reports that it has launched a new regional visits program (see Annual Report 2012-13, page 31). Can the Office please provide additional information on the nature of this program?

Response

The Regional Services Program (RSP) was launched and successfully trialled in June 2013 and commenced full-time operation from 1 July 2013.

The RSP has 15 activities which are delivered throughout Queensland, including in rural and remote communities. Activities include:

- provision of training
- correctional centre visits
- visiting and presenting to community groups
- visiting indigenous communities
- visiting community justice group representatives (including at annual forums)
- visiting MP offices and speaking to electoral staff
- taking investigative action in respect of existing complaints
- conducting onsite audits of agency complaint management systems
- speaking with agency/council complaint managers
- speaking with university complaint managers
- meeting with council mayor/chief executive officer
- visiting Queensland Government Agent Program (QGAP) offices
- speaking to officers responsible for public interest disclosures (PIDs)
- presentations to agencies/councils/universities about Ombudsman role and administrative improvement topics
- visiting Local Area Multicultural Partnerships (LAMP) and Cultural Action for Multicultural Society (CAMS).

From 1 July 2013 to 31 March 2014, officers completed 176 RSP activities, engaging in approximately 20 per month.

These activities were undertaken in the following regional centres:

Ayr	Dalby	Ingham	Mundubbera	Townsville
Biloela	Eidsvold	Kilkivan	Murgon	Warwick
Blackbutt	Emerald	Kingaroy	Nanango	Wondai
Bundaberg	Gatton	Longreach	Proserpine	Woorabinda
Cairns	Gayndah	Mackay	Rainbow Beach	Yarrabah
Charters Towers	Gin Gin	Mareeba	Rockhampton	Yeppoon
Cherbourg	Gladstone	Maryborough	Stanthorpe	
Childers	Gympie	Monto	Tara	
Cloncurry	Hervey Bay	Mount Isa	Toowoomba	

Question 19

During the 2012-2013 reporting period the Office undertook 51 visits to regional centres (see Annual Report 2012-13, page 14). Please provide a breakdown of those visits by purpose, specifically to (a) undertake investigations, (b) visit correctional centres, and (c) conduct training?

Response

The 51 visits to regional centres were to:

- undertake investigations – 17
- visit correctional centres – 6
- conduct training – 28.

Question 20

For the period 1 July 2013 to 31 December how many visits did the Office make to regional centres to (a) undertake investigations, (b) visit correctional centres, and (c) conduct training?

Response

The 15 visits to regional centres were to:

- undertake investigations – 0
- visit correctional centres – 4
- conduct training – 11.

Training

Question 21

In 2012-2013, the Office experienced a 49% decrease in training sessions delivered compared to the previous year (see Annual Report 2012-13, page 50). However, the Committee is pleased to note the increased demand in the second half of the 2012-13 year (71 training sessions) compared with the first half (11 training sessions). Is there anything specific that the Office can point to in terms of its own actions that might have contributed to the greater uptake of training in the second half of the year?

Response

The Office took a number of proactive steps to increase demand for training when it became apparent that agencies were reluctant to participate in training.

Firstly, the Ombudsman wrote to all directors-general of Queensland agencies and the chief executive officers of councils to remind them of the availability of training and the benefits that flow from having officers skilled in the principles of good decision-making and complaints handling.

Secondly, more open sessions were made available every month. These are sessions that allow a small number of officers from various agencies to attend on a per person basis.

Thirdly, Perspective newsletter clients were contacted to advise them of available training products. This included advice about up-coming regional training opportunities.

Question 22

Can the Office provide information on the demand for training in the period from 1 July 2013 to 31 December 2013? Also, does the Office have any predictions of the demand for training sessions in the six month period from 1 January 2014 to 30 June 2014.

Response

Training demand has increased significantly in recent months.

For the six month period, 1 July 2013 to 31 December 2013, 32 sessions were delivered.

From 1 January 2014 to 31 March 2014, 33 sessions were delivered.

A further 70 sessions are anticipated by 30 June 2014.

In total, 135 sessions are expected to be delivered in 2013-14.

When compared to the 83 sessions delivered last financial year, this number represents a significant increase in demand.

Budget

Question 23

Are there any significant budgetary matters you wish to raise with the Committee?

Response

The recently introduced Crime and Misconduct and Other Legislation Amendment Bill 2014 contains a number of amendments which potentially impact on the Office. In this regard, I note that a number of proposed amendments to the Office's operations, contained in the review of the *Crime and Misconduct Act 2001*, undertaken by the Honourable Ian Callinan AC and University of Queensland Professor, Nicholas Aroney, are not included in the Bill before the House.

The aspects of the Bill likely to have the greatest impact on the Office are the change in definition from misconduct to corrupt conduct, which in my view, will result in a significant proportion of complaints which were previously within jurisdiction for the Crime and Misconduct Commission transferring to the Office. There is a particular concern about the number of PIDs about official misconduct (about 95% of all PIDs) which might not meet the new definition of corrupt conduct. Initially these PIDs may be referred to an agency for consideration. However, the Office is a proper authority under the PID Act for disclosures about maladministration, including the mishandling of PIDs by agencies.

The changes to the processes for receiving complaints within the proposed Crime and Corruption Commission, particularly the requirement for a statutory declaration, are also likely to lead to significant transfer of matters to the Office.

It is impossible to predict the impact of these changes at this time, but it is potentially significant. I have made submissions to the Attorney-General about the impacts of these changes on the Office and will continue to monitor the impact with a view to seeking additional resources if necessary.

As a result of the government's reforms to the state's child safety system, resulting from the Queensland Child Protection Commission of Inquiry (Carmody Review), oversight of the child safety complaints system will revert to the Office from 1 July 2014. Negotiations, as part of

the 2014 State Budget, are ongoing to identify additional resources for the Office to undertake this role.

The Child Protection Reform Amendment Bill 2014 currently before the House also includes a provision to enhance my capacity to delegate certain powers to suitably qualified officers. This will enhance the efficient operation of investigations within the Office. Further, the Public Guardian Bill 2014 extends my jurisdiction to include providers of child safety services outside of the public sector.

Public Interest Disclosure Oversight

Question 24

The Office has now had the role of oversight agency for the Public Interest Disclosure Act 2010 (the PID Act) for more than 12 months. The Committee notes that this role includes the monitoring and reviewing of management of public interest disclosures (PIDs) and providing education and advice about PIDs. Have any issues of consequence arisen during the transition process?

Response

The Office has had the oversight role for the *Public Interest Disclosure Act 2010* (PID Act) since 1 January 2013. From the time of the PID Act commencement (1 January 2011) to 31 December 2012, the Public Service Commission (PSC) was the oversight agency.

No issues of consequence arose during the transition process. The Office worked cooperatively with the PSC to effect a smooth transition of the PID oversight functions.

Key elements of the transition were:

- publishing new and revised information about PIDs on the Ombudsman's website
- maintaining regular contact with agency PID coordinators and continuing to provide an advisory service to agencies
- gazettal of the Queensland Ombudsman's *Public Interest Disclosure Standard No 1*
- transfer of records and the management of the PID reporting database.

Question 25

With the benefit of over 12 months experience in the role, does the Office consider that the Office is resourced adequately to undertake this role? Does the Office consider the PID Act sets out an appropriate process for people to bring forward public interest disclosures? Are there any amendments to the PID Act, which the Office considers could be made to improve the process?

Response

In the first year of the oversight role, this Office's focus has been on establishing the functions of:

- monitoring the management of PIDs
- reviewing the way public sector entities deal with PIDs
- performing an educational and advisory role.

I am satisfied with the level of resourcing provided to manage the oversight role.

I consider that the PID Act sets out an appropriate process for people to make PIDs and provide them with protection from reprisal. The Act sets out requirements for agencies to deal appropriately with PIDs and provides disclosers, and others who may support a PID

investigation, with protections from reprisal. A key element of the PID Act is that it establishes choices for disclosers. For example, a discloser may report suspected serious wrongdoing to the agency where the suspected wrongdoing has occurred, to an agency that has the power to investigate or remedy (such as the Crime and Misconduct Commission or this Office) or to a Member of Parliament.

Amendments to the PID Act are being considered by the Parliament as part of the Crime and Misconduct and Other Legislation Amendment Bill 2014. This change includes replacing the current term 'official misconduct' with a new term and definition for 'corrupt conduct'. My submission to the Legal Affairs and Community Safety Committee about this Bill addressed the impact of these changes on the PID Act.

The PID Act requires the oversight agency to commence a review of the Act's operations within five years of the Act's commencement (that is by 1 January 2016). This review, which I intend to commence in mid-2015, will consider the objects of the Act, whether the Act is achieving its objects and whether the provisions of the Act are appropriate. I have not identified any urgent need for improvement and I consider this review mechanism is the appropriate means of considering improvements and any necessary amendment to the Act.

Question 26

Please provide the Committee with updated statistics on public interest disclosures from 1 July 2013 to 31 December 2013.

Response

Public sector entities are required to report information about PIDs received to the oversight agency, the Queensland Ombudsman, using a reporting database.

The number of PIDs received is showing a downward trend. In the six months to December 2013, 354 PIDs were reported; for the same period in 2012, 608 PIDs were reported. Based on year to date figures, the end of year position for 2013-14 is estimated to be 750 PIDs reported (2011-12: 1,183 PIDs; 2012-13: 1,140 PIDs). This reduction is fairly consistent across the different agency types.

This downward trend includes a significant reduction in the number of PIDs about official misconduct. Under the current provisions, official misconduct accounts for about 95% of PIDs reported. The number of official misconduct PIDs has decreased by 39% (comparing the six months to December 2013 with the same period in 2012).

If the proposed changes to replace 'official misconduct' in the PID Act with the new term 'corrupt conduct' go ahead, the number of PIDs is expected to be further reduced. It is likely that many matters that are currently classified as 'official misconduct' will not meet the new definition of 'corrupt conduct'.

The following table provides PID statistics for the period 1 July to 31 December 2013.

Table 5: Disclosure type

	Half year to 31 December 2013	
	Number	%
Official misconduct	334	94.35%
Maladministration	6	1.69%
Environment	0	
Disability	1	0.28%
Misuse of public resources	8	2.26%
Public health/safety	3	0.85%
Reprisal	2	0.56%
Total	354	

Note: A PID may include more than one type of disclosure (e.g. official misconduct and maladministration) therefore the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.

Table 6: Agency type

	Half year to 31 December 2013	
	Number	%
Department	229	66.18%
Local government	32	9.25%
University/TAFE	14	4.05%
Statutory Authority	46	13.29%
Government owned corporations	21	6.07%
Public service office	4	1.16%
Total	346	

Table 7: Type of discloser

	Half year to 31 December 2013	
	Number	%
Anonymous	14	4.05%
Manager/supervisor	10	2.89%
Auditor	2	0.58%
Employee of agency	304	87.86%
Employee of another public sector agency	9	2.60%
Member of the public	7	2.02%
Total	346	

Table 8: Location of respondent

	Half year to 31 December 2013	
	Number	%
Brisbane	205	59.25%
Central West	5	1.45%
Darling Downs	8	2.31%
Far North	19	5.49%
Fitzroy	7	2.02%
Gold Coast	37	10.69%
Mackay	8	2.31%
Moreton	0	0.00%
Northern	13	3.76%
North West	6	1.73%
South West	8	2.31%
Sunshine Coast	12	3.47%
West Moreton	5	1.45%
Wide Bay/Burnett	12	3.47%
Not categorised	1	0.29%
Total	346	

Table 9: Investigation outcomes

	Half year to 31 December 2013	
	Number	%
Substantiated	111	46.84%
Partially Substantiated	18	7.59%
Not Substantiated	100	42.19%
Other	8	3.38%
Total	237	

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Report	Recommendation	No.	Status	Comments/Progress
D1 Role of Ombudsman	The current role of the Ombudsman in the overall accountability processes of Government, including the increasing role of the Ombudsman in administrative improvement as it relates to good decision making and complaints management practices in agencies, is endorsed.	1	Completed	No action required.
D2 Advocacy and Resolution	The current role and responsibilities of the Ombudsman as outlined in the legislation is endorsed.	2	Completed	No action required.
D2 Advocacy and Resolution	The possible extension of the current roles and responsibilities of the Ombudsman to include an advocacy role on behalf of complainants is not supported.	3	Completed	No action required.
D2 Advocacy and Resolution	The Ombudsman is encouraged to continue the current referral to agency policy in appropriate circumstances and to ensure that appropriate monitoring mechanisms are in place for measuring action by agencies in response to the referrals.	4	Completed	A revised operating instruction dealing with 'premature' complaints is being used by the Registration and Preliminary Assessment Team (RAPA) together with template letters to refer matters directly to agencies, with complainant agreement. Close management of this process is aimed at maximising early resolution of complaints.
D2 Advocacy and Resolution	The Ombudsman should undertake another comprehensive "Referred to Agency" Survey in the next 12 months to better inform strategies in this area.	5	Completed	A RAPA client satisfaction survey was completed in November 2012, including for complainants referred to agencies. The results of the survey indicate a modest improvement in complainant satisfaction over previous years with the grade of service from the Office. Complainant satisfaction was highest for those who received direct referral of their complaint to an agency.
D2 Advocacy and Resolution	The Ombudsman should ensure that any audits of complaint management systems in agencies include an examination of the effectiveness of complainant appeal processes.	6	Completed with ongoing enhancement	The Training and Audit Team completed 16 local government Complaint Management System (CMS) audits in 2012-13, including examination of the effectiveness of complainant appeal processes. Phase 2 of the whole-of-government audit program commenced on 1 July 2013. This phase involves state government agencies. Seventeen individual audits were commenced on 1 July 2013. All of these audits are expected to be completed by 30 June 2014.
D3 Benchmarking	The Ombudsman continue to explore with his colleagues, the capacity for benchmarking data to be produced as a useful tool for management and to supplement the range of internal performance data produced by the Office.	7	Not proceeding in short term	This will be a long term strategy as it requires agreement with other state and territory Ombudsmen. Negotiations have been held over many years to try to implement agreed benchmarks without agreement, largely due to the differences in various Ombudsman jurisdictions.

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Report	Recommendation	No.	Status	Comments/Progress
D4 Receival Centre Operations	The Ombudsman investigate the opportunities for improvements to the current "contact" receival process with a view to rationalising the file creation process, setting up a more efficient call transfer process and quicker resolution of "contacts" that are clearly not within the jurisdiction of the Office.	8	Completed with ongoing enhancement	A new file type 'Out of Jurisdiction (OOJ)' was introduced in April 2012. OOJ files record only minimal information regarding a contact, for management and reporting purposes. A new automated redirection phone message and enhancement to the Office website for OOJ contacts have also been implemented and have resulted in a very significant drop in OOJ matters being registered.
D4 Receival Centre Operations	The Ombudsman should continue to explore with the heads of other agencies co-located with the Ombudsman, opportunities for a small shared call centre type facility for receipt of "contacts" and complaints.	9	Not proceeding in short term	With the changes to telephone call intake and website processes within the Office, leading to a substantial reduction in call numbers and waiting times, alternative call management arrangements are no longer considered necessary. The government's proposed changes to the CMC, HQCC and CCYPCG also preclude this proposal proceeding.
D4 Receival Centre Operations	As a matter of priority, the Ombudsman should address with the relevant agencies, the upgrade of the current www.complaints.qld.gov.au web site to include relevant telephone numbers at least as well as a better organisation of brochures and other information that directly links on the site to the relevant agency.	10	Completed with ongoing enhancement	With one click from the front page of the 'It's OK to Complain' website, a standard template details the agencies' telephone numbers, website contact and relevant brochures. Improving the website is included in the Communications and Community Engagement Plan for possible completion in late 2014. The government's proposed changes to the CMC, HQCC and CCYPCG will delay any further changes to websites.
D4 Receival Centre Operations	Consideration might also be given by the appropriate Government agencies to the setting up of a central facility for receipt of complaints generally from individuals who feel they have been adversely affected by the way a Government service is delivered to them or affected by an administrative decision of an agency.	11	Not proceeding in short term	Not appropriate in current environment, while awaiting the outcome of government consideration of shared-service models. Also reliant on government's consideration of new accountability framework across agencies.
D5 Complaints Standards Authority	Consideration be given to amending the Ombudsman Act 2001 to provide the necessary power and authority for the Ombudsman to develop and set appropriate complaint management standards governing complaint management systems and for the monitoring thereof.	12	Refer to Rec 56 below	Being considered as part of legislative amendment discussions with DJAG (refer recommendation 56 below). Unlikely to proceed until the government's accountability framework is more developed.
D5 Complaints Standards Authority	Consideration also be given to establishing a Complaints Standards Authority within the Office of the Ombudsman to develop, implement and monitor the standards set.	13	Refer to Rec 56 below	Being considered as part of legislative amendment discussions with DJAG (refer recommendation 56 below). Unlikely to proceed until the government's accountability framework is more developed.

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Report	Recommendation	No.	Status	Comments/Progress
D5 Complaints Standards Authority	Treasury give consideration to the provision of additional funding for additional resources for the Office to set up the standard setting body, to develop and implement the standards and to undertake audits of complaint management systems.	14	Not proceeding in short term	Not appropriate in current fiscal environment.
D6 Ombudsman and the non-government sector	The Ombudsman should investigate as a matter of some priority, the efficacy of bringing within the scope of the Ombudsman Act 2001, non-Government agencies that receive significant Government funding for the delivery of their services.	15	Refer to Rec 56 below	Being considered as part of legislative amendment discussions with DJAG (refer recommendation 56 below). Unlikely to proceed until the government's accountability framework is more developed.
D7 Advisory Board	The Ombudsman should independently assess the relative merits of establishing a board of advice to assist the Ombudsman in the effective carrying out of his functions by providing objective advice particularly in regard to governance and planning issues, but with no role in complaint investigation and decision.	16	Completed	Meetings held in NZ (and via teleconference) with UK and Scottish Ombudsman to consider merits of recommendations 16 and 17. Initial advice favours recommendation 17.
D7 Advisory Board	Alternatively, the Ombudsman should examine the option of an expanded role for the Ombudsman's Office Audit Committee along the lines of the Scottish Ombudsman Office.	17	Completed	Revised terms of reference and membership of Ombudsman Audit and Advisory Committee completed. New committee commenced in early 2014.
E2 Intake process	The Ombudsman should take steps to ensure the continuing integrity of the data collection process such that it reflects the real demand for the services of the Office for both public accountability and management purposes.	18	Completed with ongoing enhancement	Steps have been taken to ensure the continuing integrity of the data collection processes by implementing new file definitions and business processes. Processes are in place to check the quality of the data, including regular reporting, drilling down, operational procedures requiring final closure by more senior officers.
E2 Intake process	The Ombudsman should also investigate the necessity for creation of files to record "contacts" from the public particularly where it is clear that the matter is not one for the Office to resolve and is more in the nature of an inquiry.	19	Completed with ongoing enhancement	New file type 'OOJ' has been used since April 2012. OOJ files record only minimal information regarding the contact, for management and reporting purposes. A new automated redirection phone message for OOJ contacts has been implemented and has resulted in a very significant drop in OOJ matters being registered.
E3 Assessment and Resolution Process	The role of ART should be redefined to that of a receival centre for "contacts" with the Office. All files should be resolved within 72 hours of creation. Files not resolved within 72 hours should be immediately acknowledged and then passed to the investigation teams for resolution.	20	Completed	The final set up of the Registration and Preliminary Assessment Team (RAPA), the replacement for ART, is working well. As at 31 March 2014, the average closure time for all cases received was 2.9 days and the average closure time for complaints cases was 5.6 days.

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Report	Recommendation	No.	Status	Comments/Progress
E3 Assessment and Resolution Process	The process for creation of files in ART should be reviewed to ensure that guidelines are well constructed, clear and practical and that files are not being created unnecessarily or duplicated.	21	Completed with ongoing enhancement	New procedures for the classification and management of files are in place. Ongoing enhancement to procedures and staff training, along with new performance reporting arrangements are also in place.
E3 Assessment and Resolution Process	The review of the guidelines for creation and closure of files should ensure that the processes reflect accurate and relevant ways of recording case management and control and that files are only created for this purpose.	22	Completed with ongoing enhancement	New procedures for the classification and management of files are in place. Ongoing enhancement to procedures and staff training, along with new performance reporting arrangements are also in place.
E4 Investigation process	The Investigation Teams should continue to focus on the timely investigation of complaints, mindful of minimising a legalistic approach and keeping in mind the need for proportionality in the efforts and resources applied to resolving complaints.	23	Completed	The new Investigation and Resolution Unit (IRU) is well established and process design well advanced. New performance monitoring arrangements are in place to allow better monitoring of case closure timeframes and outcomes achieved from investigations.
E4 Investigation process	The Teams should also comprehensively consider and address the issues raised in the 2010 Complainants Survey with the objective of enhancing the quality of the whole investigation process.	24	Completed	See recommendation 23 above.
E5 Access to ombudsman services	The Ombudsman is encouraged to expand the current program of connecting with those disadvantaged in terms of access to the Ombudsman's services by also making such connections on important part of an expanded regional visits program.	25	Completed with ongoing enhancement	A Communications and Community Engagement Plan is in place. The Community Engagement and Training and Audit teams are responsible for liaising in relation to the promotion of the Office's role when training and correctional trips are booked/undertaken as part of the regional visits and correctional visits programs. A revamped Regional Services Program (RSP) commenced on 1 July 2013. The RSP has been very successful with an average of 20 activities undertaken per month. Activities include visits to indigenous communities and community advocacy groups.
E5 Access to ombudsman services	The Ombudsman should appoint at least one and preferably two Indigenous Liaison persons to provide greater and more trusted connection with the indigenous communities throughout the State. Such connection should include greater visibility of the Ombudsman and the use of mediums such as the indigenous radio networks. Consideration should also be given to the appointment of a youth liaison person.	26	Not proceeding in short term	Not appropriate in current fiscal environment. Further consideration of staffing changes may be possible as vacancies arise.

Report	Recommendation	No.	Status	Comments/Progress
E5 Access to ombudsman services	The Ombudsman develop a targeted regional visits program over a 3 year period that would provide greater connection with the local communities throughout the State, with such visits to also focus on connection with the disadvantaged across the State. This expansion of the program would complement the excellent outcomes already being achieved with the targeted regional visits program largely based around corrective services facilities.	27	Completed with ongoing enhancement	Training demand increased significantly throughout the latter half of 2013 and the first quarter of 2014. The RSP has been documented and a 12 month calendar published on the Ombudsman public website. Excellent outcomes have been achieved during the last nine months that the RSP has been in place.
E6 Communication	The Ombudsman is to be commended for the good work undertaken to further improve the communication efforts and the building of relationships with the community and stakeholders and is encouraged to continue the progress being made across the board, particularly in terms of providing reports that are readable and relevant to all stakeholders.	28	Completed	In addition to existing newsletters (Legal, Local, State and Corrections Perspectives), the Community Perspective newsletter was launched as a cost-effective means of engaging with a cross-section of Queensland communities and will be published twice yearly. The Office also continues to respond to any request for community presentations about its role and services. In addition, the Office now electronically publishes Ombudsman Advisory, a regular service to subscribers advising them of any systemic issues arising from unpublished investigations. Twelve advisories have been published to date.
E6 Communication	The proposal by the Ombudsman for amendments to section 54 of the Ombudsman Act 2001 to allow publication of reports administratively in appropriate circumstances is supported.	29	Not proceeding	Not supported by the Legal Affairs and Community Safety Committee.
E7 Education issues	The Ombudsman is encouraged to continue to develop the training programs and courses that are useful to agencies and which ultimately will result in raising the standard and quality of decision-making in agencies.	30	Completed	Given the uptake in demand for training, which has returned to previous levels, a further module, <i>Dealing with Unreasonable Complainant Behaviours</i> , has been recently developed and may become operational from 1 July 2014.
E7 Education issues	The Ombudsman should also ensure that the pricing of the training and other programs provided is appropriate and consistent with the general principle of cost-recovery.	31	Completed	The charges for training programs have been reviewed to ensure they are consistent with the general principle of cost recovery and will be reviewed annually.
E7 Education issues	The Ombudsman should also consider whether the delivery of some programs might be better outsourced to an external provider(s).	32	Completed	Ongoing review of the training and audit functions with the Office indicates that outsourcing of activity is not considered necessary or appropriate in the short term. Recent improvements to performance across the Office, which are likely to continue, mean that current resourcing of the training and audit team is adequate.

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Report	Recommendation	No.	Status	Comments/Progress
E8 Compliance	The Ombudsman should give greater priority to an increased level of targeted compliance auditing of complaint management systems within agencies and councils, if necessary by reallocation of resources, with further thought being given to more focussed audits to give greater coverage in a reasonable time frame.	33	Completed with ongoing monitoring	See answer to recommendation 6.
E9 Own initiative investigations	The Ombudsman continue to exercise the opportunity for "own initiative" investigations in appropriate circumstances ensuring that such investigations are undertaken in a timely manner with specific outcomes.	34	Completed	Targeted investigations and reports will continue as appropriate. Twenty-four own initiative investigations have commenced since 2011.
E9 Own initiative investigations	The Ombudsman should consider the potential ramifications of undertaking targeted audits of identified service delivery programs in agencies as a means of minimising the risk of complaints arising from the delivery of the program. As part of the consideration process, the legislative capacity of the Ombudsman to undertake such reviews should also be clarified.	35	Completed	See recommendation 36 below. Program design and delivery are matters for agency heads and not a priority within the Ombudsman jurisdiction.
E9 Own initiative investigations	The Ombudsman should also explore with the Auditor-General the ramifications of and any concerns he may have regarding a role for the Ombudsman in reviewing service delivery of an agency from the perspective of minimising further complaints. There would also be merit in the Ombudsman discussing the issue with his fellow Ombudsmen.	36	Completed with ongoing enhancement	There is already a quarterly meeting between the Ombudsman, Auditor-General and the Crime and Misconduct Commission in relation to local government issues. Considerable potential to compromise independence of the Office and significant resourcing issues. Auditor-General has invited Ombudsman input to further strategic operational audit plans.
F2 Staff numbers and workloads	The Ombudsman should take up with Treasury, the difficulties associated with the increase in workloads and seek recognition of efforts by the Office to deal with the increase and also recognition of the need for some additional resourcing if as expected the workload continues to increase with consequential impact on the capacity of the Ombudsman to continue to deliver services at an acceptable standard.	37	Completed	The recent restructure of the Office and business process improvements have led to significant improvements in workload management, resulting in a currently satisfactory level of Office resources. Additional resources have also been identified for the Office as a result of the Queensland Child Protection Commission of Inquiry (Carmody Review), commencing from 1 July 2014.
F2 Staff numbers and workloads	The Ombudsman also considers the need for and desirability of outsourcing further corporate support functions, particularly IT, to ensure that these functions are provided at acceptable standards.	38	Completed	A restructure of corporate services functions is now completed. Some financial, IT and HR functions are outsourced.
F3 Staff turnover and recruitment	The Ombudsman should continue to monitor closely the situation with staff turnover in the context of overall policies for staff recruitment, training and development, and retention. A target turnover rate of no more than 10% should be set as a longer term goal.	39	Completed with ongoing monitoring	2013-14 YTD = 1.9% turnover in permanent staff (July to April).

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Report	Recommendation	No.	Status	Comments/Progress
F4 Training and development	The Office should increase the spending on training and development for all staff such that at least 1.5% (but desirably 2%) of the employee cost budget is committed for this purpose each year.	40	Completed	Now standard practice that the budget includes 2% for professional development. \$102,000 professional development budget allocated for 2013-14.
F4 Training and development	The training and development should be available to all staff on an equitable basis having regard for the needs of the Office.	41	Completed	Performance planning is well established and progressing. Training is available to all staff as required to perform their duties effectively and efficiently.
F4 Training and development	The Ombudsman should provide assurances to all staff that the Office is committed to training and development and that training and development needs remain an important element of the Office's performance appraisal and management processes for staff.	42	Completed	Refer to recommendations 40 and 41 above.
F5 Delegations	The Ombudsman should institute an immediate review of all delegations but particularly for the assessment, investigation and resolution areas to ensure that maximum value is being achieved from the skilled and professional staff who work in these areas.	43	Completed	New delegations in place and subject to regular review.
F5 Delegations	The review should ensure that the delegations allow staff to be appropriately empowered to carry out their responsibilities and that they accept more responsibility for their work outcomes.	44	Completed	New delegations in place.
F6 Budget	The Ombudsman consider further approaches to Treasury in support of additional resources for high priority areas such as appointment of liaison officers and also having regard for the significant increases in demand that have occurred. Further discussions should also be held in regard to funding for cost recovery activities such as administrative improvement programs.	45	Not proceeding in short term	Not appropriate in current fiscal environment.
F7 Gender/equity	The Ombudsman continue to ensure that achieving better gender balance remains firmly on the agenda for the Office.	46	Completed with ongoing monitoring	Of those who completed the EEO survey in April 2012: 62% female, 38% male. Of 20 higher-duties opportunities since 1 July, 2013, women have been appointed to 13, including 7 in senior roles.
F7 Gender/equity	The Office should continue to collect data on the key groups identified for priority in the Government's EEO policies.	47	Completed with ongoing monitoring	EEO data continues to be collected at induction and EEO statistics are reported in the Annual Report.
F7 Gender/equity	The Ombudsman should reconsider the issue of publication of comprehensive staff profile information in his annual report consistent with that published by other similar agencies and if need be, ascertain the attitude of staff within the target groups to publication of the relevant statistics.	48	Completed with ongoing monitoring	The Office complies with the Queensland Treasury's guideline in respect of workforce reporting. In 2011-12 the Annual Report requirements changed with a less detail being required. However, the Ombudsman and senior managers receive detailed workforce statistics as part of internal Workforce Plan reporting.

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Report	Recommendation	No.	Status	Comments/Progress
F7 Gender/equity	The Office should continue to ensure that the EEO targets are properly considered during the strategic planning process.	49	Completed with ongoing monitoring	The Strategic Plan includes strategies and KPIs relating to workforce diversity, with annual reporting.
F8 Governance	The Ombudsman should continue to pursue policies that enhance the trust and information flows between management and staff so that the high aspirations of management and staff or a "One Office" can be fulfilled in a meaningful way.	50	Completed	All communications strategies from the staff survey are in place and ongoing. The Office has implemented policies and procedures to enhance trust and information flow between management and staff, including staff Office monthly meetings, smaller team meetings, inviting input into management meetings, consultation on plans, policies and procedures.
F8 Governance	The Ombudsman should consider additional means of communication and consultation with staff generally and while reconstituting the Staff Consultative Committee is an option, a less cumbersome and more efficient model may be the expansion of the current remit of the Innovations Committee to maximise the lines of communication between management and staff.	51	Completed	Refer to Recommendation 50. Additional communication mechanisms introduced include the Solutions Mailbox and including regular staff input to Ombudsman Management Group agenda.
F8 Governance	While it is not intended to compromise the excellent work of the Committee or its independence or its work with and relationship to the Internal Auditor, there would be merit in internal audit providing advice and guidance in regard to compliance with the Government's prescribed policies and procedures in regard to financial, HR and other matters, in a range of operational areas, recognising the difficulties that small offices have in meeting and keeping up to date with these standards generally.	52	Completed	The internal auditors develop an internal audit program in conjunction with the Head of Internal Audit that focuses on HR, finance and operations. The results of these audits are presented to the Audit and Advisory Committee and subsequently incorporated into the Corporate Services Unit Work Program to be implemented and monitored on an ongoing basis where relevant.
F8 Governance	The Ombudsman should discuss with the independent Chair of the Audit Committee my preferred position that the membership of the Audit Committee be limited to suitably qualified persons independent of the Office, noting that the Head of Internal Audit would be expected to attend all Audit Committee meetings to fulfil the requirements of the Financial Accountability Regulation 2009 relating to communication between the entity and the Committee.	53	Completed with ongoing monitoring	The new Head of Internal Audit is in place (co-operative arrangement with DJAG). New Audit Committee membership is in place, along with a new Charter from early 2014. The membership of the Committee complies with the Queensland Treasury's Audit Committee Guidelines and includes two independent members. The Committee also receives reports quarterly from the Head of Internal Audit who manages contracted internal auditors and the Queensland Audit Office.
F9 Strategic plan	The Ombudsman continue to ensure that the staff are fully involved in the strategic planning process so that there is appropriate ownership of the outcome as a blue print for the future to strengthen the "One Office" concept.	54	Completed	Staff involved in strategic planning and policy feedback processes.

Report	Recommendation	No.	Status	Comments/Progress
F10 Organisational structure	<p>The Ombudsman give consideration to a restructure of the Office taking into account the following principles:</p> <ul style="list-style-type: none"> • the role of ART being changed to more of a call centre, intake and referral centre as referred to in Section E.3, • a new area be added to AIU to deal with community engagement as well as potential authority to deal with complaint management standard and audits, • the investigation teams being amalgamated as a single investigations unit reporting to the Deputy Ombudsman through an appropriate senior officers structure, • the major projects area being incorporated into the investigations unit unless a strong argument can be made for retention as a separate unit. • the name of ART being changed to more appropriately reflect a new role, • the name of AIU being changed to reflect its role in administrative improvement and community engagement as well as public interface, • the Corporate Support Unit remaining essentially as is. <p>The Ombudsman give consideration to a restructure of the Office taking into account the following principles:</p> <ul style="list-style-type: none"> • the role of ART being changed to more of a call centre, intake and referral centre as referred to in Section E.3, • a new area be added to AIU to deal with community engagement as well as potential authority to deal with complaint management standard and audits, • the investigation teams being amalgamated as a single investigations unit reporting to the Deputy Ombudsman through an appropriate senior officers structure, • the major projects area being incorporated into the investigations unit unless a strong argument can be made for retention as a separate unit. • the name of ART being changed to more appropriately reflect a new role, • the name of AIU being changed to reflect its role in administrative improvement and community engagement as well as public interface, • the Corporate Support Unit remaining essentially as is. 	55	Completed	The operational restructure of the Office is complete, dealing entirely with the recommendations made. In addition, corporate services functions across the Office are currently being reviewed to ensure that they meet governance and performance requirements.

Report	Recommendation	No.	Status	Comments/Progress
H Legislative change	The proposals by the Ombudsman for various amendments to the Ombudsman Act 2001 as outlined in Attachment D are endorsed in principle.	56	Ongoing	Initial discussions with DJAG policy officers regarding the opportunity and capacity to draft amendments have commenced. Timeframes for progressing amendment bill are not yet clear. By agreement with the PSC, Directive 13/06 was repealed in 2013 to be replaced with specific provisions within the Public Service Act to require agencies to have a complaints management process, compliant with relevant Australian Standards, similar to those applicable to local councils. The new legislation was introduced as part of the Crime and Misconduct and Other Legislation Amendment Bill 2014 currently before the House.
J Internal projects	The proposals outlined in the 5 Projects being undertaken by the Ombudsman as part of the response to the 2011 Staff Survey outcome are endorsed generally as worthy of continued support for their implementation.	57	Completed	135 of 157 recommendations from five projects resulting from the previous staff survey and related reviews were completed by December 2012. Project management arrangements closed (ICE project) with residual recommendations transferred to the Corporate Services Unit program of work and Operational Plan for completion.