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20 April 2018

Mr Peter Russo MP  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

By email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Mr Russo

I refer to your letter of 22 March 2018 in regard to the annual oversight meeting with the Legal Affairs and Community Safety Committee, attaching a list of pre-oversight meeting questions.

Please find attached my responses to those questions. I look forward to expanding further on these questions with the committee on 30 April 2018.

Yours sincerely



Phil Clarke  
Queensland Ombudsman

Encl

## PRE-HEARING QUESTIONS ON NOTICE

### OFFICE OF THE QUEENSLAND OMBUDSMAN (2018)

#### Complaints

1. Please provide updated complaint statistics from 1 July 2017 to 31 December 2017 including:
  - (a) number of complaints received and finalised
  - (b) proportion of complaints finalised within 12 months of lodgement
  - (c) proportion of complaints more than 12 months old
  - (d) average time taken to finalise complaints
  - (e) proportion of cases resolved informally
  - (f) proportion of complaints investigated where a positive outcome was achieved for the complainant
  - (g) proportion of complaints where there was a finding of maladministration, and
  - (h) number of recommendations for improvements in public administration and whether those recommendations were implemented.

#### Response

Table 1 below summarises complaint statistics for the period 1 July 2017 to 31 December 2017, including the comparable period from 2016.

**Table 1: Complaint statistics**

	1 Jul – 31 Dec 2016	1 Jul – 31 Dec 2017	Comment
Number of complaints received	3,468	3,435	1% decrease
Number of complaints finalised	3,546	3,518	1% decrease
Proportion of complaints finalised within 12 months of lodgement <sup>1</sup>	100%	100%	
Proportion of complaints more than 12 months old <sup>1</sup>	<i>No longer reported – see Clearance Rate measure below</i>		
Clearance rate for complaints <sup>2</sup>	102%	102%	Exceeds target
Average time taken to finalise complaints <sup>3</sup>	<i>No longer reported – see Average Time measures below</i>		
Average time to complete assessments <sup>3</sup>	6.4 days	4.3 days	Exceeds target
Proportion of investigations completed within established timeframes <sup>3,4</sup>	94%	95%	Exceeds target
Proportion of cases resolved informally <sup>5</sup>	N/A	N/A	
Proportion of complaints investigated where a positive outcome was achieved for the complainant <sup>5</sup>	<i>No longer reported – see Rectification measures below</i>		
Proportion of complaints where there was a finding of maladministration <sup>5</sup>	<i>No longer reported – see Rectification measures below</i>		
Number of investigations completed	751	672	11% decrease
Number of investigations resulting in an agency rectification action	137	148	8% increase
Proportion of investigations resulting in an agency rectification action	18%	22%	Exceeds target
Number of recommendations for improvements in public administration and whether those recommendations were implemented <sup>6</sup>	<i>The number of recommendations made by the Office is outlined below. The number of recommendations implemented is no longer reported – see Proportion of Recommendations Accepted measure below</i>		
Number of recommendations for improvements in public administration <sup>7</sup>	179	159	11% decrease
Proportion of recommendations accepted by the relevant agency at the time of reporting <sup>7,8</sup>	100%	100%	Exceeds target

**Notes**

<sup>1</sup>The two measures, proportion of complaints finalised within 12 months and proportion of complaints more than 12 months old were very closely related. Consequently, the proportion of complaints more than 12 months old measure was discontinued and replaced with a new service standard that reports on the clearance rate for complaints. This measure was implemented from the 2013-14 financial year. Numbers are rounded.

<sup>2</sup>This 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.

<sup>3</sup>The average time to complete investigations measure has been discontinued and replaced with two new measures since 2013-14. The first measure, the average time to complete assessments, measures the time to undertake a preliminary assessment in the intake area of the Office. Many of these matters 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, measures timeframes related to the complexity of an investigation, respectively 14

days for a preliminary investigation, three months for a straightforward investigation, six months for an intermediate investigation and 12 months for a complex investigation.

<sup>4</sup>In June 2016, the Office commenced a trial of the early merit assessment of complaints to streamline the consideration of matters which do not require the level of detailed analysis traditionally applied to matters referred for investigation. In 2016-17 the trial has continued and been formalised into an expedited merit assessment process.

<sup>5</sup>The three measures, the proportion of complaints resolved informally, 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. This is due to changes in business practices and the way that complaint outcomes are recorded, meaning that these metrics no longer adequately capture the Office's performance. These measures have been replaced with a new Service Delivery Statement measure of the proportion of investigations resulting in agency rectification action.

<sup>6</sup>This measure was discontinued in the Strategic Plan 2013-18 due to changes to operational practices within the investigative teams.

<sup>7</sup>The data excludes recommendations made by this Office's Education and Engagement Team in relation to complaint management system reviews and is therefore consistent with the data reported in the annual report, relating to recommendations/agreed actions arising from investigations.

<sup>8</sup>This measure 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.

2. Investigations in 2016-17 took an average of 46.5 days to finalise, compared to 48.1 days in 2015-16, and 53.36 days in 2014-15. What do you think are the reasons for this continued improvement?

## Response

The Office continues to implement a robust case monitoring and reporting framework that, among other things, is focused upon ensuring that investigations are undertaken in a timely manner. The basic framework has been in place for a number of years, and officers continue to support it, and work hard to ensure that relevant performance targets are met or exceeded. The ongoing focus of improvements to operational procedures ensures the most effective use of resources and most timely response to clients.

In 2016-17, the Office managed to reduce the average time taken to finalise an investigation while increasing the number of investigations closed relative to the previous year (1,407 investigations closed in 2016-17 compared with 1,118 investigations closed in 2015-16, an increase of 26%).

A significant driver behind both the increase in investigations finalised and improvement in timeliness is the embedding of the Expedited Merits Assessment process during 2016-17. This form of assessment streamlines the existing practice in simple cases that do not require the level of detailed analysis normally applied to matters referred for investigation. Consequently, expedited merit assessment is conducted more quickly, improving the timeliness of service to clients and productivity to the Office.

3. The committee noted that in 2016-17, as was the case in 2015-16, the Office took an average of 6 days to complete assessments of complaints. This exceeded the target of 10 days. Why do you think the Office was able to exceed its target by such a margin for two years running? Should the Office be considering changing its target?

## Response

The average time to complete the preliminary assessment of a complaint has generally remained steady, at around 5-6 days, over the last four financial years. This

continued strong performance has been driven by detailed and thorough performance management, efficient business processes and hardworking staff.

The timeframe for completing preliminary assessments varies according to the overall number of complaints considered, the complexity of the complaints and other competing work priorities, for example, dealing with out of jurisdiction matters or enquiries.

Following the recent strategic review of the Office, a review of its strategic plan, including key performance measures, is currently underway. The most appropriate suite of performance measures, and their associated targets, will be considered as part of that activity.

4. The committee noted that 94% of investigations were completed within target timeframes: straightforward investigations in 3 months, intermediate investigations in 6 months and complex investigations in 12 months. Would you please comment on how the Office distinguishes between these three types of investigations and how you think the Office was able to exceed its target of 90%?

### **Response**

Investigation type (straightforward, intermediate or complex) is generally determined by the complexity of the complaint. This is dictated by such factors as the number of allegations made in the complaint, the amount of material that needs to be requested from an agency and considered by the investigator, whether legal issues need to be clarified and whether witnesses need to be interviewed. Finally, how the complaint is resolved also has a bearing on complexity.

Matters that are resolved more informally are more likely to be dealt with as a straightforward case. Where the Office produces a formal report (e.g. under s.50 of the Ombudsman Act), the matters are more likely to be classified as intermediate or complex.

During 2016-17, 28% of investigations were classified as straightforward, 7% as intermediate and 1% as complex. The remaining 64% of investigations were closed at the preliminary investigation stage or were undertaken as own initiative investigations.

Managers and staff are diligent in managing cases within expected timelines. Improvements to business processes and a robust case management framework have also contributed to the Office's success in timely investigations.

5. Of the 6,923 complaints made to the Office, 67% were about state government agencies, including departments and statutory authorities, and 26% were about local councils. What is your view on these statistics?

### **Response**

Table 2 below outlines the proportion of complaints received, by type of agency, over the last three years. Broadly speaking, complaints received about state agencies (both state government departments and statutory bodies) have decreased slightly (by 8%) in 2016-17 (3,785 complaints received in 2016-17; 4,112 complaints received in 2015-16). Half this decline is attributable to the reclassification of TransUrban from a state government entity to 'Other', and subsequently to outside of the Office's jurisdiction. This also explains the increase in the 'Other' category in 2016-17.

The following state agencies have shown consistent increases in the complaints received by the Office across the three year period:

- Department of Education and Training (537 complaints received in 2016-17)
- Department of Housing and Public Works (525 complaints received in 2016-17)
- Queensland Building and Construction Commission (138 complaints received in 2016-17)
- Office of the Health Ombudsman (74 complaints received in 2016-17)
- Legal Services Commission (39 complaints received in 2016-17).

University complaints have decreased by 3%, while local council complaints have increased by 6%.

Overall, the proportion of complaints received by agency type has remained broadly stable across the period and consequently, remains in line with expectations.

**Table 2: Breakdown of complaints received**

	2014-15	2015-16	2016-17
Total complaints received	6,980	7,003	6,923
<b>Agency contribution</b>			
State government departments	56.9%	58.7%	54.7%
Statutory authorities	12.6%	12.5%	12.5%
Local councils	25.0%	24.1%	25.8%
Universities	5.4%	4.7%	4.5%
Other	0.1%	--	2.5%

6. Are you able to provide any additional information regarding why complaints received about local councils concerning land use and planning increased 72% in 2016-17?

### Response

The increase in complaints received about land use and planning decisions by local councils has been driven by a number of areas shown in Table 3 below. This includes matters relating to the zoning of land (Other), land related planning schemes (Planning) and community consultation in developing planning schemes (Procedures).

Despite this increase, land use and planning complaints still account for fewer than 5% of local council complaints received. The categories of laws and enforcement, development and building controls, environmental management, rates and valuations, and roads still dominate complaints about local councils.

**Table 3: Breakdown of land use and planning complaints received**

	2014-15	2015-16	2016-17
Local council complaints received	1,744	1,687	1,783
<b>Land Use and Planning complaints received</b>	<b>46</b>	<b>50</b>	<b>86</b>
Other	15	17	33
Planning	15	15	22
Procedures	7	6	14
Standards	2	8	9
Policy	6	3	6
Legislation	1	1	2

Of the 1,780 complaints closed in relation to local councils in 2016-17, 1,276 complaints or 72% were finalised after a preliminary assessment. The majority of these complaints were identified as premature, where a person had contacted the Office before following the full



complaint management process available within the respective council (1,006 complaints or 57%). In these circumstances the Office will provide advice on how to lodge a complaint with the council, and how to bring the complaint back to the Office if the council's response is unsatisfactory. In some instances, where consent has been provided, the Office may directly refer the complaint to the council.

In relation to Land Use and Planning complaints, the proportions are very similar with 59 complaints closed after preliminary assessment, 46 of which were identified as premature, as shown in Table 4 below.

**Table 4: Breakdown of local council complaints closed**

Local council complaints closed	1,747	1,674	1,780
Complaints finalised after preliminary assessment	1,404 (80%)	1,290 (77%)	1,276 (72%)
Complaints identified as premature at preliminary assessment	1,056 (60%)	920 (55%)	1,006 (57%)
Land Use and Planning complaints closed	51	45	88
Complaints finalised after preliminary assessment	44 (86%)	36 (80%)	59 (67%)
Complaints identified as premature at preliminary assessment	32 (63%)	23 (51%)	46 (52%)

7. Of the 6,958 complaints finalised in the reporting period, 5,479 were finalised after a preliminary assessment (Annual Report 2015-16, p 28). This represented 79% of the total number of complaints finalised, which was slightly lower than the previous year which was 83%. Did this result meet expectations?

#### Response

A modest variance in the way in which complaints are finalised is expected from year to year. While the number of complaints received and closed over the last three reporting years has remained stable, the proportion of complaints finalised at preliminary assessment has varied each year. In 2016-17, 15% of complaints finalised were declined with advice at the preliminary assessment stage compared to 22% in 2015-16, while 63% of complaints finalised were identified as premature at preliminary assessment (60% in 2015-16). These changes are monitored regularly and remain within the Office's expectations.

8. The Office directly referred 1,715 premature complaints in 2016-17 which was 34% more than the 1,279 direct referrals made in 2015-16. Can you provide any additional background information to explain this increase?

#### Response

Over the past three years, the Office has increased the efficiency with which it provides direct referrals by developing template referral letters and seeking complainant consent to refer online complaints in every case. The year-on-year increase reflects the maturation of the direct referral process, as well as the increased effort to assist complainants to redirect premature complaints.

I note comments in the recent strategic review of the Office that recommend consideration of the direct referral process, which may impact on the number of direct referrals made in future years.

9. It is noted that the annual client survey was not able to be conducted in 2016-17 due to budgetary constraints. The Annual Report advises this survey was being postponed to 2017-18. Please provide an update on the status of this client survey.

### Response

The client survey noted in the Annual Report is currently being progressed. In accordance with the methodology adopted in previous years, this survey is focusing on complaints finalised by the Registration and Preliminary Assessment Team as the last survey, in 2015-16, focussed on complaints finalised by the investigation teams.

Telephone interviews, conducted by an external research agency, were recently completed and reporting is underway. A summary of the results will be provided in the 2017-18 Annual Report.

10. Has the Office undertaken the staff satisfaction survey as anticipated in 2017? If so, please provide a summary of the outcomes.

### Response

In 2017, the Office participated in the *Working for Queensland Survey*, managed by the Queensland Public Service Commission. This was the first time the Office had participated in the whole-of-public sector staff survey. A significant advantage of this approach was that it allowed more direct comparisons of Ombudsman officer views about their workplace with those of the broader public sector.

The Office had a strong participation rate in the survey (83% of staff participated; the whole of sector participation rate was 38%).

In relation to the three headline measures in the survey, the Office is above the average benchmark for the Queensland public sector for agency engagement 61% (public sector 59%) and organisational leadership 58% (public sector 53%). The Office's result for innovation (59%) was comparable to the public sector benchmark (61%).

Following the survey, the Office has worked with staff to identify three priorities for action in 2018. These are:

- staff development (supporting learning and development and improved induction processes)
- fairness (including fair treatment and recruitment fairness)
- engagement (keeping staff informed and opportunities to work on cross-office projects).

11. The Annual Report noted that training demand in the first six months of the year was substantially down, but the second half of the year saw training return to levels similar with other financial years. What caused the training demand to increase and has this continued to be the case in the period from 30 June 2017 until the present?

### Response

The primary cause of lower training delivery in the first half of 2016-17 was a significant reduction in the demand for agency-specific sessions. To improve agency awareness and uptake of training services, I wrote to the heads of all state government departments, local councils and key public authorities. In total, 162 agencies were contacted. Subsequently, the second half of 2016-17 saw a recovery of demand for training courses to traditional levels.



The increase in training demand has continued into 2017-18, with 90 sessions being delivered to 1,417 participants from 1 July 2017 to 31 December 2017 (21 open sessions and 69 group sessions) compared to 32 sessions delivered to 426 participants for the same period in 2016-17 (17 open sessions and 15 group sessions).

12. Regarding complaint management by the Office, please advise:

- (a) The basis on which files are closed (ie how is it determined that no further correspondence will be entered into on a matter)?

## Response

Files are closed for a variety of reasons. At the preliminary assessment stage, the majority of complaints finalised are identified as premature, where the person has contacted the Office before following the full complaint management process available within the agency. Decisions to discontinue an investigation are made on the grounds set out in the Ombudsman Act. Table 5 below sets out the range of ways in which complaints and investigations were finalised in 2016-17.

**Table 5: Outcome of complaints/investigations finalised**

Outcome of complaints	2016-17
Finalised at preliminary assessment	5,479
Declined at outset/preliminary assessment	5,476
Rectified during preliminary assessment	3
Withdrawn	113
Withdrawn by complainant before investigation commenced	99
Withdrawn by complainant during investigation	14
Investigated	1,393
Investigation discontinued	517
Investigation rectified	232
Investigations with no error identified	644
Total	6,985

Once an investigation has been finalised, a complainant may request an internal review of the decision. These reviews are conducted by an officer of equal or greater seniority in accordance with the Office's Complaints Management System and Internal Review Policy. Only one internal review is available on each matter.

A decision not to enter into further correspondence with the complainant on a case is taken, usually by the Ombudsman or Deputy Ombudsman, after a full and thorough explanation of any decision has been given and the complainant has exhausted all avenues of review within the Office. At times, complainants who do not accept the Office's decision may seek to extend communications on a case which has no prospect of any different outcome. This can sometimes involve an unreasonable volume of further correspondence, abusive comments or attempted intimidation of officers. A decision to limit further correspondence on a case is not taken lightly and only where continued engagement with a complainant would serve no useful purpose in regard to the matters raised in that case. It is always taken in full consideration of any likely impact on the complainant and associated officers, as well as the limited resources of the Office in dealing with the significant number of investigations undertaken annually.

- (b) Whether files are ever re-opened after they have been closed, such as if further evidence comes to light?

### **Response**

Complainants are encouraged to provide all available evidence during an investigation, and are given several opportunities to do so. However, at times, fresh evidence does come to light either late in the investigation or once the investigation has been concluded. On such occasions, and where the new evidence is material to the original decision, an investigation can be re-opened.

In the first instance, the original decision-maker will generally give further consideration to any fresh evidence, and further action may be taken at that point.

Complainants may also seek an internal review raising fresh evidence, which will be considered as part of the review. Where warranted, fresh evidence may be referred back to an investigation team for further consideration.

- (c) If a file is reaching the 12 month mark, is action taken to finalise the file?

### **Response**

Regular monitoring is carried out of aged files to ensure that they are being appropriately progressed, and the Office has developed a monitoring framework to identify and manage cases expeditiously. This is evident in the small proportion of investigations that take longer than 12 months (less than 1% of investigations).

However, all decisions to conclude investigations are made under the Ombudsman Act as noted above. Timeframes are not a statutory basis for a decision to conclude a matter.

- (d) On average, how many files would an officer be working on at one time?

### **Response**

Investigators across the Office perform different roles (e.g. expedited assessment, complaint investigation, own initiative investigation) and therefore manage different numbers of files. The complexity of the file is also a relevant factor in how many files each investigator manages.

As at 16 April 2018, investigators were managing an average of 6.8 investigations each. This varied according to the complexity of investigations, the work arrangements for the officer and other factors such as leave or other commitments in the Office.

- (e) Is there sufficient time for officers to fully investigate complaints?

### **Response**

Yes. Investigations are not concluded until the decision-maker is satisfied that further investigation is unnecessary or unjustifiable, a finding of maladministration is made or a resolution negotiated with the agency. As noted above, investigations are not closed on the basis of timeframes.

- (f) How is evidence produced by local governments and other agencies weighed against that provided by complainants?

### **Response**

All relevant evidence is considered by the allocated decision-maker. Evidence is assigned appropriate weight based on a review of other documentary or circumstantial evidence that supports the veracity of statements made by either the local council/agency or complainant.

13. How often are reviews undertaken in relation to the administrative practices and procedures of agencies? For example, complaint management procedures. How are these reviews undertaken? For example, are complainants contacted to give their views about the process? Does the Ombudsman follow up to see if the organisations, such as local governments, local councils, the Health Ombudsman and public universities, act on the advice given by the Ombudsman?

### **Response**

The Office's agency complaints management system (CMS) review program has been ongoing since 2012-13. Each year, a number of agencies are selected for a CMS review. CMS reviews are undertaken by conducting desktop and onsite reviews of the following key CMS elements: policy and procedures, website visibility and accessibility, internal communication and training, complaints process operation, maintenance and improvement and external reporting. CMS operation is evaluated against relevant legislative requirements and national standards. Reviews do not include analysis of individual complaints, but do select a sample of individual complaints and check the process of handling the complaint including: complaint acknowledgement, issue identification, customer engagement, investigation/review, procedural fairness and communication of outcomes and recommendations.

The reviews do not contact complainants for their input. However, the review considers whether the agency has surveyed customer satisfaction with the CMS as required by the relevant standards. CMS reviews are not an investigation and are not conducted using the same process as an investigation.

At the conclusion of each CMS review, agencies indicate their agreement, or rejection, of recommended changes to their CMS. Agencies are subsequently contacted to see if they have implemented recommended, and agreed, improvements. This follow-up is conducted by requesting the agency's advice on the implementation progress and expected timeframes. Follow-up CMS reviews may also be conducted to check implementation or as part of a cyclical process over a number of years.

### **Improving decision-making**

14. The committee noted that 17% of investigations resulted in public agency rectification actions. The target being 10%. What is your view on this target and result?

### **Response**

I am happy with the rectification rate achieved in 2016-17. However, the ability to achieve rectification is dependent on the merits of each complaint received and thus somewhat beyond the control of the Office. As a result, the rate may vary from year to year.

As with other complaint handling targets, the strategic planning process currently underway in the Office will consider the most appropriate suite of performance measures and targets to guide and report the Office's performance in managing complaints and investigations.

15. The committee noted that 100% of recommendations were accepted and agreed by agencies. This result exceeded the target of 90%. Were there any specific actions implemented to achieve this target?

### **Response**

This Office has adopted a long-term strategy in relation to its engagement with agencies which applies a proactive approach to raising complaint issues and seeking to resolve most matters through negotiation. This also assists in resolving matters in a timely way.

Occasionally, having regard to the seriousness of the complaint issue or its systemic nature, the Office will proceed directly to a formal report that may ultimately be published. However, this occurs infrequently in managing complaints and, in most cases, the positive relationship the Office maintains with agencies results in a high level of acceptance of recommendations made.

The Office also conducts a number of own initiative investigations each year into systemic issues, which may result in the making of systemic recommendations to agencies. In each case, agreement is sought from the agency to the recommendations made and progress reports are sought from the agency to follow up the implementation of recommendations. The vast majority of recommendations made in systemic investigations are both accepted and implemented by agencies.

16. The committee noted that the proportion of training participants who reported that training would assist their decision making was 98%. This result exceeded the target of 80%. Have any changes to the training been identified that could have led to this increase?

### **Response**

The 2016-17 reported figure for participant satisfaction is consistent with previous years' reported figures (2015-16, 95%; 2014-15, 98% and 2013-14, 98%). No significant changes have been made to training delivery or content to cause the 2016-17 reported figure to be above the target figure of 80%. The performance targets for training courses, and related activity, will be reviewed as part of the upcoming strategic planning exercise within the Office, following the recent statutory strategic review.

17. The committee noted that 1,407 investigations were finalised, which was an increase of 26% on the 1,118 investigations finalised in the previous year. What is your view concerning this increase?

### **Response**

The increase in the number of investigations finalised during 2016-17 is attributable to a number of causes:

- the higher number of matters referred for investigation in that financial year
- the implementation of various business process efficiencies
- the embedding of the Expedited Merits Assessment process, which streamlined the preliminary investigation process, and
- the prompt and timely reallocation of officers internally to manage the higher workload as effectively as possible.

Further explanation is provided in Question 18, below.

18. Of the 1,407 investigations, 1,380 complaints were referred for investigation which represented an increase of 26% on the previous year. What impact does this increase have on the Office in terms of workload and other factors?

### Response

2016-17 saw a significant increase in matters referred for investigation, which has a corresponding increase in both investigation team workload and the number of investigations finalised. Steps were taken to reallocate officers internally to respond to the increased investigation numbers. Various business processes were also reviewed to identify efficiencies to better manage investigations.

During 2016-17, complaints were taken directly from prisoners during some prison visits. During this period the number of complaints received during prison visits led to a slight increase in complaints that were referred for investigation. A different approach was adopted from late July 2017 whereby prisoners who raised complaint issues during correctional centre visits were referred to the Prisoner PhoneLink or Ombudsman complaint forms.

Complaints referred for investigation in the first six months of 2017-18 have decreased, although not to 2015-16 levels.

**Table 6: Complaints referred for investigation**

	2015-16	2016-17	2017-18
<b>Q1</b>	274	374	311
<b>Q2</b>	280	362	333
<b>Q3</b>	244	348	
<b>Q4</b>	296	296	
<b>Totals</b>	<b>1,094</b>	<b>1,380</b>	

The Office is continuing to monitor these trends.

19. The committee noted that the timeliness of finalising investigations improved to an average of 46.5 days, down from 48.1 days in 2015-16 and down from 53.4 days in 2014-15. How do you think this continued improvement has been able to be achieved?

### Response

Please see my response to Question 2 above.

20. Can you please provide an update, where relevant, regarding the five major investigative reports released by the Office in 2016-17?

### Response

Table 7 below provides an update on the implementation of recommendations made in the five major investigative reports.

**Table 7: Progress in major investigation recommendations**

Report	Tabled date	Update
Management of child safety complaints	19 July 2016	<p>The report made five recommendations. All recommendations were accepted by the department.</p> <p>The Director-General advises that all five recommendations have now been implemented.</p>
Overcrowding at Brisbane Women's Correctional Centre	27 September 2016	<p>The report made seven recommendations. Six recommendations were accepted and one recommendation partially accepted by the department.</p> <p>The Director-General advises that one recommendation has been implemented as of 28 February 2017 (last Ombudsman assessment).</p>
Toowoomba Regional Council Auction Notices	21 December 2016	<p>The report made three recommendations which included two recommendations to council and one recommendation to the Department of Infrastructure, Local Government and Planning (DILGP). These recommendations were all accepted.</p> <p>Council's chief executive advises that council has implemented its two recommendations. Although the Director-General of DILGP advised that the recommendation has been implemented, the Ombudsman is not satisfied with the steps DILGP has taken to implement its recommendation.</p>
Redland City Council Defamation	5 January 2017	<p>The report made four recommendations. All recommendations were accepted by council.</p> <p>Council's chief executive advises that all four recommendations have now been implemented.</p>
The Patient Travel Subsidy Scheme	7 June 2017	<p>The report made one recommendation which was accepted by Queensland Health (QH).</p> <p>The Ombudsman met with the Director-General of QH on 12 March 2018 and received a verbal update regarding implementation of the recommendation.</p> <p>The Ombudsman is satisfied with the actions taken by QH to date.</p>



21. Can you please provide an update on the Office's website reviews of departments and local councils?

## **Response**

### *Departments*

The Office has reviewed 20 departmental websites for compliance with reporting obligations under s.219A of the *Public Service Act 2008* for the 2016-17 year complaints data reporting. The review was completed in early October 2017. The review found that 12 departments fully or substantially complied, three departments were partially compliant and five departments were non-compliant with their external complaints reporting requirements. I advised each department with less than full compliance of the review outcome. Departments responded positively to the findings. All three departments with partial compliance are currently progressing improved complaints capture and recording to fully comply. Three departments that had failed to publish their complaints data by the 30 September 2017 timeframe promptly rectified the deficiency.

### *Councils*

No further council website reviews have been undertaken since the publication of the 2016-17 annual report. However, nine follow-up reviews of council complaints management systems, to check implementation of recommendations (which included website visibility and accessibility), have been completed. These reviews found that five councils had fully implemented recommended website improvements. The other four councils agreed to implement the outstanding website recommendations.

With the exception of five regional councils, all other council websites have been reviewed since the CMS review program was commenced in 2012-13.

## **Public interest disclosure**

22. The committee noted that a total of 798 PIDs were reported in 2016-17 which was an increase of 36% compared with the previous year. What are some reasons for this increase and do you consider the Office needs to implement any changes in light of the increase?

## **Response**

The increase in reporting of public interest disclosures (PIDs) to the Ombudsman by public sector agencies is likely influenced by a number of factors. One component is the improved identification and assessment of PIDs by agencies, and understanding of agency reporting obligations. In 2016-17, the Office substantially expanded the delivery of training to key agency officers responsible for the assessment and management of PIDs. The information and resources about dealing with PIDs available to agencies on the Office's website was also enhanced.

A number of strategies have been implemented to increase engagement with PID Coordinators and key agency contacts. Communications, including monthly emails and briefings on issues of relevance to PID Coordinators, provide information and updates, promotion of the advice service available, reminders about legislative obligations and explanations of the outcomes of monitoring activities. These strategies have been continued and further expanded in 2017-18.

In addition, the development and implementation of a new PID reporting database across all public sector agencies in October 2017, with attendant agency engagement and promotion of reporting obligations, will potentially lead to further improvements in the effectiveness of PID identification and reliability of reporting.

23. Can the Office provide an update on the second stage of the collaborative research project stemming from the *Whistling While They Work 2: Improving managerial responses to whistleblowing in public and private sector organisations*?

### **Response**

As a foundation partner, the Office was pleased to host the annual Whistling While They Work 2 Steering Committee and Research Team Meeting in November 2017. At this meeting the program of work for the final 12 months of the research project was discussed, and decisions made about completing data collection, development of papers and other publications, and release of findings at conferences and other events.

Data in the second phase of the research, Integrity@WERQ, which focuses on exploring the experiences of employees at different strata of participating organisations, will continue to be collected until the end of April 2018. It is intended that the findings from the project and key papers will be delivered at an international symposium to be held in November 2018 in Sydney.

24. The committee noted that the Office has completed its review of the *Public Interest Disclosure Act 2010* and that the final report was tabled on 27 February 2017. Has the Office received any response from the government concerning this report?

### **Response**

The report 'Review of the *Public Interest Disclosure Act 2010* – A review pursuant to s.62 of the *Public Interest Disclosure Act 2010*' was finalised on 10 January 2017, and delivered to the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and the Honourable Peter Wellington MP, then Speaker of the Legislative Assembly, on 17 January 2017. The Attorney-General tabled the report in the Legislative Assembly on 27 February 2017.

The report made 40 recommendations, including focusing the Act on disclosures by public sector officers of internal wrongdoing, expanding protection of public sector workers, providing external review rights, improving the administration of the Act and establishing an alternative administrative remedy for disclosers who experience detriment as a result of making a public interest disclosure. The report remains with the Government for consideration.

### **Financials**

25. Are there any significant budgetary matters that you wish to raise with the committee?

### **Response**

The Office is anticipating future financial pressures.

The main drivers of this are:

- increases in Office accommodation rental
- no escalation historically in the Office's budget for non-salary costs
- employee expenses for the approved, full-time equivalent (FTE) establishment.

A review of forward estimates shows that the Office will be unable to fund employment costs for its 63 full-time equivalent (FTE) workforce without supplementary funding.

The recent five-year strategic review of the Office recommended support for the Ombudsman's future requests for supplementary funding across the forward estimates to support its base establishment of 63 FTEs. The review also noted that the Office has an insufficient capital funding program to maintain office systems and equipment which are essential for the operations of the Office.

As part of the 2018-19 budget process, the Office has sought supplementary operational funding of approximately \$1 million each year and \$0.6 million across the forward estimate in total additional capital funding. The request is yet to be considered by the Government. A similar request for 2017-18 was unsuccessful.

26. The committee noted that in the 2016-17 income statement, there is a negative variance of \$320,000 concerning the budgeted and actual "supplies and services", and a negative variance of \$130,000 concerning budgeted and actual "Other expenses". Can the Ombudsman provide any additional information on these variances?

### **Response**

For 'supplies and services', the \$320,000 negative variance to budget included \$190,000 for employment agency staff, offset by a budgetary provision under the line item Employee Expenses. The Office used agency staff to provide its network engineering support, as well as temporary staff for roles including communications and administrative support. The Office also incurred \$54,000 in unbudgeted operating costs to finalise the redevelopment of the Office's website and acquired \$25,000 of computer monitors and hard drive replacements which had been budgeted in 2017-18, rather than 2016-17.

'Other expenses' include \$129,000 recognised in relation to the provision of free archival services by Queensland State Archives. The matching revenue item is shown as goods and services below fair value, which shows a positive variance of \$130,000. This item is a non-cash item, and there has consistently been no provision in Queensland Treasury's budget papers for either the revenue or offsetting expenditure.

27. The committee also noted that in the 2016-17 balance sheet, there is a positive variance of \$252,000 concerning the actual and budgeted cash assets. Can the Ombudsman provide any additional information?

### **Response**

The audited financial statements noted that cash assets were higher than budgeted due to the deferral of the \$250,000 upgrade of the Office's complaints management system. During 2016-17, the Office was limited in its project management resourcing to take on this significant project, while it finalised the implementation of the new website project and replaced its network servers. The Office has funds available in 2018-19 to commence the concept, design and user definition portion of the complaints management project, and has sought capital funding for the potential full-cost of undertaking the project.