
VICTORIAN ombudsman

40
YEARS
1973 – 2013

Annual report 2014
Snapshot

Contents

2	Foreword
5	The Victorian Ombudsman's Office
6	40 years: A reflection
9	The new integrity landscape in Victoria
10	VO at a glance
11	Our work
11	Approaches
16	Is it fair?
18	Influencing change
20	What people complained about
33	Community engagement and education
35	Our people

Foreword

This report covers the last nine months of George Brouwer's 10 year term as Victorian Ombudsman, and the first three months of mine. It therefore reflects some of my predecessor's considerable achievements, but also includes my own early observations and plans for the role.

This year is a significant milestone for the Victorian Ombudsman, marking the 40th anniversary of the Office. The institution is a vital element in government transparency and accountability, qualities highly valued in 1973 and even more critical now, when State Government bodies number in excess of a thousand and the public's relationship with government is even more complex. The reports and recommendations of the Office have credibility, impact, and have achieved real change in public services.

As the fifth Ombudsman for Victoria, I owe an immense debt of gratitude to the four who preceded me, all of whom played their part in personally ensuring that the role of Ombudsman is not only an inviolable part of the public sector landscape, but also widely respected for its integrity and independence.

The role of the Ombudsman is, fundamentally, to redress the imbalance of power between the individual and the state. The Office provides a free, fair and independent service to those who are dissatisfied with the action or inaction of public bodies. It is a means by which the state is held accountable for its decisions and actions – actions that affect the lives of every Victorian.

On taking up this appointment I inherited a well-run office full of highly motivated professional staff, for which the credit must go both to my predecessor, and to my Deputy, John Taylor, who has ably supported George Brouwer since 2004 and has since provided invaluable support to me.



A changing landscape

It is appropriate and inevitable at the start of a 10 year term to reflect on the history of the Office, its work, successes and the opportunities for change.

For its first three decades, the Office evolved, dealing with public complaints about Victorian Government public services, expanding to include, among other things, local government and freedom of information. In 2002 the *Whistleblowers Protection Act 2001* gave the Office a new role, and in 2004, in a climate of public concern about police involvement in gangland killings and drug trafficking, the Ombudsman took on a wider police jurisdiction. While the landscape evolved yet further with the creation of the Office of Police Integrity, it is clear from the many reports tabled by my predecessor that the Office had become, by default, the state's anti-corruption watchdog.

This landscape changed again in 2013 with the establishment of the Independent Broad-based Anti-Corruption Commission (IBAC), which took over responsibility for police matters and the whistleblower legislation under the new *Protected Disclosure Act 2012*.

The existence of a separate anti-corruption body in IBAC, a positive development for Victoria, allows me to refocus the work of the Office back to the traditional Ombudsman role, more in line with its Swedish origins – the word loosely translates to ‘defender of the people’. It is now much clearer: corruption is the business of IBAC and fairness is mine.

There are however consequences of these changes. The impact on the work of my office has been profound, and is illustrated in the third chapter of this report. My office has a vital but limited investigative capacity, and I have found that the majority of this is being taken up with the requirement to investigate ‘protected disclosures’ (formerly known as whistleblower complaints) referred by IBAC. Under the previous Whistleblowers Protection Act the Ombudsman had the discretion to refer such cases elsewhere, including back to the relevant agencies, if appropriate. This is no longer the case, and as a result the resources of the Office are being disproportionately spent on these investigations.

These changes are having a real impact on the ability of my office to do its core business, which is to investigate public complaints and administrative actions of public bodies.

I agreed with the IBAC Commissioner on amendments to the legislation needed to rectify this state of affairs, and wrote to the Premier in May 2014 to request his support. I have also raised the issue with the Accountability and Oversight Committee and the Leader of the Opposition.

This is now a matter for Parliament and I urge them to act. These are not contentious amendments, and will address what appear to be unintended consequences of the new legislation. If no legislative changes are forthcoming I will seek funding to increase investigative capacity, so that my ability to look at the cases of concern to the people of Victoria is not unnecessarily diminished.

Communications and engagement

There are other policy amendments to the *Ombudsman Act 1973* which would be desirable, including a review of the Ombudsman’s core functions which have been essentially unchanged since 1973. The Act for example, does not specify public education as a function of the Office. The Act also has stringent confidentiality provisions, which do not sit comfortably with the increased focus on communications and engagement with the public which I believe is necessary to the role.

Another issue is the requirement under the Ombudsman Act that all complaints must be lodged in writing. This year, over 80 per cent of our contacts were made by phone, and the requirement to make a complaint in writing often surprises people who have the reasonable expectation that public services, including this office, should be accessible and responsive. It has also meant that hundreds of complaints were not addressed, as complainants were either unable to or did not follow up in writing. This is another area where I believe small legislative change would deliver significant improvement.

I intend to communicate more with the people of Victoria, and with the departments, agencies and other public bodies over which my office has jurisdiction. The current complaints landscape is complicated and confusing with a number of organisations in the mix, and I want people to clearly understand what the Office can do for them, and what it cannot.

I want to make it easier for people to complain, and for those complaints to be satisfactorily resolved. Communication with other agencies and the public is essential to improving awareness and simplifying the process for all concerned, in particular, the most vulnerable people in our society, who all too often have the greatest need for services but the least knowledge about them.

Improving public administration

As this report shows, my office received over 34,000 approaches last year, and our work covered a wide range of issues – including prison overcrowding and potential human rights breaches, rates notices, child protection and drivers' licences. In the vast majority of cases, complaints were resolved informally through advice, or we made enquiries to determine whether the actions of the agency were fair and reasonable. In many cases, following enquiries, we found that departments and agencies had acted reasonably. But as the examples in this report show, where we believed the actions were not fair, we sought outcomes to redress the injustice.

Formal investigations carried out by the Office highlighted failures in dealing with conflicts of interest, poor governance practices in the public sector, and failure to undertake statutory functions.

The overall volume of contacts represents a significant statement of public dissatisfaction. I want to be able to do more with this data to improve public administration. Capacity within this office to identify and analyse emerging trends in complaints would provide State Government departments and agencies with valuable feedback on their operations, and also important data to drive own motion investigations into systemic issues.

I am acutely aware that proposed initiatives – and potentially, the consequences of a more open and accessible office – will require resources I do not currently have. Like any public sector leader, I am looking to make efficiency savings wherever possible, but as the numbers show I run a very small office in public sector terms, with dedicated staff who are already stretched to capacity. In the coming year I will be making a case for a modest increase in the budget of the Ombudsman's Office and I look to government, even in these straitened times, to support this for the benefit of the people of Victoria.

There is much to do to provide the level of scrutiny and service Victorians have a right to expect. I look forward to building on the work of my predecessors to ensure fairness for all Victorians in their dealings with the public sector and improve public administration.

Deborah Glass OBE

Ombudsman

The Victorian Ombudsman's Office

The Victorian Ombudsman is an independent officer of the Parliament under section 94E of the *Constitution Act 1975*. The Ombudsman is appointed to office under section 3 of the Ombudsman Act by the Governor in Council.

The mission of the Office is to promote fairness, integrity, respect for human rights and administrative excellence in the Victorian public sector.

The Ombudsman's principal function is to enquire into or investigate administrative actions taken by or in an authority¹.

The Ombudsman's jurisdiction covers government departments, public statutory bodies, employees of municipal councils and private sector entities when delivering services on behalf of government. The Ombudsman may conduct an enquiry or investigation in response to a complaint or on her own motion.

The Ombudsman also has responsibilities in relation to protected disclosure complaints under the Protected Disclosure Act; human rights under the *Charter of Human Rights and Responsibilities Act 2006*; and some important functions aimed at ensuring compliance by state entities with certain other specified Victorian legislation².



Our leadership team. Left to right: Glenn Sullivan, Deborah Glass, John Taylor, David Berry, Joy Patton, Stephen Mumford.

¹ Other than administrative action that appears to involve corrupt conduct; or that is taken under the *Freedom of Information Act 1982*.

² For example, monitoring compliance with the *Prevention of Cruelty to Animals Act 1986* by the Royal Society for the Prevention of Cruelty to Animals; section 13AA(1)(b) of the *Ombudsman Act 1973*.

40 years: A reflection

40th Anniversary

On 30 October 2013 the Office celebrated 40 years of complaint handling. Over that time it dealt with many thousands of complaints and provided over 100 reports to Parliament. It grew from a small office of 11 staff to what it is today. I am the fifth Victorian Ombudsman, noting that Mr Bob Seamer acted as Ombudsman for almost one year after the untimely illness of Dr Barry Perry.

Each of my predecessors made an important contribution to the office.

The Last Decade

For the 10 years prior to April 2014, George Brouwer was the Ombudsman, leading the Office through both interesting and challenging times. Not long after his appointment, he established the Office of Police Integrity in November 2004. For the next three years Mr Brouwer was the inaugural Director, Police Integrity as well as holding the Office of Ombudsman.



In March 2008 Judge Michael Strong was appointed Director, Police Integrity, freeing Mr Brouwer to return to focusing all his attention on the Office of the Ombudsman.

During his 10 year term, Mr Brouwer was responsible for tabling over 80 reports to Parliament on a wide range of topics. Many involved the Whistleblowers Protection Act, some with significant consequences to both individuals and organisations. For example, his report into an allegation relating to the release of Victoria Police crime statistics in June 2011 led to the resignation of the then Chief Commissioner and more recently, the establishment of an independent crime statistics agency.

The Parliament also asked Mr Brouwer to undertake investigations into a number of significant issues in Victoria. In 2008 the Acting Premier asked the Ombudsman to investigate the circumstances surrounding the Cranbourne methane gas disaster. The Ombudsman's report to Parliament in October 2009³ led to significant changes within the Environment Protection Authority and the settlement of a class action in the Supreme Court.

Other investigations led to significant changes to government agencies' practices and procedures, including:

- a toll free number for prisoners to call when making a complaint – this has streamlined and sped up prisoner complaints, making a significant difference to this community – 2006
- recommending security improvements to drivers' licences to reduce fraud – introduced by VicRoads – 2007⁴
- addressing conflict of interest in both the public sector and local government – leading to legislative changes – 2008⁵
- guarding against fraud and waste identified in a number of reports, including the Transport Accident Commission's and the Victorian WorkCover Authority's administrative practices for medical practitioner billing – 2009⁶ and 2011⁷
- investigations aimed at protecting the vulnerable, particularly in child protection – 2009⁸ and 2010⁹

3 Victorian Ombudsman, *Brookland Greens Estate – Investigation into methane gas leaks*, October 2009.

4 Victorian Ombudsman, *Investigation into VicRoads driver licensing arrangements*, December 2007.

5 Victorian Ombudsman, *Conflict of interest in local government*, March 2008; *Conflict of interest in the public sector*, March 2008.

6 Victorian Ombudsman, *An investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing*, July 2009.

7 Victorian Ombudsman, *Investigation into record keeping failures by WorkSafe agents*, May 2011.

8 Victorian Ombudsman, *Own motion investigation into the Department of Human Services Child Protection Program*, November 2009.

9 Victorian Ombudsman, *Own motion investigation into Child Protection – out of home care*, May 2010.

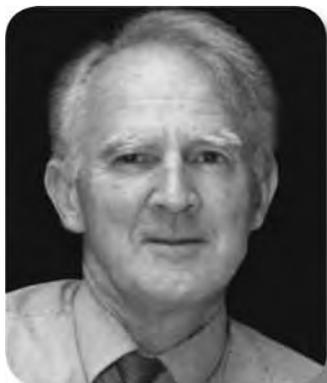
- identifying problems within the youth justice detention system, resulting in upgrading of detention centres and education programs for young offenders – 2010¹⁰
- addressing concerns about the failure to manage registered sex offenders, leading to significant changes to processes – 2011¹¹.

These are but a few examples of how the Ombudsman was able to assist in improving public administration, the core function of the office.

Mr Brouwer left an effective well-functioning office, with staff identifying through a recent survey that they were proud to work in his office.

Dr Barry Perry

Dr Barry Perry served as Ombudsman from 1995 to 2003. Dr Perry had a long career with the Office, which spanned nearly its entire history. He started with the Office in 1974 and held various roles prior to his appointment as Ombudsman.



Dr Perry's major achievements during his tenure as Ombudsman include his contribution to the development of freedom of information in Victoria and whistleblower protection mechanisms.

Towards the end of his term in 2002, the Whistleblowers Protection Act was enacted, extending the role of the Ombudsman to investigate and oversee investigations of whistleblower complaints.

Dr Perry undertook the initial work on the commencement of the Act including issuing detailed guidelines for agencies on the practical operation of the Act, and developing internal working procedures for handling whistleblower complaints.

In the words of the then Premier Steve Bracks, Dr Perry 'had a great influence on the structure and direction of the office' and made 'a very significant contribution to improving public administration and accountability'.

Mr Norman Geschke

Mr Norman Geschke served as Victoria's second Ombudsman from 1980 to February 1994. Prior to his appointment, Mr Geschke was Victoria's first Director of Consumer Affairs for six years.

Mr Geschke took the reins at VO following the retirement of Sir John Dillon. During his term of office, Mr Geschke played a prominent role in the development of the Ombudsman internationally. He was appointed a Director of the International Ombudsman's Institute in 1987 and held that position until he stood down in 1992, at which time he was made a life member of the Institute.



Mr Geschke placed considerable emphasis on complainants and had little time for legal technicalities which he saw as preventing fair and reasonable outcomes and limiting the accountability of government bodies. He also placed great importance on the accessibility of the Office to all, and established a program of country visits during his term to increase awareness of the Office for people living in regional areas.

¹⁰ Victorian Ombudsman, *Whistleblowers Protection Act 2001 – Investigation into conditions at the Melbourne Youth Justice Precinct*, October 2010.

¹¹ Victorian Ombudsman, *Whistleblowers Protection Act 2001 – Investigation into the failure of agencies to manage registered sex offenders*, February 2011.

Mr Geschke also oversaw substantial diversification of the work of the Office, including the addition of functions in relation to Freedom of Information in 1983 and the creation of the Office of Deputy Ombudsman (Police Complaints) in 1988.

Upon Mr Geschke's retirement, the then Premier Jeff Kennett expressed appreciation and gratitude for the manner in which Mr Geschke discharged his duties. He said Mr Geschke brought dignity to the Office, exhibited a high level of professionalism and served the State of Victoria with integrity.

Sir John Vincent Dillon

Sir John Vincent Dillon was appointed as Victoria's inaugural Ombudsman on 9 October 1973. The Victorian Ombudsman's Office was the third such office in Australia at that time, and was quickly followed by the establishment of Ombudsmen in other Australian jurisdictions. Sir John served as Ombudsman for seven years until August 1980.



He faced a number of challenges associated with the establishment of the Office, including consolidating the structure, establishing jurisdiction, securing accommodation and staff and formulating policies, practices and procedures.

As the first Ombudsman in Victoria, Sir John also:

- raised awareness of the existence and purpose of the Office with the public and public sector agencies
- ensured accessibility of the Office, particularly for people in regional Victoria

- addressed multiple jurisdictional challenges by public sector agencies in the first three years of the Office's operation
- saw the expansion of the Office's jurisdiction to cover local government in Victoria in 1977.

Sir John put VO on firm foundations and developed its reputation as one of integrity, impartiality and effectiveness.

The new integrity landscape in Victoria

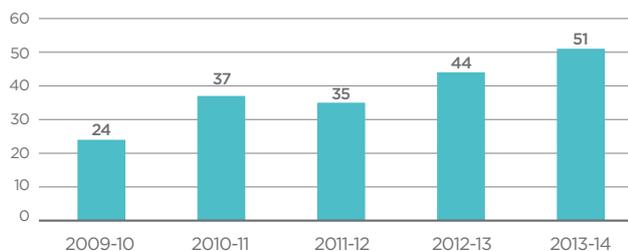
This year was the first full year of the operation of the new integrity landscape in Victoria. The new legislation and the establishment of IBAC have altered the nature of the work of the Office, and increased its workload. In particular, we have seen an increase in:

- the number of investigations carried out by VO
- workload relating to the assessment of protected disclosure matters
- administrative workload arising from the requirement to make written referrals.

Increase in investigations

For the most part, the increase in investigations by VO comes from the new requirement that we must, except in narrow circumstances, investigate all protected disclosures referred by IBAC.

Compared to 2011-12 which was the last full year of operation of the Whistleblowers Protection Act, the Office has started one and a half times the number of investigations in 2013-14.



Graph 1: Investigations started

Of the 51 formal investigations we started this year, 65 per cent (33) were protected disclosure matters.

Assessment of protected disclosure matters

Workload relating to the assessment of protected disclosure matters (before they are investigated) has also increased, due to the number of times matters are assessed under the new legislation. In particular we must:

- complete assessments of matters that we receive that may be protected disclosures and refer these to IBAC where appropriate
- complete a further assessment of matters that have been determined by IBAC as protected disclosures and referred back to VO for investigation.

This means that some matters are assessed on three separate occasions – twice by VO and once by IBAC. In 2013-14 we assessed 169 protected disclosure matters, which equates to a 44 per cent increase on the number of assessments conducted in the last full year of operation of the Whistleblowers Protection Act (117 assessments in 2011-12).

Written referrals

Prior to the introduction of the new integrity legislation, we could simply provide the relevant agency details to complainants who approach our office with matters we are unable to assist with. Now we are required to refer many of these complaints to the appropriate body in writing. Since the start of the integrity legislation (10 February 2013) to 30 June 2014, we made 1,279 referrals in writing:

- 1,063 police matters to IBAC
- 127 disclosures to IBAC
- 37 conduct matters¹² to the Victorian Inspectorate
- 40 freedom of information complaints to the FOI Commissioner
- 12 corrupt conduct matters to IBAC.

This averages 3.7 referrals each business day. In addition to referring these matters in writing to the relevant agency, we must also write to the complainant advising them of the referral. Each referral takes up to 30 minutes to record, prepare and send.

We continue to work with IBAC to streamline processes as far as practicable in relation to these matters.

¹² Complaints about the conduct of IBAC or IBAC staff, a VAGO officer, the Chief Examiner or an Examiner.

VO at a glance

VO has the power to **investigate actions & decisions** of more than **1,000** government departments, statutory authorities & local councils

34,374
approaches received

own motion
matters

15

86%

of recommendations
accepted by agencies

4 Regional
information days
hosted

Full time
employees **72**

2,672
enquiries completed

12 parliamentary
reports

\$10m
budget

 70 formal
investigations
completed

twitter 

Joined in 2014

85% of
approaches
closed within **7 days**

Our work

Approaches

This year was the busiest in the history of the Victorian Ombudsman. Approaches to the Office increased 12.6 per cent, from 30,517 in 2012-13 to 34,374 this year. These include complaints which are both within and outside the jurisdiction of the Office, as well as requests for information.

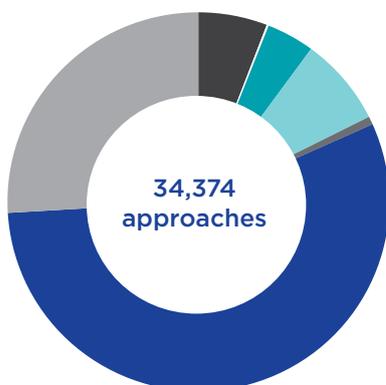
In addition, we have the power to look into matters by way of own motion, without receiving a particular complaint¹³. In 2013-14, we looked into 15 matters using own motion powers.

No. of approaches received

2013-14	-	34,374
2012-13	-	30,517
2011-12	-	29,773
2010-11	-	25,557
2009-10	-	21,074



How we received approaches



- Telephone - 19,172
- Telephone-auto transfer - 8,916
- Online - 2,593
- Email - 2,004
- Letter - 1,393
- In person - 236
- Fax - 60

¹³ These matters are not included in the 'approaches received' by the Office, as we initiated them without receiving an 'approach' or complaint.

Under the legislation, complaints must be made in writing. In line with previous years, over 80 per cent of initial approaches to the Office were made by phone. In cases where the initial contact is by phone and the matter warrants further consideration, complainants are advised to set out the details in writing.

In this reporting year, 945 approaches made by phone required an urgent response. In these cases, we initiated an enquiry without a written complaint, using own motion powers.

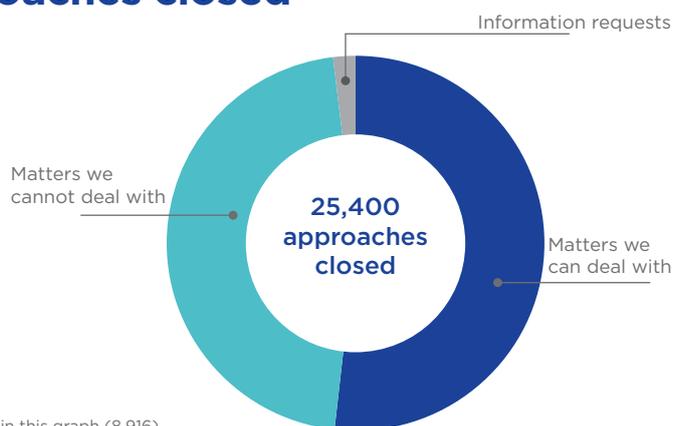
Where a complainant makes contact by phone and the matter is outside the scope of VO, they have the option to use our telephone auto-transfer system to be directly transferred to the appropriate complaints body. This system was introduced in November 2013, resulting in more efficient complaint handling for Victorians and more VO staff time available to respond to callers with complaints we are able to address.

We also made some changes to our online complaint form in December 2013 to redirect people to pages on our website with referral information to other complaint handling bodies for matters we could not deal with. There were 1,005 hits to those referral pages. Another feature of the new form is that complaints submitted online are automatically loaded into our case management system, which increases efficiency as we do not have to manually enter details.

Of the 25,400 approaches we closed¹⁴ this year, more than half related to complaints about matters we can deal with, an increase of about five per cent from 2012-13, when 47 per cent of the approaches closed were matters within jurisdiction.

No. of approaches closed

- Matters we can deal with - 13,152
- Matters we cannot deal with - 11,763
- Information requests - 485



Telephone-auto transferred approaches have not been represented in this graph (8,916).

¹⁴ Note the distinction between approaches received and approaches closed, and that this number excludes telephone-auto transferred approaches (8,916).

Time taken to close approaches

Over 95 per cent of approaches were closed within 30 days, with just under one per cent continuing beyond three months.

Table 1: Time taken to close approaches		
	2013-14	%
Closed on day received	17,559	69.13%
Closed within 1 to 7 days	3,993	15.72%
Closed within 8 to 30 days	2,761	10.87%
Closed within 1 to 3 months	857	3.37%
Closed within 3 to 6 months	177	0.70%
Closed after 6 months	53	0.21%
Total approaches closed	25,400	100%

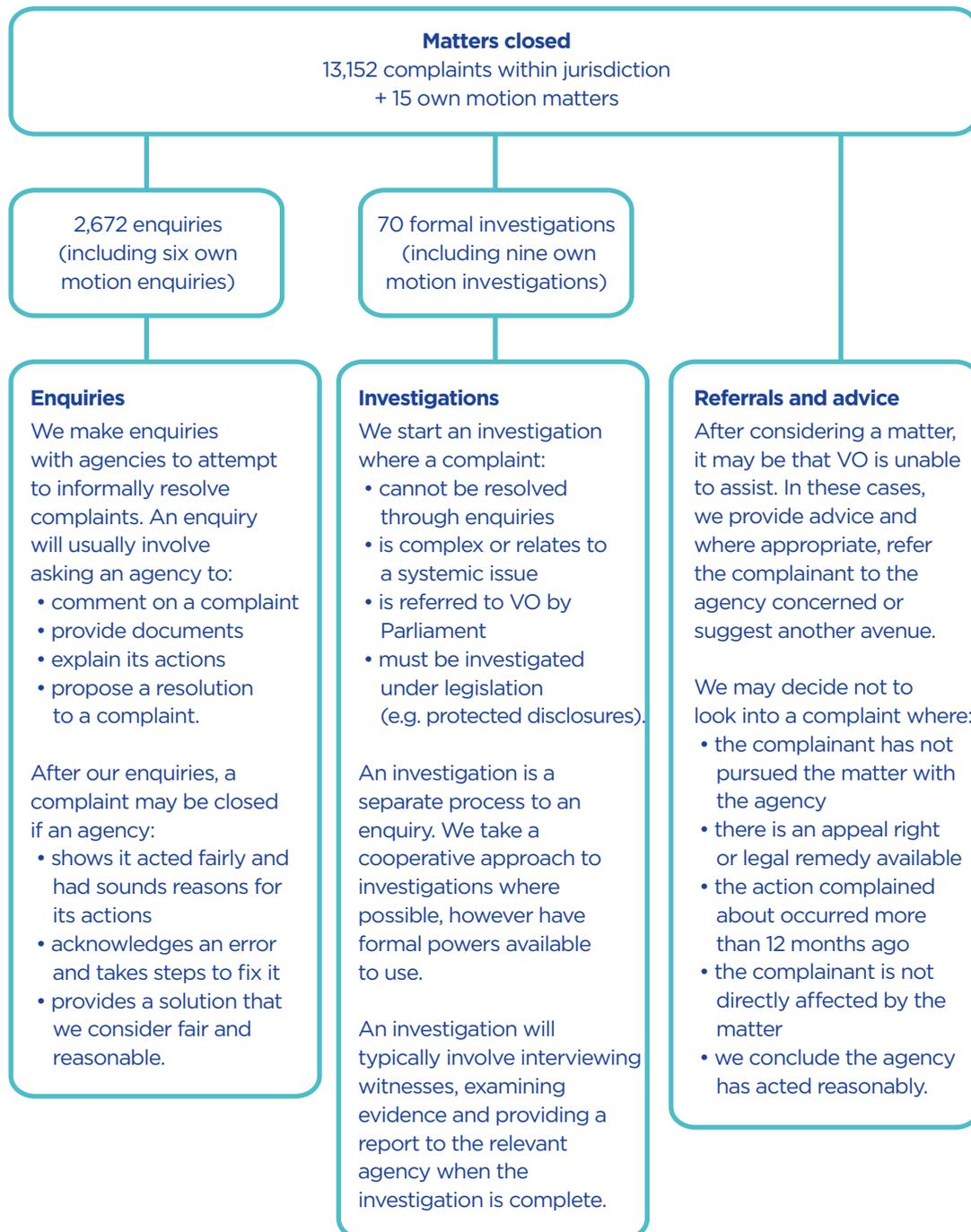
Enquiries and investigations

The work of VO falls largely into two categories: enquiries and investigations.

These cover both responses to complaints from the public and the use of own motion powers. These powers allow us to look into a matter without having received a complaint, in cases where we consider a particular issue is in the public interest or is systemic. Case studies on the use of own motion powers are on pages 23 and 25.

The total number of jurisdictional matters closed this year (13,152) is slightly down on the number recorded in the previous year (14,424). Some of this change can be attributed to the removal of VO's jurisdiction over Victoria Police in February 2013. In 2013-14 VO received 1,477 complaints about Victoria Police which are now outside jurisdiction, but which would previously have been within scope.

What we did with matters we closed



Another 514 matters would have resulted in enquiries if not for the legislative requirement to lodge a complaint in writing.

As a result of feedback from visitors and witnesses, we have reviewed some of our processes and office design. This has included:

- a new shared reception with IBAC
- a new interview room
- amendments to the interview script used by investigators.



Deborah Glass, Ombudsman and Stephen O'Bryan, IBAC Commissioner outside our shared reception



Our new interview room



Is it fair?

Fairness is at the heart of the role of VO and a key consideration in looking at complaints we receive. We not only look at whether an agency has acted lawfully and in accordance with its policies and procedures, but also whether its actions were fair and reasonable in the circumstances.

Case study

Registration and licensing issues, such as registration or licence cancellations are a common theme in complaints about VicRoads received by VO. While legislation and policy strictly governs these processes, the following case study is an example of a complaint we decided to look at on grounds of fairness.

Driving unregistered

The complaint

VicRoads mistakenly changed the address associated with three of the complainant's vehicles, instead of just the one he requested. As a result, he did not receive his registration renewal notices, as they were sent to the wrong address. A few months later he was fined by the police for driving an unregistered vehicle.

When he complained to VicRoads, he said it told him that even if he did not receive the reminder notice, it was his responsibility to pay the registration by the due date.

Is this fair?

VicRoads is not legally required to send reminder notices; it is the vehicle owner's responsibility to renew their registration. Even though VicRoads acted lawfully, in this specific case our enquiries confirmed VicRoads had made an error in changing the complainant's address. Given this, VicRoads agreed to refund the cost of the permits the complainant had to purchase to re-register his three vehicles and to request Civic Compliance Victoria (responsible for recovering unpaid fines on behalf of police) withdraw the fine.

Case study

Rates notices are among the most complained about issues in local government. There are established processes for disputing rates notices and so generally VO does not become involved in complaints about these matters. The following case study is an example of a complaint about rates that we looked into which appeared unfair, irrespective of the council's legal obligations.

Industrial rates incorrectly charged for a residential property

The complaint

A ratepayer was incorrectly charged industrial rates by his local council for his residential property for over 15 years.

When he complained to the council after receiving his 2013 rates notice, the council removed the industrial rate and revalued his property. However, the ratepayer complained that the council should reimburse him the additional money he had paid.

Is this fair?

By law, the council was only required to reimburse the ratepayer for the additional money he was overcharged and paid from 2007 to present (six years). However, our enquiries with the council confirmed that the council had been overcharging him since 1997-98.

In these circumstances, we considered that a fair outcome was for the council to reimburse the complainant the total additional money he had paid since 1997 as a result of its error. The council agreed and reimbursed the complainant \$7,295.

Case study

Local and State Government bodies own and manage a range of public assets and land. Poor or inadequate management of such land or assets can cause significant inconvenience to private citizens, as highlighted by this case study.

Flooded property

The complaint

We received a complaint about ongoing flooding to the complainant's property (including underneath her house) for over three years, as a result of water overflowing from a neighbouring school oval. She had raised the matter with the school and the Department of Education and Early Childhood Development on numerous occasions, without timely and adequate resolution.

Is this fair?

After making enquiries with the department, VO brought the matter to the Secretary's attention and provided footage of the flooding recorded by the complainant. The Secretary acknowledged the department's poor handling of the matter and accepted a number of proposals VO made to achieve a fair and reasonable resolution of the complainant's concerns. This included that:

- the department work with the school to speedily address the flooding and prevent it occurring in the future
- report back to VO on how and when the matter is resolved
- apologise to the complainant
- reimburse the complainant for costs relating to damage to her property.

Influencing change

Many of our outcomes and resolutions relate to matters affecting individuals, for example the revocation of fines, reimbursement, or the provision of further information.

However some outcomes have broader implications which can lead to systemic change.

Agency and state wide changes

Our enquiries and investigations can have far-reaching consequences and result in fundamental change to the way public services are delivered in Victoria. For example, this year:

- We conducted a broad based review of deaths in custodial facilities and made a number of recommendations to address issues identified in relation to prison overcrowding; the management of prisoners at risk of suicide or self-harm; and health services and transitional support services available to prisoners.
- We investigated a complaint about the use of force by Authorised Officers on V/Line and recommended improvements to the training provided to all Authorised Officers, and the installation of CCTV cameras in all V/Line trains.
- Legislative changes were introduced in 2014 in relation to safety and security practices¹⁵ in secure welfare service facilities, which house some of the state's most vulnerable and at risk children, as a result of recommendations made in our 2013 investigation.

- We re-examined the existence of conflict of interest in the Victorian public sector, particularly in high risk activities such as procurement and recruitment, and tabled a report providing guidance to public sector agencies and their employees on managing these issues.
- The new CEO of VicRoads, Mr John Merritt met with the Ombudsman to discuss issues arising from the multiple investigations VO conducted into VicRoads last year, as highlighted in last year's annual report. The concerns related to the adequacy of management in identifying and addressing inappropriate practices and in some instances, an unhealthy culture. Mr Merritt has committed to addressing these concerns.

We also recently started two own motion reviews which will have state-wide implications in their respective areas.

Enquiry into Local Government Complaint Handling Systems and Practices

This enquiry will examine complaint handling by local councils to identify how practices and procedures can be improved. We propose to develop a good practice guide to help local councils better handle community complaints. We expect the enquiry and guide will be completed late this year.

Prison program own motion investigation

This investigation will look at the provision of rehabilitation programs and transitional services for offenders in Victoria, with a particular focus on the provision of these programs for female and indigenous offenders. The investigation was prompted by the growth in prisoner numbers and concerns with rates of reoffending and the costs to the Victorian community. We expect the investigation report will be available in October 2014.

¹⁵ Changes were made to the Children, *Youth and Families Act 2005* in relation to the use of searches on visitors to and children residing in secure welfare services; and the use of restraint and seclusion on children in secure welfare services.

Individual resolutions

Also important are resolutions for individual complainants. Some outcomes are achieved after lengthy disagreement between the agency and the complainant, and the resolution brings welcome conclusion and often, a positive result.

“I am writing to thank you most sincerely for your assistance in obtaining clarity regarding the allowances of magazines at ... [the] Correctional Centre. I received a letter of apology (and clarification) shortly after your ‘chase-up’ call to facility management, and I am completely satisfied with the General Manager’s response”.

“I would like to thank you very sincerely for all your help with ... [my] problem. You have been able to get done in a few months what I had not been able to do in years of trying!”

“This is just a short message of thanks ... for following up on this matter ... I finally received a substantial, but partial, answer to the questions that I had raised ... [with the government agency] ... Thanks again, and keep up the good work”.

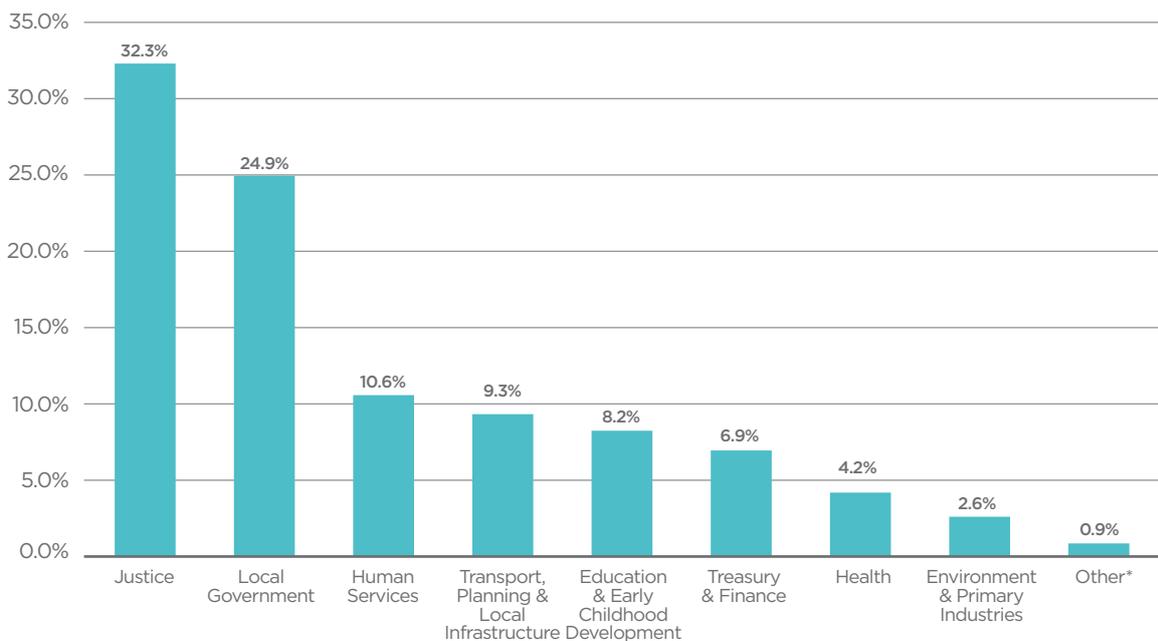
What people complained about

VO has jurisdiction to receive complaints regarding more than 1,000 public sector agencies and local councils. These cover a wide range of issues, and are grouped into government portfolios.

Categorising complaints by portfolio is useful in identifying systemic issues within various areas of government.

This year the most complained about portfolio was Justice (which includes prisons) with over 32 per cent of complaints. Local government represented nearly 25 per cent, making it the second most complained about portfolio, followed by Human Services, with 10.6 per cent.

Complaints by portfolio



Justice - **4,248**

Local Government - **3,281**

Human Services - **1,391**

Transport, Planning & Local Infrastructure - **1,227**

Education & Early Childhood Development - **1,084**

Treasury & Finance - **914**

Health - **551**

Environment & Primary Industries - **343**

Other* - **113**

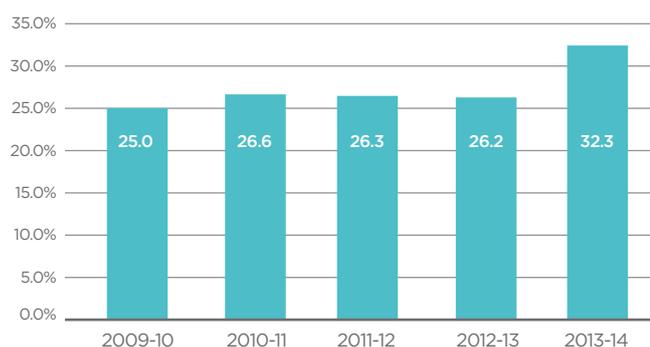
*Other relates to portfolios where complaints were a small percentages of the total. These are not separately shown.

Justice portfolio

Closed complaints for Justice portfolio

2013-14 fast facts

- 4,248 complaints
- 75% related to prisons
- 12% related to Civic Compliance Victoria and the Sheriff's Office



Justice has been the most complained about portfolio for the last four years. Complaints in this portfolio increased again this year by six per cent, from 26 per cent to 32 per cent of the total.

Of the 4,248 complaints about Justice, 3,177 (75 per cent) related to prisons¹⁶.

This was followed by complaints about Civic Compliance Victoria¹⁷ and the Sheriff's Office which collectively represented 12 per cent (499) of Justice complaints.

The most common reasons for complaints involving Justice last year all related to prisons:

Issue	No. of complaints	Percentage (%)
Prisoner health services	631	15%
Prisoner property	312	7%
Prison buildings and facilities	217	5%
Prisoner placement and location	176	4%
Delays in complaint handling in prisons	160	4%
Prisoner visits	141	3%
Prisoner funds	132	3%
Prisoner telephone access/services	132	3%
Prison food	130	3%
The right to humane treatment when deprived of liberty ¹⁸	124	3%

¹⁶ This figure includes complaints about Corrections Victoria (the overarching body responsible for the management of Victoria's correctional facilities) and Justice Health (the body responsible for the delivery of health services in public prisons in Victoria) as well as complaints about public and private prisons.

¹⁷ Civic Compliance Victoria provides infringement management and enforcement services on behalf of other State Government agencies.

¹⁸ Section 22 of the *Charter of Human Rights and Responsibilities Act 2006*.

Prisons and human rights

We have an important role in relation to the Victorian Charter of Human Rights and Responsibilities Act. We are the only body with the power to investigate whether actions taken by agencies are incompatible with the Charter.

Human rights concerns frequently arise in complaints from people held in closed environments (most commonly prisons) due to the restrictions on their freedom and their vulnerability. This year 124 complaints about Justice raised issues regarding the right to humane treatment when deprived of liberty. Some examples are set out below.

Transfer of prisoner without clothing

The complaint

A prisoner at Port Phillip Prison made a complaint that prison officers had moved him from one unit to another without being clothed.

What we did

In our assessment we considered possible human rights implications of the prison's actions, in particular the right to humane treatment when deprived of liberty, and the right to protection from cruel, inhuman or degrading treatment.

We made enquiries with the prison and established that the prisoner had in fact been transferred handcuffed in his underwear from one unit to another, over a considerable distance.

How we helped

The prison acknowledged that the mode of transfer was regrettable. To ensure this did not occur in the future, the prison amended its operating instructions to specify that prisoners be appropriately clothed during transfers, and that a manager be present to oversee all transfers made using restraint.

Punish one, punish all

The complaint

A prisoner at the Beechworth Correctional Centre complained about the centre's decision to punish the entire prison population based on misbehaviour by a small group of prisoners. The centre's punishment was to shut down the telephone system meaning no prisoner could make or receive personal calls. The prisoner raised concerns that as a result of the punishment (which was a consequence of behaviour he was not responsible for) he was unable to communicate with his wife about health matters in his family.

What we did

We considered the appropriateness and fairness of the centre's decision in our assessment, and the possible human rights implications. We made enquiries with the centre and in response, it acknowledged that its policies and procedures did not allow for the use of collective punishment.

How we helped

Corrections Victoria advised each prison that collective punishment should not be used, and that telephone access could only be removed from a prisoner on an individual basis.

Civic Compliance Victoria and the Sheriff's Office

Complaints about infringement management and enforcement by the Sheriff's Office and Civic Compliance Victoria was the second most complained about area in Justice, making up 12 per cent of complaints.

In many cases we do not become involved in complaints about infringements due to the established processes to dispute them.

The following is an example of a case relating to an infringement that we decided to look into on the basis that the actions of the Sheriff's Office seemed unreasonable in the circumstances.

In two places at once?

The complaint

A prisoner complained to us that the Sheriff's Office had issued him with infringement warrants totalling over \$3,000 despite being in prison at the time the infringements occurred. He complained to the Sheriff's Office six times and submitted a number of forms, but the matter was not resolved.

What we did

We made enquiries with the Sheriff's Office and Civic Compliance Victoria. They advised they were not aware the complainant was in custody at the time the infringements were incurred, however agreed to review the matter.

How we helped

Following our enquiries, the agencies acknowledged the complainant could not have been the driver and the infringement warrants were revoked and removed from his name.

This year we also took a broader look at the way infringement warrants are enforced and managed in Victoria.

\$886 million debt to the state 'written off'

The issue

Our 2013 own motion investigation into the enforcement of infringement warrants in Victoria examined the Sheriff's Office's inability to keep up with the number of infringement warrants issued each year and the impact of this.

We found

- limited resources
- outdated information technology
- failure to use powers
- poor enforcement strategies
- problems with data sharing and reliability.

These challenges hindered the Sheriff's Office ability to keep up with the number of outstanding infringement warrants in Victoria. For each warrant finalised by the Sheriff's Office, five more are issued.

This has resulted in:

- a large percentage of warrants not being enforced and expiring without payment
- two million warrants totalling \$886 million being 'written off' between 2005 and 2013
- a current pool of 3.5 million unexecuted warrants, valued at more than \$1.2 billion.

Concerns about these issues have been raised in several previous reports, including numerous reports by the Auditor-General and a previous report by this Office. Despite these reports and recommendations, the number of unenforced warrants and debt to the state continues to rise.

How we helped

Since the completion of the investigation, the Fines Reform Bill 2014 has been introduced which will result in significant changes to fine collection and enforcement in Victoria. Reform initiatives include changes to provide:

- simpler and shorter timelines and notifications for collection and enforcement
- earlier intervention when individuals accumulate multiple fines or large debts
- greater ability for the Sheriff's Office to recover civil debts
- additional funding to upgrade IT systems and increase enforcement capacity.

Local government

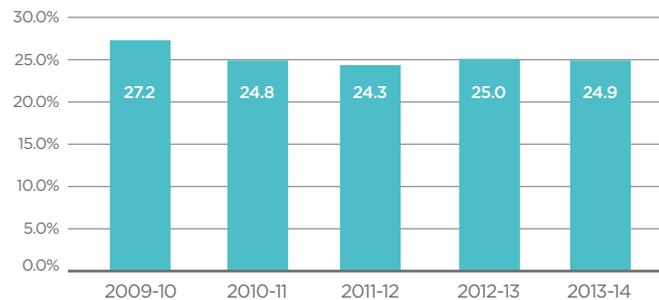
Closed complaints for local government

2013-14 fast facts

- 3,281 complaints

Most complained about issues:

- complaint handling
- parking
- rates
- planning



Complaints about local government have remained relatively constant over the last four years, with a marginal drop from 25 per cent of jurisdictional complaints in 2012-13 to 24.9 per cent in 2013-14.

All 79 councils in Victoria were subject to at least one complaint last year, but the number varied widely across municipalities, as illustrated by the map on page 29. In looking at the map, it is important to note wide variations in population between municipalities, and that the figures represent the total number of complaints to VO and not all of these were substantiated.

Most complained about issues

Of the 3,281 complaints about local government, the most common issues were:

- **complaint handling** 750 complaints (23%)
- **parking** 477 complaints (14%)
- **rates** 344 complaints (10%)
- **planning** 302 complaints (9%).

Over 55 per cent of all local government complaints fell into these categories.

Other common areas of complaint in local government last year included:

- other enforcement and regulatory activities in areas such as building, animals, local laws and nuisances
- facilities owned or controlled by councils, for example roads and parks.

Complaint handling

Local councils' handling of complaints was the most commonly complained about local government issue. Specific issues for Victorians included delays in responding, inadequate remedies and inadequate processes. We also received a substantial number of complaints that local councils had reached the wrong conclusion in relation to complaints, and provided inadequate reasons for their decisions.

Our recently commenced enquiry into local government complaint handling systems and practices aims to give local councils the tools they need to better handle complaints and respond to the public. We will produce a guide after the enquiry, which should assist councils to resolve complaints before they reach VO, reducing the number of complaints we receive about complaint handling in local government.

Parking

Parking complaints received by VO typically relate to local councils' enforcement of parking restrictions. While we do not usually become involved in complaints about parking infringements (due to options available to dispute them), the following is an example of a parking matter we looked into this year.

Reading between the lines

The issue

After seeing an article in a local newspaper, we decided to make enquiries into a parking infringement issued to a member of the public by their local council for parking next to a continuous yellow line¹⁹. The location at which the person had parked also displayed a four hour parking sign, giving the impression that it was lawful to park in that space for less than four hours (despite the yellow line). The person had requested that the council review the infringement notice twice; it was upheld both times.

What we did

Based on the information provided following our enquiries, we concluded that the placement of the yellow line AND the four hour parking sign above the parking space was confusing, and on that basis, the infringement should have been withdrawn. The council subsequently agreed to refund the infringement.

We made further enquiries with the council to establish whether any other infringements may have been issued in similar circumstances. The council advised us that it had identified another parking zone within the municipality which could be interpreted as being similarly confusing (see the photo below).

How we helped

The council subsequently issued refunds for 26 infringement notices issued for parking at the two sites. The signage and line markings at the two sites were altered to ensure restrictions were clear and unambiguous.



¹⁹ Under the *Road Safety Rules 2009*, motorists are not allowed to park a car next to a continuous yellow line.

Rates

Thirty-nine per cent of the complaints we received this year about rates related to the amount individuals were charged by their local council. The following is an example of one of these cases.

13 years of inflated rates

The complaint

We received a complaint from a ratepayer who had been overcharged for her rates by her local council for 13 years due to a council error regarding the size of her property. The council reimbursed her for the overcharged rates however she was dissatisfied that it would not pay her interest on the amount, which she believed she was entitled to.

What we did

We made enquiries with the council to establish why it was not willing to pay her interest.

How we helped

The council reconsidered its position on the matter and subsequently advised the complainant it would pay her \$910.94 in interest.

Roads

Local councils are responsible for maintaining local roads within their municipality. Councils' management of roads is a commonly complained about issue in local government complaints to our office. The following is an example of one of these cases, where there was a substantial failure by the local council to fulfil its responsibility.

No through road

The complaint

An elderly couple living in regional Eastern Victoria complained to us about the lack of action taken by their local council (Latrobe City Council) to reinstate the only access road to their property, which had been closed due to a landslip. The complainants had been unable to return to their property, live in their home and tend to their livestock for over a year at the time they complained, and half of their sheep had died as a result. They were temporarily living with their daughter and son-in-law in Melbourne, who they were visiting at the time of the landslip.

The council is the responsible road authority for the access road to their property, and was responsible for arranging rectification works following the landslip. Despite ongoing communication with the council following the landslip, the complainants were unable to resolve the matter with the council and remained unable to access their property.

What we did

We made enquiries with the council to attempt to informally resolve the matter. However we were not satisfied with the council's responses and lack of action and so proceeded to a formal investigation. While we use such formal powers sparingly, a formal investigation was clearly necessary in this instance due to the lack of action by the council and the significant distress and inconvenience the complainants had experienced.

Our investigation revealed that the lack of action taken by the council was associated with:

- the cost of the works to reinstate the road, which services only one property
- unavailability of government funding to meet this cost
- exploration of alternative options to reinstating the existing road
- a lack of clarity in the roles and responsibilities of the council and other government agencies in the natural disaster funding process
- the council's view that the works were not urgent because the complainants were residing with family members.

How we helped

About two weeks after the commencement of our investigation, the council restored temporary road access, allowing the complainants to return to their property. Shortly after, it then successfully obtained government funding for the permanent reinstatement of the road.

Notwithstanding the constructive outcomes we achieved for the complainants, we decided to table a report in Parliament on the matter as it highlights how inaction by an agency can cause significant distress and inconvenience to citizens. The complainants expressed their appreciation to us for resolving the matter by sending cards and photos of their livestock and property to us (shown to the right).

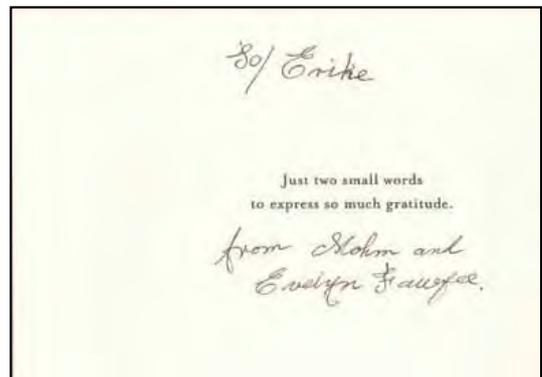
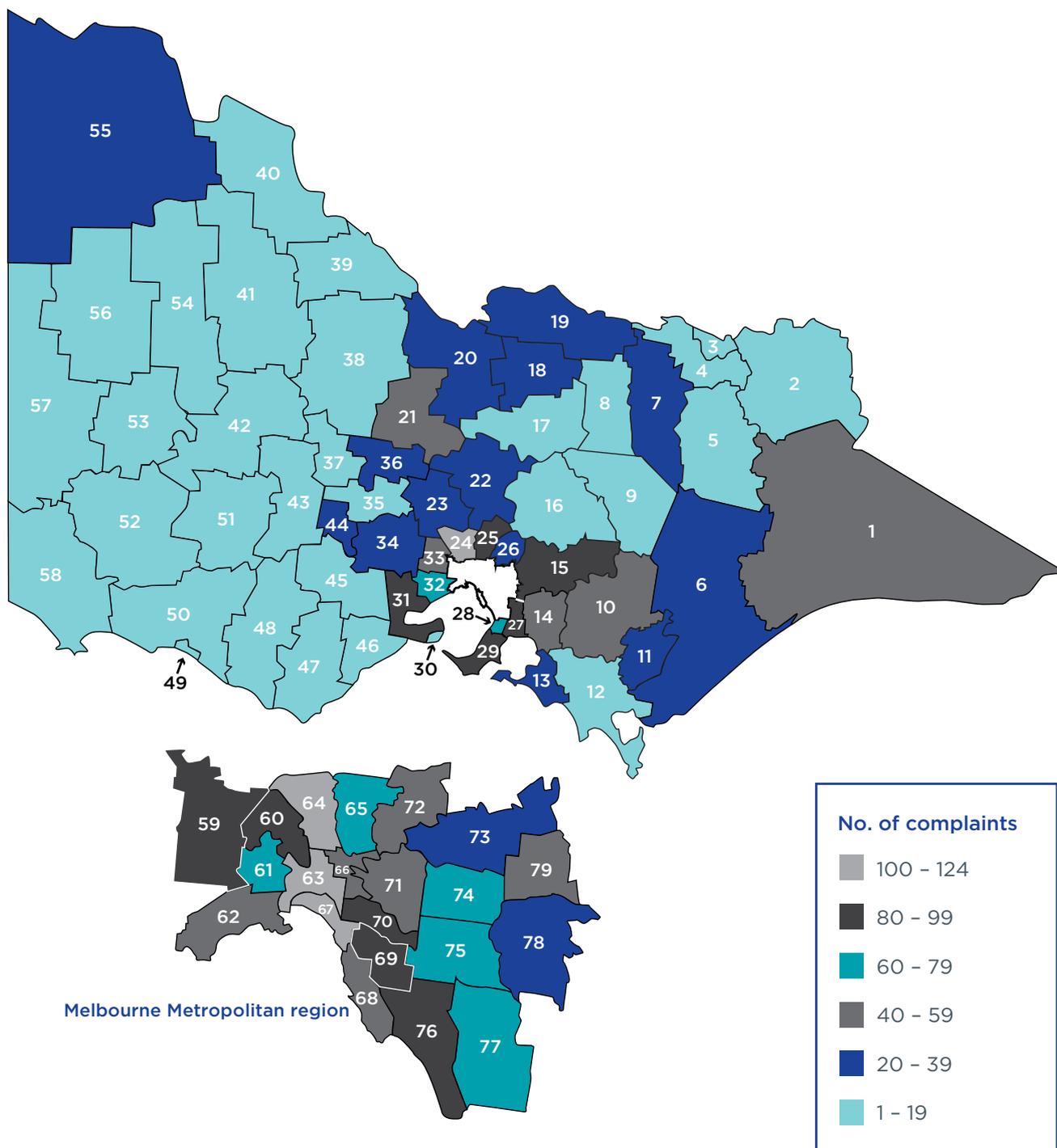


Table 3: Local councils and map numbers

Map no.	Local council	Map no.	Local council
1	East Gippsland Shire Council	41	Buloke Shire Council
2	Towong Shire Council	42	Northern Grampians Shire Council
3	Wodonga City Council	43	Pyrenees Shire Council
4	Indigo Shire Council	44	Ballarat City Council
5	Alpine Shire Council	45	Golden Plains Shire Council
6	Wellington Shire Council	46	Surf Coast Shire Council
7	Wangaratta Rural City Council	47	Colac Otway Shire Council
8	Benalla Rural City Council	48	Corangamite Shire Council
9	Mansfield Shire Council	49	Warrnambool City Council
10	Baw Baw Shire Council	50	Moyne Shire Council
11	Latrobe City Council	51	Ararat Rural City Council
12	South Gippsland Shire Council	52	Southern Grampians Shire Council
13	Bass Coast Shire Council	53	Horsham Rural City Council
14	Cardinia Shire Council	54	Yarriambiack Shire Council
15	Yarra Ranges Shire Council	55	Mildura Rural City Council
16	Murrindindi Shire Council	56	Hindmarsh Shire Council
17	Strathbogie Shire Council	57	West Wimmera Shire Council
18	Greater Shepparton City Council	58	Glenelg Shire Council
19	Moira Shire Council	59	Brimbank City Council
20	Campaspe Shire Council	60	Moonee Valley City Council
21	Greater Bendigo City Council	61	Maribyrnong City Council
22	Mitchell Shire Council	62	Hobsons Bay City Council
23	Macedon Ranges Shire Council	63	Melbourne City Council
24	Hume City Council	64	Moreland City Council
25	Whittlesea City Council	65	Darebin City Council
26	Nillumbik Shire Council	66	Yarra City Council
27	Casey City Council	67	Port Phillip City Council
28	Frankston City Council	68	Bayside City Council
29	Mornington Peninsula Shire Council	69	Glen Eira City Council
30	Borough of Queenscliffe	70	Stonnington City Council
31	Greater Geelong City Council	71	Boroondara City Council
32	Wyndham City Council	72	Banyule City Council
33	Melton City Council	73	Manningham City Council
34	Moorabool Shire Council	74	Whitehorse City Council
35	Hepburn Shire Council	75	Monash City Council
36	Mount Alexander Shire Council	76	Kingston City Council
37	Central Goldfields Shire Council	77	Greater Dandenong City Council
38	Loddon Shire Council	78	Knox City Council
39	Gannawarra Shire Council	79	Maroondah City Council
40	Swan Hill Rural City Council		

Complaints about local councils in 2013-14



Human Services

Closed complaints for Human Services

2013-14 fast facts

- 1,391 complaints
- 45% related to Child Protection
- 44% related to Housing



The Human Services portfolio has ranked third with the number of complaints for the last five years, however complaint numbers have been falling. This year Human Services complaints made up 10.6 per cent of all jurisdictional complaints, down from 11.3 per cent last year.

Of the 1,391 complaints in this portfolio, 628 (45 per cent) related to Child Protection and 609 (44 per cent) related to Housing. Only 11 per cent of Human Services complaints related to other areas within Human Services.

The most common reasons for complaints about Human Services related to complaint handling and service delivery issues, such as the quality of services provided, assessments undertaken and failures to act or provide services.

Child Protection

Child Protection complaints often relate to the placement and care arrangements in place for children subject to Child Protection involvement, which can take a number of different forms. The following case study relates to a complaint about children placed in a kinship care²⁰ arrangement, and the adequacy of support provided by Child Protection to the carers.

Vulnerable children in need

The complaint

We received a complaint from a kinship carer of indigenous children raising concerns that:

- The department had not arranged and provided necessary support services for the children, including counselling services to address their history of problematic and trauma specific behaviours.
- The department had delayed responding to a:
 - funding request for modifications to the carer's home to more appropriately accommodate the children
 - reimbursement request for property destroyed by the children.

The complainant contacted us after raising their concerns with the department on numerous occasions without a resolution.

²⁰ Care provided by relatives or a member of a child's social network when a child cannot live with their parents.

What we did

We made enquiries with the department to find out what it had done to address the complainant's concerns and attempt to informally resolve the matter. Our enquiries revealed that the department's management of the case had been poor. It had failed to:

- provide adequate support to the children and carers
- respond to the children's needs
- comply with its legal obligations.

How we helped

During our enquiries with the department it approved financial assistance to the carers for modifications to their home to better meet the children's behaviour management needs and to reimburse the carers for the destroyed property.

It also took a number of steps to reduce the risk of the placement breaking down and ensure the children's needs were sufficiently addressed, including referrals:

- for the children to attend an intensive therapeutic provider
- to a community service organisation for the development of cultural plans.

It also apologised to the complainant for its handling of the matter.

Housing

This year we decided to take a broader look at a growing area of concern in Housing complaints.

Neighbourly disputes turn dangerous

The issue

In 2013 we conducted an own motion investigation into the department's management of complaints about anti-social behaviour by public housing tenants. The investigation was prompted by a complaint about a murder involving public housing tenants, combined with:

- the high number of complaints received by the department about anti-social behaviour by public housing tenants in recent years
- the number of tenant disputes requiring intensive dispute management, which included the management of stabbings and shootings.

What we did

Our investigation found that while the department had undertaken several projects, prepared multiple research reports and developed a range of initiatives aimed at dealing with anti-social tenant behaviour, many of the initiatives had either only been partially implemented or not at all.

We also identified obstacles in the department's policies and practices, inadequate information sharing with other relevant agencies, and limited staff training in this area.

How we helped

We made a number of recommendations to the department aimed at improving the way such matters are handled, all of which were accepted.

Disability Services

Disability Services complaints broadly relate to disability care and support services directly provided by the department or by providers across the non-government sector that are funded by the department.

The following is a case study relating to the department's management of concerns about care provided to a disability resident living in a shared support accommodation facility.

Unexplained injuries of a disability client

The complaint

In 2013 we investigated a complaint about unexplained physical injuries to a female disability client living in a shared supported accommodation facility funded by the department. The client has a number of intellectual disabilities and has been in the department's care for about 40 years.

The department's records showed that the client had sustained more than 70 injuries over an 11 year period, the majority of which had occurred in the preceding two years. Over 40 of the injuries were unexplained.

What we did

Our investigation found that while the supervisor of the facility had taken some action in response to the ongoing unexplained injuries to the client, the actions had failed to prevent further injuries.

Further, given the frequency of reported incidents over an extensive period of time, we found that the department's review and evaluation of the client's care and support plan was deficient.

How we helped

As a result of our investigation and recommendations, the department completed a Quality of Support Review in relation to the client's care, which focussed on:

- assessing and identifying the client's needs
- developing and implementing an action plan to address the client's safety and wellbeing
- identifying and implementing system and process improvements to enable a consolidated approach to the client's care.

Community engagement and education

VO engages directly with the public sector and the community in a number of ways, to raise awareness about the operations of the Office and to address particular areas of need.



Education and outreach

In 2013-14 we continued to do a modest amount of outreach with Victorian public sector agencies, local councils, community service organisations and members of the broader community.

Communications is an area of focus for the next financial year. There are plans to expand this function and further raise awareness of VO's work with the general public across the state and in other agencies.

Complaint handling workshops

This year we delivered four complaint handling workshops for employees in the Victorian public sector who deal with complaints and complainants on behalf of their agencies.

Our workshops cover:

- good practice principles of complaint handling
- the elements of a good complaint handling system
- the basic concepts and procedures contained in the unreasonable complainant conduct manual
- how to develop strategies for managing unreasonable complainant conduct.

We continue to receive positive feedback on the value of these workshops.

Regional information days

For the first time we also hosted four regional presentation and information days across the state in:

- Warrnambool, October 2013
- Sale, March 2014
- Bendigo, May 2014
- Ballarat, June 2014.

Agencies from surrounding municipalities were also invited to attend. Each day was hosted by senior staff and comprised:

- an information session for staff from community agencies in the region²¹
- an information session for Victorian Ombudsman liaison officers from public sector agencies in the region
- an executive forum for executives of public sector agencies in the region to meet, discuss issues relevant to the region and form connections with other leaders in the area.

These sessions provided an opportunity to engage with both community and public sector agencies in regional areas, discuss and collaborate on relevant issues, share information and answer any questions. We received positive feedback on all sessions and plan to expand the delivery of these events.

Other information sessions

We also delivered a number of other information sessions and presentations to individual groups in the community, particularly for people who are disadvantaged or marginalised or who may lack the capacity to make a complaint. These sessions cover our role, the types of complaints we can investigate, tips for dealing with government agencies and how to make a complaint.

²¹ The Warrnambool day involved this session only.



University complaint handling forum

Complaints to VO about universities have grown substantially since 2007. In 2013-14 we closed 631 complaints, mainly from students about a range of issues including enrolment, fees and charges, student assessment and grades and the conduct of university appeals. This amounts to almost 60 per cent of all complaints in the Education portfolio.

In response, VO developed a complaint handling forum specifically targeted at universities. We hosted our second forum in March 2014, bringing together staff who deal with complaints and student appeals at seven Victorian universities to share their knowledge and experiences and to assist them in dealing with complaints.

*Complaint handling at universities – Australasian best practice guidelines*²² was also launched, which was the result of a collaborative project between Australian and New Zealand Ombudsmen to set minimum standards for complaint handling at universities.

Feedback from forum participants was highly positive.

Prison forum

Following round table conferences in 2012 on the excessive number of prisoners in police cells, VO hosted a forum in December 2013. This was attended by representatives from the Department of Justice, Victoria Police, the Magistrates' Court, the Police Association, prison contract provider G4S, the Law Institute of Victoria and the Human Rights Law Centre.

The forum provided the opportunity to discuss current concerns and identify practical strategies for reducing the number of prisoners in police cells and the length of time in police custody. At the conclusion, participants agreed on a number of proposals to alleviate current concerns.

The Office's recent report regarding deaths and harm in custody²³ further discusses these issues and makes a number of recommendations for improvements.



PNG Ombudsman twinning program

This year we participated in a twinning program with the Ombudsman Commission of Papua New Guinea (OCPNG). Under the program, officers from the OCPNG take up placements with the Office of the Commonwealth Ombudsman and the Victorian Ombudsman.

The purpose of the program, through training, practical application and mentoring, is to assist officers from the OCPNG to develop advanced investigatory and other skills which they can take back to their substantive roles.

We hosted one delegate from the OCPNG for five weeks in March and April 2014 focusing particularly on major investigations. Another OCPNG delegate placed with the Commonwealth Ombudsman worked with us for one week in the same period.

We received very positive comment from the delegate in relation to the value of the placement.

22 The draft guidelines are available at www.ombudsman.vic.gov.au.

23 Victorian Ombudsman, *Investigation into deaths and harm in custody*, March 2014.

Our people

Fast facts about us



63% of staff are female*



37% of staff are male

73% of staff are under the age of 44

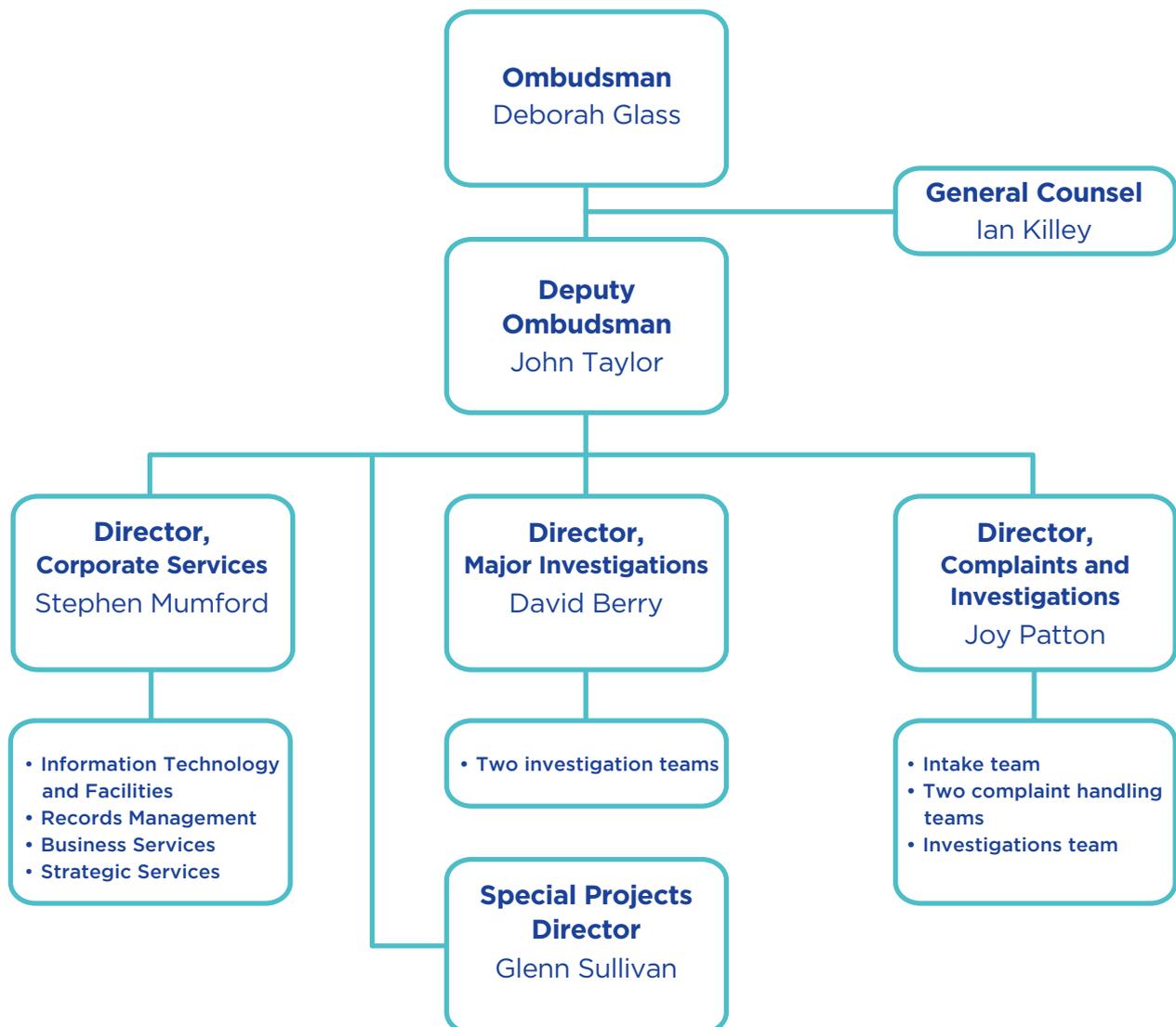
*Based on FTE; includes ongoing, fixed term and casual employees.

We are a small but busy office, consisting of 77 staff of diverse backgrounds, experiences and qualifications. While in the Office's beginnings the majority of investigation staff were lawyers and male, our current staff's qualification fields include international relations, criminal justice, social science, humanitarian studies and business.

Organisational structure

The work is shared among staff in three business units, each with teams in various areas.

VO Organisational structure



This structure was current as of 30 June 2014, but is under review.

Complaints and Investigations Unit

The majority of the 25,400 approaches we closed last year were handled by staff in our Complaints and Investigations Unit. Joy Patton is the Director of the unit, supported by two Assistant Directors and three team leaders. The unit consists of four teams:

Intake team

- first point of contact
- responds to all incoming phone calls

Two complaint handling teams

- handle all incoming complaints from members of the public
- enquiries with agencies
- informal resolution of complaints

Investigations team

- conducts small scale formal investigations
- assesses protected disclosure matters

Major Investigations Unit and Special Projects

The Major Investigations Unit is led by Director, David Berry, who is supported by two Assistant Directors. There is also a Special Projects team led by Director, Glenn Sullivan which undertakes particularly complex or sensitive investigations.

Corporate Services

The Corporate Services Unit provides services and undertakes work to support the operations of the Office and is made up of IT and Facilities, Strategic Services (covering executive support, media, report tabling, governance and learning and development), Business Services (human resources and finance) and Records Management.



Results of 'People Matter' Survey

By any measure the results of the State Services Authority's 2014 survey of our staff were outstanding. The survey identified that our staff are happy; particularly in the context of:

- enjoying their work

- strongly acknowledging a feeling of personal contribution to the organisation's objectives
- being proud to tell others that they work for the Office.

The survey is voluntary and anonymous. Eighty-four per cent of our staff participated. Against the following topics, the percentage agreement was 98 per cent or 100 per cent:

- I feel I make a contribution to achieving the organisation's objectives.
- I have enough work to keep me busy.
- My organisation provides high quality services to the Victorian community.
- I provide help and support to other people in my workgroup.
- In my organisation, earning and sustaining a high level of public trust is seen as important.

Taken as a whole, the pleasing results detailed above describe a busy, confident workplace where staff are committed and actively engaged at all levels.

Staff training

Staff training ensures consistency of information and practice across VO. It also provides staff with development opportunities and promotes continuous improvement in staff skills, performance and knowledge. We also have a formal training program for investigation staff, which includes:

Certificate IV

We introduced a tertiary accredited Certificate in Government (Investigation) five years ago. All investigation officers are required to attend training sessions and submit course work to obtain their Certificate IV. To date we have had 60 graduates.

Diploma

In 2012 we introduced a Diploma in Government (Investigation), in association with Box Hill Institute of TAFE. We offer this program to other integrity agencies. There have been 27 graduates from a range of agencies across Australia and New Zealand.

Table 4: Staff profile by employment status at 30 June 2014

Ongoing		Fixed Term		Casual		Total	
Number (headcount)	FTE	Number (headcount)	FTE	Number (headcount)	FTE	Number (headcount)	FTE
58	56.10	14	13.40	5	2.8	77	72.3

Table 5: Staff profile by age, gender and employment status as at 30 June 2014²⁴

	June 2013			June 2014		
	Ongoing Employees		Fixed Term and casual	Ongoing Employees		Fixed Term and casual
	Number (headcount)	FTE	FTE	Number (headcount)	FTE	FTE
Gender						
Male	17	17.00	7.27	21	20.80	5.79
Female	32	30.4	12.18	37	35.30	10.41
Total	49	47.4	19.45	58	56.10	16.2
Age						
Under 25	8	8.00	2.64	6	6.00	2.42
25-34	16	15.00	6.88	22	21.40	3.59
35-44	12	11.40	5.00	16	14.70	4.40
45-54	9	9.00	0.96	9	9.00	1.00
55-64	3	3.00	1.00	3	3.00	2.00
Over 64	1	1.00	2.97	2	2.00	2.79
Total	49	47.4	19.45	58	56.1	16.2
Classification						
VPS G1	0	0.00	0.00	0	0.00	0.00
VPS G2	4	4.00	4.72	1	1.00	2.41
VPS G3	14	13.8	4.80	19	18.30	3.00
VPS G4	12	11.40	0.96	12	11.40	2.00
VPS G5	14	13.20	5.00	17	16.40	4.00
VPS G6	4	4.00	1.97	4	4.00	1.79
Senior specialist	1	1.00	0.00	5	5.00	0.00
Executives (E02)	0	0.00	2.00	0	0.00	2.00
Other	0	0.00	0.00	0	0.00	1.0
Total	49	47.4	19.45	58	56.1	16.2

²⁴ All employees have been correctly classified in workforce data collections.

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