

Ref: A1651389

9 August 2018

Ms Joy Burch MLA
Speaker
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Burch

ACT Ombudsman quarterly update – 1 April 2018 to 30 June 2018

I am writing to provide you with the final quarterly update for the 2017-18 financial year. This update relates to the last quarter but, where specified, the analysis has been placed in the context of the entire financial year.

Please find attached:

1. Quarterly report of complaint approaches to my Office for the period 1 April 2018 to 30 June 2018
2. Dashboard reports, including:
 - Financial year overview
 - Quarter overview

Complaints

Complaint approach numbers for this past financial year have reduced overall by 15 per cent from the previous year. As indicated in my last update, my Office is considering the factors that may have contributed to this drop. While the recent increase in outreach to the general public is likely to have facilitated a greater understanding of the Ombudsman role, we would not expect to see an immediate increase in approaches to my Office.

This last quarter saw a drop in numbers of complaint approaches regarding ACT Corrective Services (ACTCS) by comparison with the previous quarter. This may be due, in part, to the increased accessibility of my Office during the previous quarter as a result of the outreach activities being undertaken. It may also be as a result of us working with ACTCS on its complaints management processes, and encouraging detainees to communicate directly to ACTCS management for their consideration and action in the first instance, rather than making formal complaints to our Office.

We also saw a return to the longer term trend in the number of Housing ACT complaint approaches, following a lower number in the previous quarter. While there are no new clear systemic trends emerging from these complaints, we continue to liaise closely with Housing ACT issues as they arise.

During the quarter a particular investigation of a Housing ACT matter was finalised. We received a positive and constructive response to the comments made by my Office in which Housing ACT acknowledged the importance of applying the learnings from the detailed investigation we



undertook. Housing ACT advised of the progress already made and has committed to developing better practices informed by this investigation.

Aboriginal and Torres Strait Islander Accessibility

My Office concluded the ACT Ombudsman Aboriginal and Torres Strait Islander Art competition on 5 April 2018. The winning artwork by Leah Brideson has been incorporated into our new promotional materials, including a brochure, poster and banner, targeted specifically to our Indigenous engagement activities. For your reference, I have enclosed a copy of our new brochure.

On Sunday 8 July 2018 staff from my Office hosted a stall at the NAIDOC Family Day at the University of Canberra. It was a successful day and we welcomed the opportunity to engage with the local Aboriginal and Torres Strait Islander communities and other service providers around the role of my Office. It was also a great opportunity to utilise this new promotional material.

Our engagement also included attending the following events:

- the ACT Police Forum facilitated by Chief Police Officer, Justine Saunders and hosted by Gugan Gulwan Youth Aboriginal Corporation on 23 May 2018
- University of Canberra Reconciliation Action Plan Launch on 31 May 2018
- A screening of the documentary 'After the Apology' on 4 June 2018, hosted by Relationships Australia Dhunlung Yarra Service for Reconciliation Week.

ACT Corrective Services and AMC Outreach Activity

My Office continued our monthly visits to the AMC during the quarter and made a number of visits to individual detainees to discuss their complaints. We also welcomed the opportunity to attend the meetings of detainee delegates representing each of the accommodation areas within the AMC on 3 July and 10 July 2018, with the men and women respectively. These delegates meetings with AMC management comprise an important element of the internal complaints management framework being developed at the prison. We thank AMC management for facilitating our involvement in opportunities such as attending these meetings and for enabling my staff ease of access and movement around the facility. My Office continues to engage with the other oversight agencies with roles at AMC during regular liaison meetings.

ACT Community engagement

Throughout the quarter we were pleased to present to a meeting of the National Seniors Association on 30 May 2018 and welcomed their questions and interest. On 2 May 2018 we attended our first meeting as a member of the ACT Neighbourly Network arising from the 2018 Neighbour Day working group. We also attended a number of lectures on 15 May 2018 during Law Week regarding access to justice for people with disabilities along with representatives from the disability support sector.

We continue to seek opportunities to engage the general ACT community about our role and providing assistance and advice in relation to empowering people to resolve their issues with ACT agencies directly.

Reportable Conduct

In the quarter, my Office received 54 reports from entities about allegations of reportable conduct and we have closed 19 matters during the period. Ill-treatment of a child involving hostile use of force remains the most common allegation type, with misconduct of a sexual nature and ill-treatment emotional abuse being the next most common allegation categories.

I am currently conducting an investigation of an entity's handling of an allegation of reportable conduct, under s 17K of the Ombudsman Act. This investigation is ongoing.

The focus of my Office continues to be on assisting entities to understand their responsibilities under the scheme, and to build their capacity to respond to reportable allegations. Activities to support this during the last quarter include:

- targeted liaison with the entities that provide most reports
- providing updates and information through our e-newsletter, and
- developing a draft information sheet to assist entities to inform employees of findings of reportable conduct.

My Office commissioned workplace investigations and training firm, Halloran Morrissey, to help entities under the scheme build their capacity to conduct proper investigations of allegations. Two different training workshops were offered free of charge with 18 sessions held over April-June 2018. Over 330 people attended the courses, which focussed on investigation skills and on interviewing skills. Participant feedback from the sessions indicated high satisfaction.

In June, we hosted our Reportable Conduct Practitioner's Forum which focused on information sharing and included guest speakers from Access Canberra and the Community Services Directorate – both of which play an integral role in information sharing within the ACT child protection framework. This forum continues to be integral to our ongoing engagement with entities under the scheme. We work closely with bodies with similar roles under reportable conduct schemes in other jurisdictions (NSW and Victoria), as well as liaising with those jurisdictions considering introducing their own schemes (Queensland and WA).

In preparation for the inclusion of religious organisations in the scheme from 1 July 2018, we were proactive in engaging and supporting the sector. We engaged the services of Melhem & Beckett Legal and Consulting to provide stakeholder engagement services with respect to religious organisations, and to assess the current capacity of the religious organisations to comply with the requirements of the scheme. We ran three introductory information sessions tailored to the needs of the religious sector. Halloran Morrissey also delivered workplace investigations training sessions to two large groups representing a range of religious organisations. We also provided updates to the sector through our e-newsletter and direct emails.

Freedom of Information

In the last quarter, my Office received 30 approaches relating to our role under the *Freedom of Information Act 2016* (the FOI Act), as follows:

- 15 applications for Ombudsman review
- 3 FOI complaints from members of the public
- 1 application from an agency for an extension of the FOI processing time, and
- 3 notices under s 39 of agencies not having met the statutory processing timeframe, and
- 8 general FOI enquiries about the FOI Act.

During this period, my Office finalised eight Ombudsman reviews:

- 1 where the application for review did not provide enough information to conduct a review
- 2 on the basis that there was no reasonable prospect that the original agency decision would be varied or set aside
- 1 application was found to be invalid, and
- 4 were withdrawn.

A number of matters have progressed to a formal decision on the Ombudsman review and we expect these to be finalised during the first quarter of 2018-19.

My Office has been maintaining engagement with ACT Government agencies through our involvement in the FOI Implementation Project Working Group and FOI Project Board. Additionally, on 10 May 2018, my Office co-hosted an event with Minter Ellison to discuss key changes to FOI in the ACT following the introduction of the new FOI Act. That event was well attended by ACT Government Information Officers and other ACT agency representatives and was a valuable collaboration.

Further information

You are welcome to contact me directly on (02) 6276 0149 if you have any questions. Alternatively, your office may wish to contact the Senior Assistant Ombudsman responsible, Mr Paul Pfitzner on (02) 6276 3769.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Manthorpe', with a stylized flourish at the end.

Michael Manthorpe PSM
ACT Ombudsman

ACT Ombudsman Complaints Statistics- Quarter 4 - 01/04/2018 to 30/06/2018

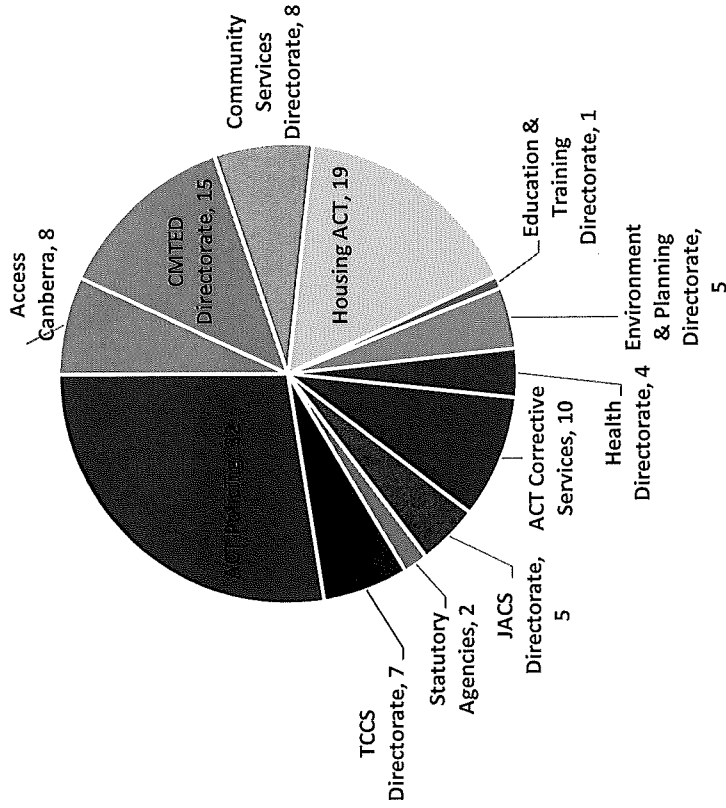
Directorate /Agency	Total Received	Not investigated	Investigated	Total Finalised
Chief Minister, Treasury and Economic Development Directorate	23	19	0	19
Access Canberra	8	5	0	5
Chief Minister, Treasury and Economic Development	3	2	0	2
ACT Revenue Office	7	7	0	7
University of Canberra	5	5	0	5
Community Services Directorate	27	25	7	32
Community Services Directorate	8	6	0	6
Housing ACT	19	19	7	26
Education Directorate	1	1	1	2
Education	1	1	1	2
Environment and Planning Directorate	5	5	1	6
Health Directorate	4	2	0	2
Justice and Community Safety Directorate	17	10	2	12
ACT Corrective Services	10	6	2	8
ACT Court or Tribunal	2	2	0	2
Justice and Community Safety	1	0	0	0
Legal Aid ACT	2	1	0	1
Public Trustee for the ACT	2	1	0	1
Transport Canberra and City Services Directorate	7	7	1	8
ACTION Bus	1	2	0	2
Transport Canberra and City Services	6	5	1	6
Total ACT Government	84	69	12	81
ACT Policing	32	29	2	31
TOTAL	116	98	14	112

ACT Ombudsman Complaints Statistics- Quarter 4 - 01/04/2018 to 30/06/2018

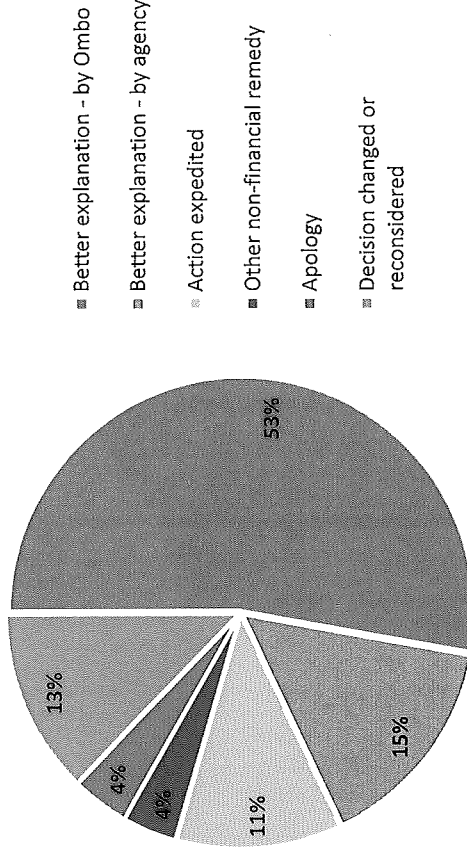
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ACT Ombudsman report for Quarter 4 1 April – 30 June 2018

Quarter 4 - Approaches by agency



Quarter 4 - Remedies - Investigated Approaches



Note:

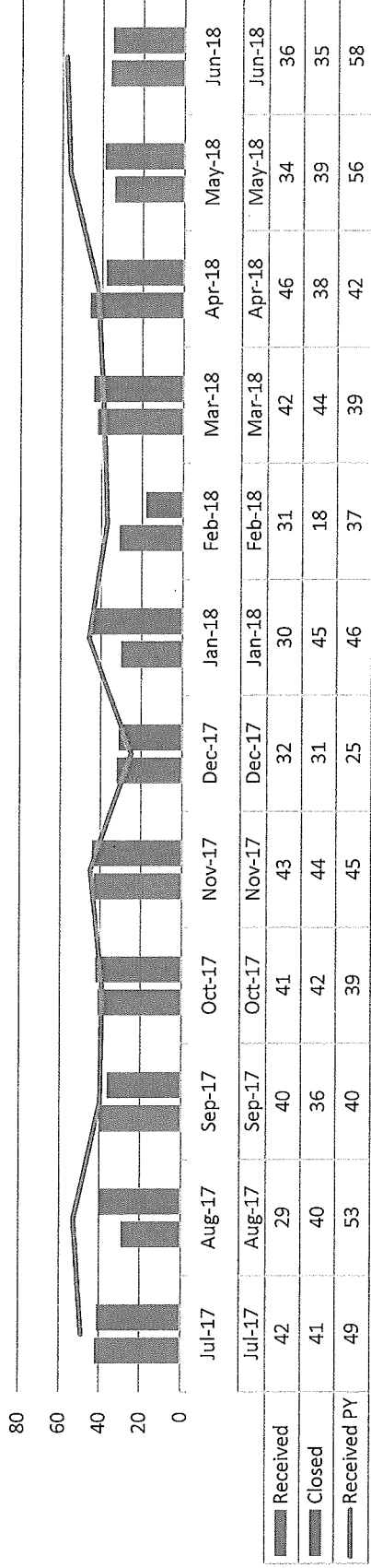
- JACS total does not include ACTCS or Statutory Agencies
- Community Services Directorate does not include Housing ACT



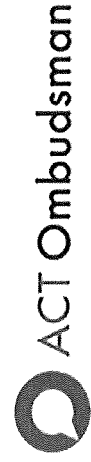
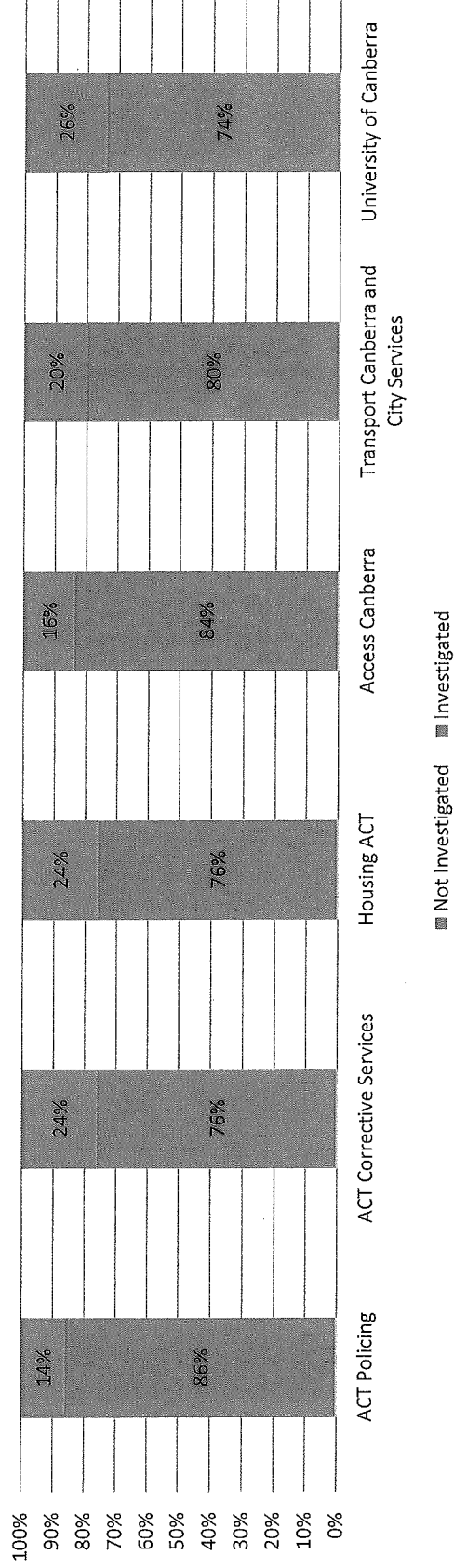
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ACT Ombudsman report for the 2017/18 financial year

Approaches by month



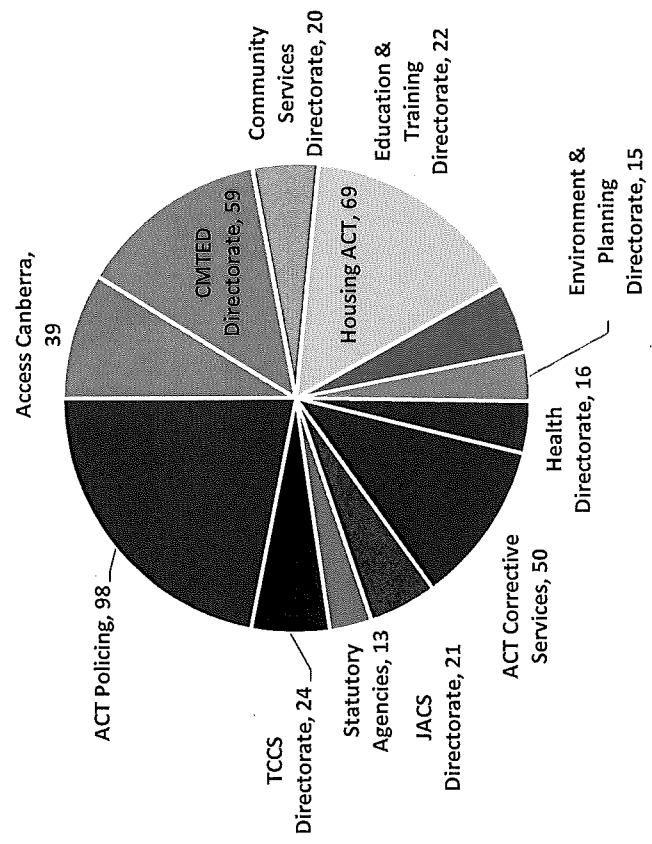
Investigation rate



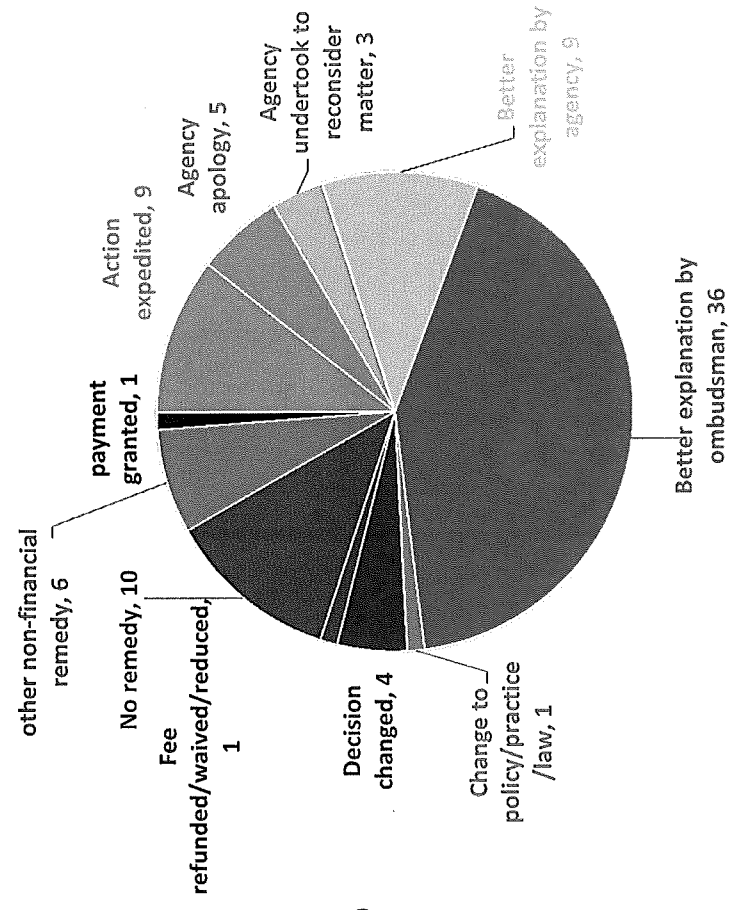
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ACT Ombudsman report for the 2017/18 financial year

Approaches by agency



REMEDY ANALYSIS



Note:

- JACS total does not include ACTCS or Statutory Agencies
- Community Services Directorate does not include Housing ACT
- Received Previous Year (PY)