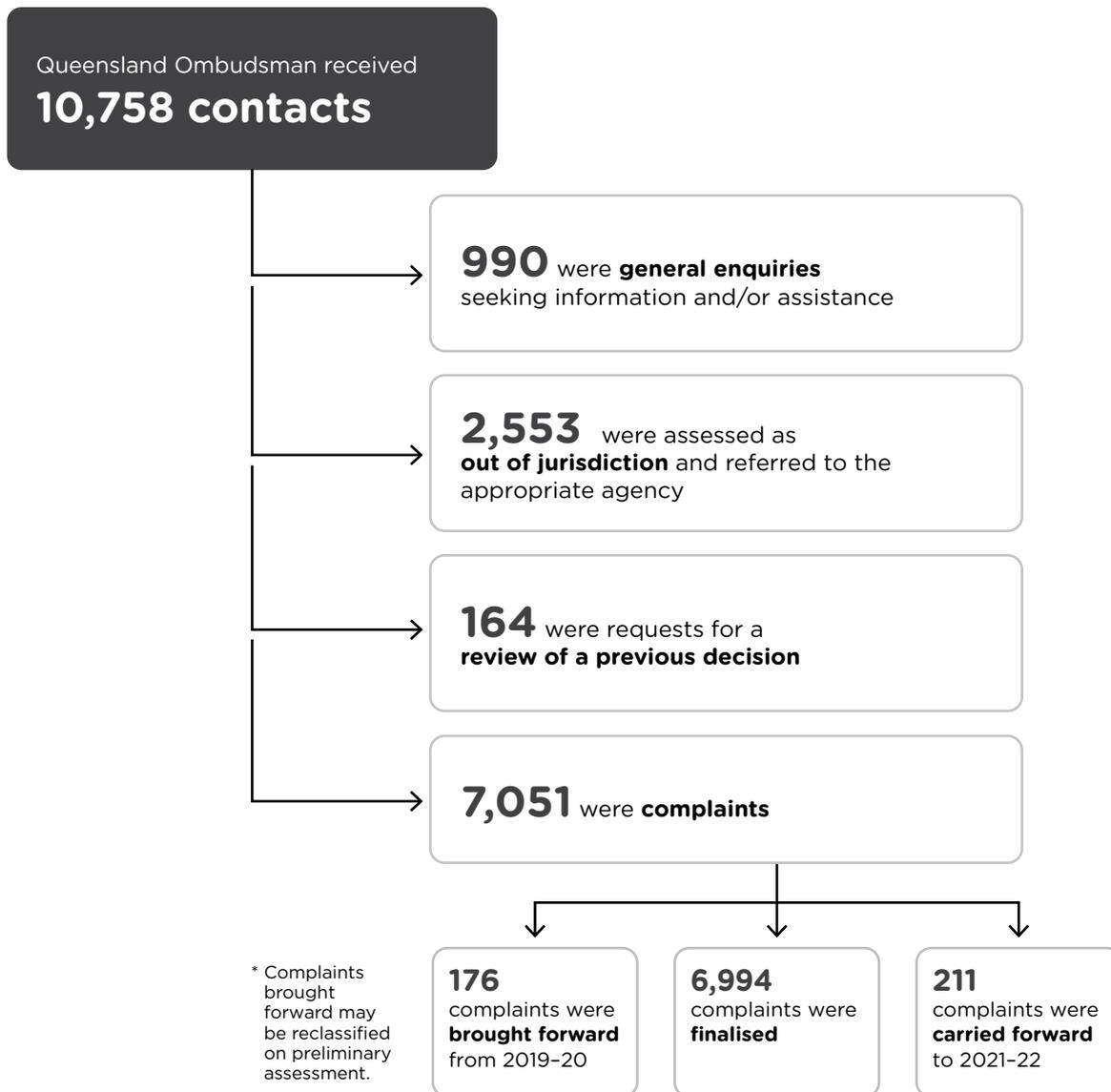


Investigating complaints

Contact with the Office



Contacts

When a person contacts this Office through the Registration and Preliminary Assessment Team, it is recorded as a contact whether or not the matter is within the Office's jurisdiction. This includes general enquiries and review requests.

Complaints received

A complaint is a statement of dissatisfaction about an agency within the Office's jurisdiction. This year, complaints by sector were:

- state agencies (72%)
- local councils (25%)
- public universities (3%).

Human rights

The Office received 2,159 cases which were assessed as involving a human rights element. Common complaint topics included:

- property rights
- protection of families and children
- humane treatment when deprived of liberty
- privacy and reputation.

Timeliness

The time to finalise complaints was similar to the previous year:

- 82% within 10 days
- 93% within 30 days
- 99% within 12 months.

Accessibility

Telephone remains the most common way for people to contact us. About half of all contacts start with a phone call and this includes the Prisoner PhoneLink service (656 contacts this year).

Our website (www.ombudsman.qld.gov.au) offers a rich source of information about complaints processes, including links to other complaint agencies. The site is designed for a range of devices and this year 40% of website visitors used mobile phones or tablets.

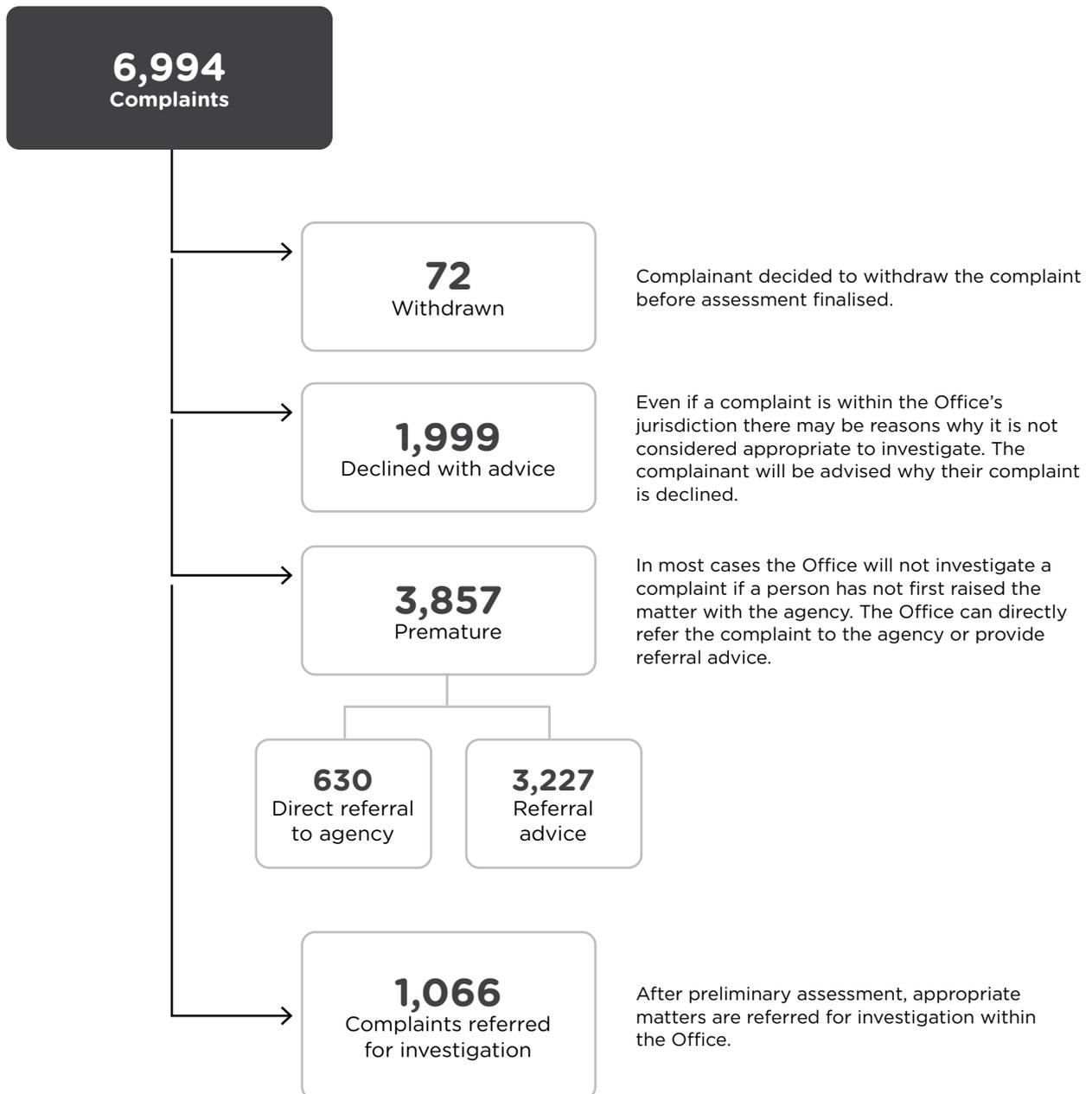
Our online complaint form is available at any time from the website. About one-third of complaints are now received electronically.

In 2020–21, 16,592 people were directed to a webpage about matters out of the Office's jurisdiction (OOJ) from the online complaint form, and 78,555 people directly accessed Office webpages about OOJ matters. Of these, 47,746 people linked to another complaint body's website.

The BrowseAloud tool on our website reads webpages aloud to help people requiring online reading support. The BrowseAloud tool also provides translations to make the site accessible in languages other than English. The site also provides videos that translate a selection of pages into Australian Sign Language, Auslan.

The Office is a certified National Relay Service (NRS) organisation. The NRS is a phone service for people who are deaf or have a hearing or speech impairment.

Complaints



Complaints finalised after preliminary assessment

In total, 65% of complaints closed after preliminary assessment were classified as premature. That is, the complaint had not been fully considered through the relevant agency's internal complaints management system. For most premature complaints, the Office provides advice on how to make a complaint to the agency and how to bring the matter back to the Office if the agency's response is considered unsatisfactory.

Other reasons for declining to accept a complaint included:

- a more appropriate entity could investigate the complaint (5%)
- the complainant had an appeal right that should first be exhausted (19%)
- insufficient information was provided by the complainant (3%).

This year, the average time to finalise a preliminary assessment was 3.2 days.

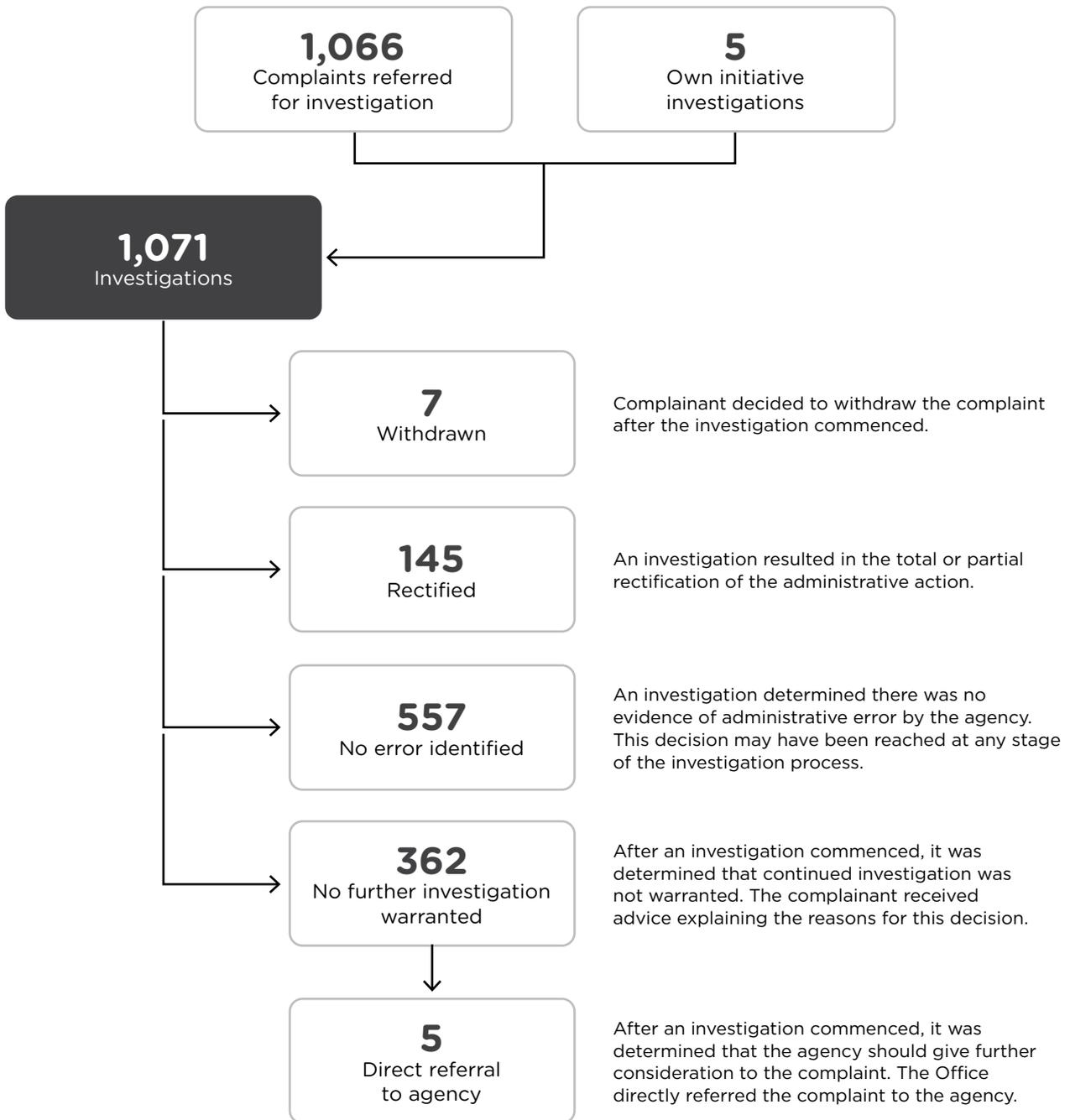
See Appendix B for more detailed information.

What we look for

After receiving a complaint, the first step is preliminary assessment. If it is within our area of responsibility, then we check other things:

- Is the complaint more than 12 months old? If so, we cannot investigate unless there are special circumstances.
- Has the complaint been made to the organisation involved? If not, we usually consider this a 'premature' complaint and provide referral advice to the person making the complaint.
- Are there other appeal rights? Other processes through the Queensland Civil and Administrative Tribunal or Magistrates Court may be available.
- Is there enough information about the complaint? We may need to ask for further information from the complainant or the organisation involved.

Investigations



Investigations

An investigation determines if administrative action by the agency is unlawful, unreasonable, unjust, or otherwise wrong.

In 2020–21, 34% of investigations were not continued for reasons including:

- the investigation was considered unnecessary or unjustifiable
- the complainant was referred back to the agency to await the outcome of a process and/or for an internal review
- an appeal right remained open to the complainant.

The average time to close an investigation was 51 days.

Rectifications and recommendations

Rectifications are most commonly achieved through negotiating a resolution with the agency. A rectification may also be achieved through a formal finding of administrative error.

This year, the Ombudsman made 190 recommendations to agencies to improve administrative practice. Most recommendations ask agencies to improve policy or procedure, review a decision, expedite actions or provide a better explanation. Recommendations provide a direct or systemic benefit. For example, a recommendation to pay a refund to a complainant is considered a direct benefit. Systemic recommendations focus on remedying problems with agency policies, procedures or practices so that many people benefit from the change. In 2020–21, 116 recommendations provided direct benefit, and 74 recommendations were systemic.

The Office continued to achieve a very high rate of agency acceptance of recommendations – 100% of recommendations were accepted by agencies in 2020–21.

Correctional centre and youth detention centre visits

Our correctional centre visits program is undertaken as part of the Office's administrative improvement function under s 12(c) of the *Ombudsman Act 2001*. It is important closed environments are scrutinised to ensure satisfactory compliance with key operational systems is demonstrated.

Throughout the pandemic Queensland Corrective Services (QCS) has kept this Office informed of action taken in response to the pandemic, which at times has infringed on prisoners' rights. QCS has been open and transparent with us in the challenges experienced in responding to COVID-19. The pandemic has not prevented us from receiving complaints. Our normal services have remained available to all prisoners as they were prior to the pandemic.

COVID-19 has prevented us from being able to conduct the annual centre visit program in its traditional form. With QCS' cooperation we have been able to work collaboratively to deliver the visit program in a virtual way using facilities at its Brisbane head office.

This virtual program has proved successful. While the pandemic continues to restrict our ability to enter closed environments, the use of virtual visits will continue.

With the support of the Department of Children, Youth Justice and Multicultural Affairs, we managed to conduct physical inspections of the Cleveland and Brisbane youth detention centres in between various periods of COVID-19 restrictions. These inspections occurred in late 2020 and early 2021 respectively. In early 2021 we were also provided with a tour of the newly built West Moreton Youth Detention Centre.

Our usual complaint services were accessible to young people throughout the year including during periods of COVID-19 restrictions.