

Improving communication - Casebook 2022 examples



Case
studies

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Communication is key, Case studies

It is important that people affected by government decisions understand the reasoning for making a decision, and are advised of any available right of internal or external review or appeal.

Giving reasons for decision is essential to fairness, ensures transparency and promotes accountability in decision-making.

If a correct decision is badly communicated, it is likely a complaint will be made. Effective communication of decisions and reasons can help prevent or reduce complaints.

Our [Casebook 2022](#) includes examples where complainants were not provided effective communication:

Lack of communication caused distress and inconvenience (p. 5)

John was an older person admitted to hospital with reduced capacity. His son Len asked the hospital for information about his father's medical condition. The hospital said it could not communicate with him as there was no Enduring Power of Attorney and Len wasn't listed as next of kin for John. On previous admissions, the hospital had communicated with Len about his father without that documentation.

Len complained to the hospital about its refusal to communicate with him about his father. The hospital investigated the complaint, but did not inform him of the outcome. He complained to this Office that the hospital would not communicate with him. In making his complaint to this Office, Len wanted to ensure that communication with the hospital regarding his father would be available during any future hospital admissions.

The result

This Office looked at whether the hospital's decision not to communicate with Len about his father was reasonable, and if the hospital had appropriately responded to his complaint. The hospital acknowledged that it missed informing Len of the outcome of its investigation, and apologised for the inconvenience and distress caused to him. It listed Len as an admission contact in the hospital records so he could be contacted during his father's future hospital admissions.

Ombudsman insight

Agencies need to be aware that a person who raises concerns will have a reasonable expectation that they will receive a response. Failure to do so may exacerbate an already distressful situation and may cause that person to believe they have been treated unfairly.

Clear communication of reasons and transparency in decision-making and recordkeeping (p. 8)

Following Morris's surgery, there were complications that meant he required further surgery which was not available in the regional town where he lived.

Morris contacted a number of surgeons in Brisbane but found no one was willing to operate. He found an interstate specialist who was willing to provide the surgery. This resulted in a number of trips interstate for treatment and further surgery over eight months. Both his doctor and solicitor wrote to the Hospital

and Health Service (HHS), part of Queensland Health, stating that he required Patient Travel Subsidy Scheme (PTSS) help for his interstate travel and accommodation costs.

Morris telephoned the PTSS office on a number of occasions during the months of treatment and was verbally advised that his application would be accepted.

When he applied in writing, the HHS refused his application for PTSS help. He appealed this decision and HHS refused his appeal. Morris complained to this Office.

The result

This Office's investigation found a number of issues with the HHS's decision and appeal responses. The application refusal did not:

- clearly explain how the decision was reached, and included an irrelevant section of the PTSS Guideline as justification
- contain information about appeal rights
- include the name and position of the person who made the decision.

The application decision was initially recorded as approved in internal HHS documents. As Morris received a letter advising that his application was refused, it was clear the original decision was changed but there was no record of what happened to change that decision. The HHS acknowledged that it had not managed all aspects of decision-making appropriately and agreed to reimburse Morris for his PTSS application. The HHS agreed to consider the highlighted areas for improvement.

Ombudsman insight

Good decision-making involves the provision of reasons to an applicant to allow them to understand why their application has not met the relevant criteria. It amounts to more than a statement of an outcome and should include all steps of reasoning, linking the facts of a decision and the material relied on, so an applicant can understand how the decision was reached. If an applicant is unable to understand a decision, they cannot then properly prepare an appeal for that decision.

Clear communication and applying discretion particularly important during COVID-19 (p. 9)

Clear communication and applying discretion particularly important during COVID-19 Onkar was an international student at a Queensland university. He was being monitored by the university because he hadn't achieved satisfactory academic progress in previous terms.

Onkar reported that the surge of COVID-19 in his home country caused him much stress and anxiety. Close family members were severely ill and he became increasingly worried about them. Onkar was involved in an accident and tore a ligament in his writing hand.

He submitted a medical certificate on 'exam day' for one of the course units, as he was unable to exert pressure on his hand, which hampered his ability to undertake the exam. His applications to defer the exam and two assignments were approved.

He completed the deferred course work, but did not pass all of the units he was enrolled in.

His unsatisfactory work in that term meant he progressed to Stage 3 of the university's monitoring academic progress policy. The university notified Onkar of its intent to cancel his enrolment.

Onkar needed to supply documents to support his appeal within a month. In that time, he was only able to supply a medical certificate for a short time relating to his hand injury and he did not provide any information on how he would improve his chances at being successful with his studies in the future as required under the policy.

His appeal was denied. He complained to this Office.

The result

Onkar provided further information to this Office that was not available to the university at the time of making its decision. These documents related to his family's situation and an 'action plan' on how he intended to successfully complete his course.

In the investigation, this Office noted a discrepancy between the delegated decision-maker in the university's policy and the staff member who signed the outcome notice that was sent to Onkar. The outcome notification did not refer to any relevant provisions of the policy, in particular it did not contain any information to indicate that the assessment and decision concerning Onkar's appeal application was made by the academic panel, as required under the policy.

In light of the new documents, the university agreed to review its decision on the cancellation of Onkar's enrolment. It also

agreed to review the relevant sections of its policy and outcome advice to students to ensure both documents are consistent about the decision-making process for Stage 3.

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