

Ombudsman activities in regional areas

Riverland Region

Ombudsman's visit to Berri and Renmark

Monday 11 to Tuesday 12 March 2002

The Ombudsman met with:

- delegates of the Justice Access Referral Scheme in Berri and Renmark
- the Mayor and CEO of Berri Barmera Council in Berri
- the Mayor and CEO of Renmark Paringa Council in Renmark
- the CEO of Riverland Health Service at Berri

Upper and Mid North Region

Ombudsman's visit to Whyalla, Port Augusta and Port Pirie

Monday 11 to Tuesday 12 March 2002

The Ombudsman and his staff met with:

- delegates of the Justice Access Referral
- the Mayor and CEO of Whyalla City Council
- the CEO of Whyalla Hospital and Health Services
- the Mayor and CEO of City of Port Augusta
- the CEO of Port Augusta Hospital and Health Services
- the Mayor and CEO of Port Pirie Regional Council
- the CEO of Port Pirie Regional Health Services

South East Region

Kingston SE, Robe, Millicent, Mount Gambier, Naracoorte and Bordertown

Tuesday 14 to Thursday 16 May 2002

The Ombudsman and his staff met with:

- delegates of the Justice Access Referral Scheme in Kingston SE, Robe, Millicent, Mount Gambier, Naracoorte and Bordertown
- the Mayor and CEO of Kingston District Council
- the Mayor and CEO of Robe District Council
- the Mayor and CEO of Wattle Range Council
- the Mayor and CEO of Mount Gambier City Council
- the CEO of Mount Gambier Hospital and Health Services
- the Mayor and CEO of Naracoorte Lucindale Council
- the Mayor and CEO of Tatiara District Council

Justice Access Referral Program - Delegates

Barossa Valley, Mallee, Riverland, South Coast and Kangaroo Island

Renmark

David Aitchison
Jack Papageorgiou
Max Thompson
Robert Twyford
John Tzanavaras

Berri

Francis Day
John Sweet
Judith Zanetic
Baldev Dhaliwal

Victor Harbor

Ed Glasson
Brian Heyes
Rupert Delahey

Kangaroo Island

Judith Morris
John Grimes

Loxton

Douglas Vaughan

Raukkan

Henry Rankine

Peebinga

Dean Kerley

Lameroo

Glen Kelly

Metropolitan

Anne Bachmann
Kam Hung Lui
Martha Krassovich
Sonia Mararenko
Giang Le Huy

Steve Liapis
Cererino Sanchez
Inta Rumpel
Anastasios Bougesis
Domenica Beverdam

Mid North and Yorke Peninsula

Port Pirie

John Banfield
Dino Gadaleta
Garth Zerbe

Peterborough

Robert Hams

Kadina

Necia Ebert

Clare

Bruce Thomas

Maitland

John Patten

South East

Mount Gambier

James Galpin
Pat Willoughby

Millicent

Denis Clifford
Ian Tiddy

Naracoorte

Ann Bell
Bill Leitch

Robe

Peter Pope

Bordertown

Wayne Dodd
Patrick Maloney

Kingston SE

Jeffery Grove
Gordon Scott

Upper North, Far North and Eyre Peninsula

Port Lincoln

Ros Hood
Dudley James
Peter Zdravkovski
Nick Humenick
Josel Bautista
Anna Papazoglov

Whyalla

Tony Peak
Rex Jordan
Pablo Rosa
Teresa Nowak
Puring Olsen

Hawker

Keith Rasheed
Julia Henderson
Mary Van Keulen
John Teague

Port Augusta

George Parker
Michael Musarra
Konrad Taus

Ceduna

Neil Chandler
Des Whitmarsh
Margaret Soumelidis

Quorn

Charles Hosking
Peter Maloney

Cooper Pedy

Deane Clee

Roxby Downs

Alan Barlow

Elliston

Joyce Sampson

Cummins

Judith Francis

Orroroo

Ross Hooper

Justice Access Referral Program

*An excerpt from the strategic review prepared
for the South Australian Ombudsman,
November 2001*

Introduction

In May 2001 the South Australian Ombudsman commissioned a review of the Justice Access Referral Program.

The review was to provide an assessment of the current program and recommend a strategic framework for its future operation.

Interviews with Delegates, representatives of selected complaint handling authorities and staff of the Ombudsman's office provided information about the current operation of the program.

During the initial stages of the review the Attorney General released a Discussion Report on the operation of the Justice of the Peace system in South Australia. The findings of that report have been considered in this review and the implications of the next steps discussed with the Project Officer of the Implementation Team.

The material in this report is arranged to present an outline of the JARP as it currently operates, interview findings, assessment and proposals. The use of margin notes and headings (referenced in the Table of Contents as subheadings) enables a reader to follow a specific topic from description to proposal.

This report would not have been possible without the support of Delegates who were very willing to answer questions and speculate about the future of the program. For your time, tea and biscuits - thanks!

Anne Stimson

Executive Consultant

Office of the Commissioner for Public Employment

Description of program

The following description of the Justice Access Referral Program draws on material contained in the Ombudsman's *Annual Reports* together with resource documents prepared for Delegates.

The Justice Access Referral Program (JARP) was initiated by the State Ombudsman in 1996 to improve 'access to justice'.

The scheme is a community-based information service. Delegates (who are primarily Justices of the Peace) are appointed by the Ombudsman to provide referral advice to members of their local or particular community.

The aim of the program is to help members of the public contact the correct complaint handling body for their particular complaint - irrespective of whether the complaint relates to the administrative processes of federal, state or local government.

Why was JARP established?

JARP was established to improve access to complaint handling for people living in regional and rural South Australia.

The scope and method of operation of JARP responds to some of the factors which are seen as inhibiting people from making complaints about government services:

- geographic distance from the head office of service providers;
- public confusion about jurisdiction due to changes in departmental structures and activities;
- minimisation of local agency presence leading to reduced opportunities to take up and deal directly with agencies about complaints.

The later inclusion of metropolitan appointees with links to specific multicultural communities recognised additional barriers of language and cultural difference. Efforts have also been made to establish an Aboriginal Access Program to meet the specific needs of Aboriginal communities.

What is JARP meant to do?

JARP is intended to provide a local bridge between citizens who wish to lodge complaints about government administration and the various authorities which are responsible for independent review of these complaints.

The ambit of JARP is deliberately wider than the jurisdiction of the South Australian Ombudsman whilst the role of the Delegates is deliberately constrained to one of referral rather than investigation or intervention.

JARP aims to improve the contact process for complaints so that the second 'phone call (after contact with a Delegate) is the final and right contact number.

How does JARP work?

JARP is a responsive community service. Delegates respond to members of the general public who contact them by phone, or personally.

Appointees are commonly known as 'Justice Referral Delegates'. Each receives an instrument of delegation which is issued by the Ombudsman in accordance with section 9 of the *Ombudsman Act 1973*.

This document:

- defines the scope of responsibility of Delegates; and
- provide a limited immunity from prosecution, provided the Delegate is operating in accordance with the delegation.

Delegates provide a local contact point to help people sort their way through the complexities of the complaint handling process. They are able to advise whether or not there is an independent authority (such as the Ombudsman) who has jurisdiction for the matter - and provide contact details.

On an informal basis, Delegates can initiate the preliminary steps of complaint handling procedure. This is as simple as checking whether or not there has been an effort to resolve the matter locally, or directly, with the service provider before resorting to formal complaint procedures. Delegates may also give advice about the existence of an internal complaint handling process for the relevant agency.

Who are the Delegates?

Delegates are volunteers. They are people who have a past and present interest in community service. Most commonly, Delegates are people who have developed a reputation in their communities as people whose:

- advice can be relied upon; and
- integrity trusted.

Delegates also tend to be people who are readily accessible whether through their work, place of residence or level of involvement in community activities. The majority of appointees are also Justices of the Peace (JP's).

Over the past six years the Ombudsman has appointed 75 Delegates. Approximately 65 of these appointees are still active JARP participants. The majority of the appointees are located in the regional and rural areas of the State, primarily in the larger centres; there is some 'outback' representation. Multicultural appointees are mainly located in the metropolitan area although the most recent multicultural appointments have occurred in the northern country areas of Whyalla, Port Pirie and Port Augusta.

The multicultural appointees provide links with a number of communities including - Dutch; Sikh; Italian; Greek; Russian; Latvian; Hungarian; Spanish; Cambodian; Vietnamese. Delegates appointed under the Aboriginal Access program have had links with Aboriginal communities in Port Augusta, Mount Gambier, the Riverland area and Hawker.

How are Delegates selected and appointed?

The Ombudsman has led the recruitment and selection of Delegates with enthusiasm and commitment. He has made use of his contacts with multicultural communities and groups such as the Royal Association of Justices to develop a diverse and broadly distributed network of Delegates. The general practice has been to recruit Delegates who are also JP's.

Recommendations have come from the Royal Justices Association, which has been a significant stakeholder in respect of support for, and involvement in, the program. The Division of Multicultural Affairs (DOMA) has also assisted through providing contacts with community representatives for particular multicultural groups.

Other appointments have occurred after recommendation by a Delegate in a particular locality or self-nomination by people who have attended presentations or information sessions about the program. In the early stages of JARP, potential Delegates were interviewed by the Ombudsman and a member of his staff prior to any appointment.

More recently, the Ombudsman has favoured an informal contact via telephone or personal meeting with people who have expressed interest in the program. The distribution (both geographically and multiculturally) reflects the Ombudsman's desire to ensure that JARP operates extensively throughout South Australia.

How does the public find a JARP Delegate?

JARP Delegates are listed in the *White Pages Directory* for their telephone area, under the heading 'Ombudsman'. The listing provides Delegate names and contact numbers. This directory listing also gives the free-call number for the Ombudsman's Adelaide office.

Delegates have distributed brochures about the Ombudsman and his jurisdiction to local centres including local government offices, hospitals, police stations, libraries etc. Several Delegates have put up notices at these locations to advise members of the public of the existence of JARP and the name of the local Delegate.

The Ombudsman's visits to regional centres have been used to raise the profile and public awareness of both the Ombudsman and his Delegates.

How is JARP supported?

Program support occurs in a variety of ways:

- written information for Delegates - handbooks, letters and brochures:
 - the *Directory of Complaint Handling Bodies* (produced by the Commonwealth Government) provides an Australia-wide listing of contact points and telephone numbers and is updated yearly,
 - a Q&A format handbook gives a 'how to' approach from the perspective of complaint referral.
- telephone contact from and/or to the Ombudsman and his staff:
 - Delegates are encouraged to use the toll free number to contact the Ombudsman's office whenever they have a query about a particular referral.
- workshops and information sessions:
 - in May 2001 the Ombudsman conducted his first 'formal' training session via a workshop held in Adelaide,
 - Delegates are invited to attend the monthly meetings of the Australian Institute of Administrative Law,
 - general information sessions (similar to roadshows) are held when the Ombudsman visits regional areas to either receive complaints or appoint new Delegates,
 - staff of the Ombudsman's office are encouraged to meet Delegates 'in the field' during their visits to regional locations.

The Ombudsman's Personal Assistant has ongoing responsibility for administrative support, that is, coordination of visits, contact with Delegates and updating of information. This work is an 'add-on' to her existing duties.

How is JARP monitored?

Initially Delegates completed an annual return of contact. However this practice has lapsed over the past few years. Aside from personal contact with Delegates, there are no other assessment processes

Objectives & benefits

Delegates describe the objectives of the scheme in terms of:

- empowering local communities;
- providing a face-to-face contact for people instead of an impersonal call centre or computer;
- helping people; and
- providing an opportunity for community service.

Notwithstanding the formal title of the scheme, not one Delegate has used the term 'access to justice' to describe their expectations or view of the program. Instead, the program is more commonly described in terms of communication, information and complaint handling:

"We are there to listen and help."

"The benefit [of the program] is that it gives the community a local contact."

"JARP is a local voice - country people can't always sort their way through the confusion of government changes."

Other complaint handling bodies comment on the scheme in terms of access and equity:

"... fill[ing] in the gap where people don't know where to call."

"Providing a knowledgeable channel to direct complaints to specific authorities."

"The term 'access to justice' is not a clear statement of the program objectives - prefer a plain English statement [such as] 'helping people to make complaints'."

"The Delegate role is not significantly different to the kind of referral which might come from the 'man in the street'."

These groups generally regard JARP as a "useful addendum" to their existing 'outreach' activities. The program's benefit is seen as being a service which adds to the myriad ways in which the general public can make contact with complaint handling bodies.

Staff of the Ombudsman's Office also regard JARP as an outreach program. Some see the objective in terms of equity and support to disadvantaged groups. Others describe the benefit as an 'efficiency gain' through calls being directed locally and appropriately to the right jurisdiction:

"[The program] is about providing rural citizens with opportunities for more ready access and awareness of the Ombudsman and other bodies."

"The office [of the Ombudsman] benefits through not having to make trips to rural areas."

"There is a benefit for rural people - these are invisible benefits that we may not see happening because they occur through Delegates just doing their job - that is, referring people to the right complaint authority."

Selection & recruitment

Perhaps not surprisingly, the majority of **Delegates** believe that appointment as a JP is an essential pre-requisite for appointment to the program:

JP's must undergo a police check prior to appointment and must also have character references.

JP's are known in their community and have a record of being people who can be trusted.

Someone who is appointed as a JP has a prior record of willingness to be involved in community service.

A smaller number (15%) consider that there is no intrinsic requirement for Delegates to also be JP's, particularly if the role is confined to providing information about jurisdiction for complaints. The need for some form of character check is acknowledged as a means of ensuring that future appointees "can be trusted with the responsibility".

Delegates concur on the characteristics required for future appointees:

- "Someone who is already a volunteer for community activities."*
- "The main skill is listening - people often just want to get something off their chest."*
- "It is important for Delegates to have integrity."*
- "I'd say empathy, an ability to work out what the problem is and some knowledge of how systems work."*
- "Someone who has some 'cheese on the cracker' - you can expect them to show commonsense."*
- "Accessible - people have to be able to contact you."*

Selecting people who are known in their communities, and who have an ability to relate with others, is also rated highly by other complaint handling bodies and staff in the Ombudsman's office. The advantage of JP appointees is that these people have already shown a willingness to be involved in volunteer community service. However other suitable people (such as local Councillors or employees) should not be excluded by this criterion:

- Delegates need a wide network of contacts so that the effect of JARP is amplified.*
- The prime requirement is that Delegates be people who have the trust of [their] community.*
- Select people who like working with people.*
- Delegates should have knowledge of the community that you are trying to target through the appointment - whether on the basis of location or ethnicity.*
- A Delegate should have some sense of how government works and reasonable written and verbal skills - an ability to see two sides, listening skills, empathy, ability to analyse problems.*

Staff in the Ombudsman's office place on the highest importance on 'people skills' but also rate highly the selection of people who will be seen to be impartial and objective. These latter attributes are considered essential if the Delegate role should expand to include fact finding or similar activities.

Promotion

Concerns about promotion fall into two areas:

- community knowledge of the existence of JARP/ role of the Ombudsman,
- agency knowledge of the program.

The majority of **Delegates** (98%) consider there is a need for increased promotion of JARP. They cite the low number of enquiries received as an indicator that the community is not sufficiently aware of the existence of the program. Even those Delegates who receive a higher number of contacts (up to 20-25 per annum) report a need for increased promotion:

- "I don't think that everyone knows about this program."*
- "I was expecting far more contacts - I'm sure there would be more people contacting me if they knew that I am a contact for the Ombudsman's office."*
- "Most people aren't really aware of what the Ombudsman can do for them."*
- "Even the [local agency] doesn't know about JARP - the first time I contacted them I got a blank response when I said I was a Delegate of the Ombudsman."*

A number of Delegates comment that listing of names in the telephone directory is only useful if people know about the Ombudsman. They believe that the majority of their contacts come from 'word of mouth' referral within their particular communities.

- "I'm not sure that everyone in [my community] would think of looking up the Ombudsman [in the] phone book] or to pick out my name as a Delegate if they wanted to complain about an agency."*

These concerns about lack of community awareness are supported by the results of an independent survey commissioned as part of the Ombudsman's Strategic Planning review.

Program management

Support for the JARP scheme encompasses the following:

- contact with Delegates - answering questions by 'phone or in person,
- training and information sessions,
- provision of written material.

Delegates report satisfaction with the level of support which they receive from the Ombudsman's office - the only criticism relates to the level of promotion of the program, as outlined earlier.

I think it's good - whenever I call the office, someone is able to help me.

I think the Ombudsman does an excellent job.

We don't need a great deal of support - the material we've been given is very detailed - if you look up the last book [the Commonwealth Directory], it has all the answers.

Delegates report that they value the direct contact which they do have with the Ombudsman. Whilst some (approximately 30%) would like to have a specific contact person within the Ombudsman's office, the majority believe that the continued access to a toll free number is the most important support.

Summary of Findings

Program objectives and benefits

There is general agreement that JARP provides a valued community service and should be continued. The value of JARP lies in it being a 'people oriented' approach which is based on common-sense and avoids being bureaucratic.

Role definition

Delegates report varying interpretations of their referral activity - ranging from a passive role in providing contact details, to a more active role in initiating complaint handling procedures, to providing practical support to assist potential complainants. Some Delegates are interested in having an expanded role subject to the Ombudsman having clear guidelines covering matters such as non-representation & criteria (conditions) for involvement

Selection and recruitment

Delegates generally see no disadvantage in continuing to use the JP register as the source for future appointments. Other groups, including some Delegates, consider that the selection criteria should be documented and known - and that prior appointment as a JP should be a desirable but not essential characteristic. There is a common view that the most desirable characteristics are - prior involvement in community activities, people skills and integrity.

Promotion

Increasing community awareness of the existence of complaint handling processes is considered to be the major promotional need. Both complaint handling authorities and Delegates have commented on the lack of material in languages other than English.

Program management

The level of support required for JARP is dependent on the role defined for Delegates.

The overriding criteria for Delegates is that information be succinct and up-to-date - particularly with contact details. Other bodies are seeking more specific advice on the type of support which would be useful for this program - but conscious of the need to manage any support within their own budget constraints.

Program monitoring

Delegates recognise that some form of reporting is required to ensure that there is public accountability for JARP. A related question raised by authorities and staff is whether or not the local community values the existence of the scheme - and would be opposed to its removal.