

Media Release

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NSW Ombudsman’s Review of the DCJ Complaint System in respect of its Aboriginal Child Protection functions, tabled in Parliament today

The NSW Ombudsman’s report - *Review of the DCJ Complaint System in respect of its Aboriginal Child Protection functions*, has been tabled in Parliament today.

The report follows a comprehensive review of the Department of Communities and Justice (DCJ) system for handling complaints from, or involving, Aboriginal families in the child protection system. The review focused on understanding DCJ’s complaint handling system, the foundational elements underpinning it and how well it is operating in practice.

“A key objective of the review was to reflect how Aboriginal families view and experience DCJ’s complaint system. The review team has therefore focused closely on seeking and listening to the voices of Aboriginal people, including through stakeholder forums and a close qualitative review of complaint files held by DCJ,” said NSW Ombudsman, Paul Miller.

“We found that DCJ is managing a complex, decentralised and under-resourced complaint system which is not sufficiently culturally attuned to the needs of Aboriginal complainants, and is not adequately accessible to Aboriginal people.

“We heard many times about how fear, and experiences, of detrimental action and racial bias when complaints are made, is undermining both the accessibility of the system and the fairness of complaint outcomes, and this must be addressed.

“While there are many dedicated DCJ staff handling complaints in complex and challenging circumstances, we observed low uptake of relevant training, limited awareness of complaint processes, and other deficiencies in workforce complaint-handling capability and resourcing.

“Our detailed file reviews found uneven performance, with complaints too easily lost in the system, too many complaints taking too long to resolve, patchy communication, and double-handling between different parts of the system, resulting in confusion, frustration and a reinforcement of distrust.

“We identified gaps in system foundations, including in relation to resourcing, training and support, quality assurance, and policy frameworks.

“We also observed that although DCJ requires contracted out-of-home-care providers to manage complaints made about and to them, it does not do enough to ensure quality processes and outcomes in respect of their complaint handling,” said Mr Miller.

Recommendations

The NSW Ombudsman has made recommendations to improve DCJ's complaint handling system at a foundational level, starting with a recommendation that DCJ develop a plan for overarching system reform.

“The priority should be embedding a positive and culturally attuned complaint-handling culture, building workforce capacity, and ensuring staff have the training, resources and support they need to effectively handle complaints,” said Mr Miller.

Key recommendations also include improving accessibility and better managing the risk of detrimental action against complainants, establishing a centralised complaint investigation function, better integrating policies and procedures, adopting fit-for-purpose case management system and data analysis functions, and improving complaint resolution practices.

DCJ has advised this office of its intention to implement all of the Ombudsman’s recommendations.

“The recommendations have been developed – and should be implemented – with the experiences of Aboriginal people front of mind. That said, many of the recommendations in this report will benefit all children and families involved in the DCJ child protection system,” said Mr Miller.

The NSW Ombudsman’s office acknowledges and thanks the Aboriginal people and organisations who generously shared with us their experiences of DCJ’s complaint handling system and suggestions for its improvement.

The report is available on our website at www.ombo.nsw.gov.au.

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