

APPENDICES



Appendix A – Reference tables

Legislation

Legislation referred to in this report

Community Services (Complaints, Reviews and Monitoring) Act 1993 (CS CRAMA)

Ombudsman Act 1974 (Ombudsman Act)

Children and Young Persons (Care and Protection) Act 1998 (Care Act)

Key terms

Term	Meaning in this report (unless otherwise stated)
Aboriginal	A reference to an Aboriginal person includes both Aboriginal and Torres Strait Islander persons.
Aboriginal complaint	A reference to an Aboriginal complaint includes any complaint that is from, or directly or indirectly concerns, an Aboriginal or Torres Strait Islander child or young person in the child protection and OOHC system. It may include complaints from Aboriginal children or young people themselves or from their families, carers, community or other individuals or organisations. It may also include complaints received from, or about, Aboriginal Controlled Organisations or other organisations that provide OOHC services in respect of Aboriginal children.
Actionable complaint	These are complaints that we are authorised by legislation to receive and, if necessary, to investigate under the <i>Ombudsman Act 1974</i> or the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i> (CS CRAMA).
Child or children	Section 3 of the Care Act defines a child as a person who is under the age of 16 years and a young person as a person who is aged 16 years or above but who is under the age of 18 years. A reference to a 'child' or 'children' includes a young person or young people.
Caseworker	An employee of DCJ, or an employee of one of its funded service providers, who provides casework services specifically relating to child protection and OOHC community services.
Community service	In this report 'community services' is limited to a child protection or OOHC service provided by DCJ or a DCJ funded service provider.
Community Service Centre	DCJ's locally based community services offices. There are 81 Community Service Centres (CSCs) across NSW falling within districts that are aligned with Local Health Districts.
Complaint	An expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

178 CS CRAMA s 47(3).

Term	Meaning in this report (unless otherwise stated)
Detrimental action	<p>'Detrimental action' means actions causing, comprising or involving any of the following:</p> <ul style="list-style-type: none"> ⇒ injury, damage or loss ⇒ intimidation or harassment ⇒ discrimination, disadvantage or adverse treatment in relation to employment ⇒ dismissal from, or prejudice in, employment ⇒ prejudice in the provision of a community service ⇒ disciplinary proceedings.¹⁷⁸
District	<p>A geographical area defined by DCJ to enable more localised planning and administration. Districts are aligned with 15 Local Health Districts and fall within 7 district clusters each led by an Executive District Director responsible for delivering DCJ's community services and housing.¹⁷⁹</p>
Enquiry	<p>Specifically: a categorisation field used by the EFCU database 'Satisfy' as described in this report.</p> <p>Or, where used more generally, an act of asking for information.</p>
Feedback	<p>Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about an organisation, its products, services, staff or its handling of a complaint.</p>
Retribution	<p>A provision of the CS CRAMA titled <i>Protection of complainant against retribution</i>¹⁸⁰ makes it an offence to take, or threaten to take, detrimental action against a person who makes or proposes to make a complaint to a service provider or to the Ombudsman.¹⁸¹ DCJ, and non-government agencies funded, authorised or licensed by DCJ are 'service providers'.¹⁸²</p> <p>In this report, a reference to retribution is a reference to 'detrimental action' as defined above.</p>
Service providers	<p>Non-government organisations funded by DCJ to provide OOHC services (including both Aboriginal Community Controlled Organisations and Non-Aboriginal organisations).</p>
Out-of-home care (OOHC)	<p>The <i>Children and Young Persons (Care and Protection) Act 1998</i> provides for 2 types¹⁸³ of out-of-home care:</p> <ul style="list-style-type: none"> ⇒ statutory out-of-home care (statutory OOHC), which requires a Children's Court care order ⇒ supported out-of-home care (supported OOHC) which provides either temporary or longer-term support for a range of other care arrangements made, provided or supported by DCJ without the need for a care order.¹⁸⁴ <p>A prerequisite common to both types is that a child must be considered to be in need of care and protection.</p>

¹⁷⁹ [NSW Department of Communities and Justice District \(Property\) - Metadata.NSW \(aristotlecloud.io\)](#) accessed 27 Aug 2024.

¹⁸⁰ CS CRAMA s 47.

¹⁸¹ CS CRAMA s 47(1).

¹⁸² CS CRAMA s 4(1).

¹⁸³ Specialised substitute residential care (formerly known as voluntary OOHC) is not included here.

¹⁸⁴ Section 135 Care Act. DCJ's website notes supported OOHC applies to Family Court orders 'only when DCJ has been involved in the court process', to arrangements of less than 21 days without a care order and for temporary care arrangements (s151) made with parental consent. It also notes, 'Some children and young people are in supported out-of-home care with no Court order. These care arrangements are historic and is no longer possible for children to enter supported OOHC without a Court Order.' [Types of care - Permanency Support Program | Caring for Children \(nsw.gov.au\)](#), accessed 26 Aug 24.

Abbreviations

Acronym	Full Name
ACMP	<i>Aboriginal Case Management Policy</i>
ACYP	Advocate for Children and Young People
ALS	Aboriginal Legal Service
CCOBS	Cross Cluster Operations and Business Support
CLL	Care Leavers Line
CSC	Community Services Centre
CS CRAMA	<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>
CSIM	Community Services Issues Management
DCJ	Department of Communities and Justice
DCS	Director Community Services
EDD	Executive District Director
EFCU	Enquiries, Feedback and Complaints Unit
FACS	Family and Community Services
FACSIAR	Family and Community Services Insights Analysis and Research
GMAR	Grandmothers Against Removal
MCS	Manager Client Services
MCW	Manager Casework
NGO	Non-governmental Organisation
NOCS	National Office for Child Safety
OCG	Office of the Children's Guardian
OGIP	Open Government Information and Privacy
OOHC	Out-of-home Care
OSP	Office of the Senior Practitioner
PIP	Performance Improvement Plan
PSP	Permanency Support Program
PwC	PricewaterhouseCoopers
QA	Quality Assurance
SARA	Safety and Risk Assessment
SDP	Service Development Plan
TAO	Transforming Aboriginal Outcomes

Case studies

Case study	Paragraph	Case study	Paragraph
Lisa	162	Dr Andrew	250
Grace	178; 346	Rebecca	251
Ann	179	Brittney	258
Emmy Lou	212	Mark	260
May	212	Holly	266
Tyrone	212	Kristy	268
Joanne	235	Nikki	269
Tom	241	Harry	276
Tracey	242	Leanne	279
Ken	244	Meghan	285
Sue	249	Shane	401

**Note: all names are pseudonyms*

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Appendix B – Consultation

Groups we met with and/or consulted during the review

Aboriginal Legal Service (NSW/ACT) Limited

Association of Child Welfare Agencies (ACWA)

Audit Office of New South Wales

Children’s Court of New South Wales

CREATE Foundation

Department of Communities and Justice (DCJ)

Grandmothers Against Removals NSW (GMAR)

First Nations Grandmothers Against Removal of Grandchildren’s Advocacy Group

NSW Legal Aid Commission (Legal Aid)

NSW Child, Family and Community Peak Aboriginal Corporation (AbSec)

NSW Coalition of Aboriginal Regional Alliances (NCARA)

Office of the Advocate for Children and Young People (ACYP)

Office of the Children’s Guardian (OCG)

South Coast Women’s Health and Wellbeing Aboriginal Corporation (Waminda)

Wirringa Baiya Aboriginal Womens’ Legal Centre (Wirringa Baiya)

We have not included the names of individuals who participated in workshops.

We extend our thanks to all stakeholders who contributed to the review, in particular the many Aboriginal parents, grandparents, carers, child protection workers and Aboriginal Community Controlled Organisations who generously contributed their time and views to our review in workshops held in Sydney on 16 February 2023, and in Lismore on 28 March 2023.

Appendix C – Survey

At our request, DCJ agreed to distribute an online survey via email to all executives, managers and staff working in the area of child protection or statutory OOHC and/or complaint handling. The survey comprised 40 questions in total, including 13 questions where a response was optional.

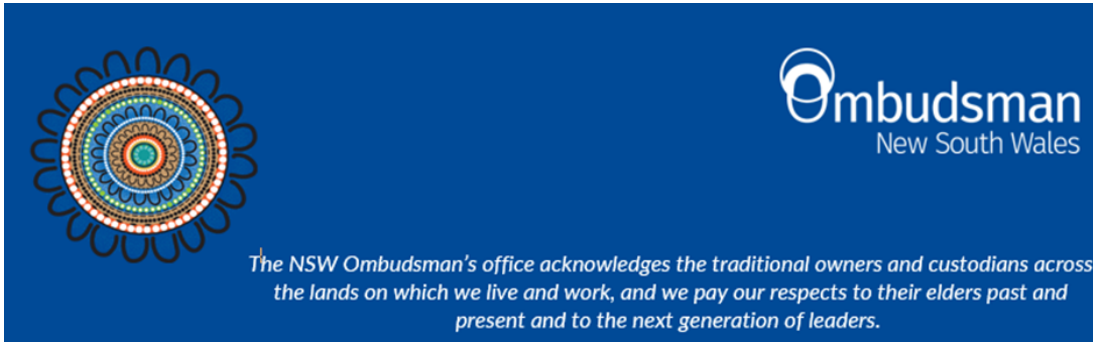
The email with a link to the survey was sent to approximately 4,000 DCJ staff members on Friday 24 March 2023, requesting that they complete the NSW Ombudsman's survey.

The email included advice that:

- ⇒ the NSW Ombudsman was reviewing DCJ's system for handling complaints from Aboriginal people in the child protection and OOHC system
- ⇒ survey responses were confidential, and that identifying information was not required
- ⇒ completed surveys would automatically and directly return to the Ombudsman
- ⇒ the Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services encouraged staff to complete the survey
- ⇒ the NSW Ombudsman could require information from DCJ staff under section 14 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

The survey tool also included a welcome message which assured potential respondents that responses were anonymous, and that individual responses would not be provided to DCJ.

The survey was initially open until Friday, 14 April 2023, and was later extended until the final cut-off on 24 April 2023.



Complaint System Review

The NSW Ombudsman wants to hear your views and ideas about how DCJ handles complaints from Aboriginal people in the Child Protection and Out-of-Home Care system.

Be assured that your response will be anonymous and survey results will only be accessed by NSW Ombudsman staff. Individual responses will not be traced back to an individual and will not be provided to DCJ. When you complete the survey, your response will be returned automatically to NSW Ombudsman review staff.

The information in this survey will contribute to a review of DCJ's complaint handling system under Section 14 of the *Community Services Complaints, Reviews and Monitoring Act*. Under the Act, the Ombudsman may require DCJ employees (and others) to provide information about those systems and their operation.

How long will the Survey take to complete?

We understand that you are busy and appreciate your time to complete the survey. It should take about 10 - 15 minutes to complete (depending on the amount of information you provide in optional free text sections). If you need to, you can exit the survey, save what you have done and finish the survey later.

When do I need to complete the survey by?

The survey should be completed by **Friday 14th April, 2023**

Need some help?

If you have any questions or require any assistance to complete the survey please contact the review team by

email: CareComplaintsReview@ombo.nsw.gov.au or by phone at 02 9286 1003. You can also contact the team anonymously if you prefer.

Thanks again for taking the time to answer this survey.

***1. Are you of Aboriginal or Torres Strait Islander origin?**

- Yes, Aboriginal
- Yes, Torres Strait Islander
- Yes, both Aboriginal and Torres Strait Islander
- No
- Prefer not to say

***2. Do you work in a regional, metropolitan or remote office?**

Find your CSC (or the one you spend most time at) in the table, then choose the corresponding location type below.

Metropolitan		Regional		Remote
Auburn	Macarthur	Albury	Griffith	Bourke
Bankstown	Maitland	Armidale	Highlands Hub	Brewarrina
Blacktown	Mayfield	Ballina	Inverell	Cobar
Blue Mountains	Mount Druitt	Batemans Bay	Kempsey	Coonamble
Burwood	Parramatta	Bathurst	Leeton	Nyngan
Central Sydney	Pennant Hills	Bega	Lismore	Walgett
Charlestown	Penrith	Broken Hill	Lithgow	Wilcannia
Chatswood	Queanbeyan	Cessnock	Moree	
Eastern Sydney	Raymond Terrace	Clarence Valley	Mudgee	
Edgeworth	Shellharbour	Coffs Harbour	Muswellbrook	
Fairfield	St George	Condobolin	Narrabri	
Gosford	St Marys	Cooma	Nowra	
Hawkesbury	Sutherland	Coonabarabran	Orange	
Ingleburn	Tweed Heads	Cootamundra	Parkes	
Lakemba	Wollongong	Cowra	Port Macquarie	
Liverpool	Wyong	Dareton	Tamworth	
		Deniliquin	Tumut	
		Dubbo	Ulladulla	
		Glen Innes	Wagga Wagga	
		Goulburn	Yass	
		Greater Taree		

Location type:

- Metropolitan
- Regional
- Remote
- Other (please describe):

***3. Select the option that best describes your area of work**

- Casework services
- A specialist complaints or enquiries unit, such as
 - Enquiry, Feedback and Complaints Unit
 - Community Services Issues Management
 - Briefings and Correspondence Allocations
 - Information Exchange Unit
 - Open Government, Information & Privacy
 - Helpline
- Contract Management, such as:
 - Commissioning & Planning
 - Statewide Services
 - Prudential Oversight
- Aboriginal Child and Family Policy, Strategy or Programs, including:
 - Transforming Aboriginal Outcomes
 - Child & Family
- Other (please describe):

***4. Which of the following would best describe your role level?**

- Caseworker
- Officer
- Team Leader
- Manager Senior
- Executive
- Prefer not to say
- Other

5. How long have you been in roles with this kind of direct contact?

- < 1 year
- 1 year - less than 3 years
- 3 years - less than 5 years
- 5 years - less than 10 years
- > 10 years

***6. In the course of your work, do you or the staff you supervise have direct contact with Aboriginal children, young people, families, carers or providers in the child protection and OOHC system?**

- Yes
- No
- Not sure

***7. Have you heard of the EFCU (Enquiry, Feedback and Complaints Unit)?**

- Yes
- No

***8. How confident are you about what to do when you receive a complaint from an Aboriginal person?**

- Not at all confident
- Slightly confident
- Moderately confident
- Very confident
- Completely confident

*** 9. Have you completed any of the complaint handling training available in THRIVE?**

Select all that apply.

- Complaint Handling for Public Sector Staff
- Complaint Handling for Senior Staff
- Frontline Complaint Handlers
- None of the above

*** 10 Do you think you would benefit from more training about complaints handling for Aboriginal children and adults?**

- Yes
- No
- Not sure

11. Which topics should this additional training cover?

Select all that apply.

- Complaint processes or policy
- Child-centred complaint handling
- Aboriginal cultural awareness in complaint handling
- Trauma-informed complaint handling
- Managing unreasonable/challenging complainant behaviour
- Managing wellbeing for complaint handlers
- Other (please describe)
- None Of The Above

***12. Which of the following examples would you action as a complaint?**

Select all that apply.

- Person asks repeatedly for a service or action you have already said no to
- Person says they want to complain about an action, service or decision
- Person or their advocate/legal representative says they are unhappy about a decision or action by you or someone else at DCJ
- Person says they were treated with rudeness and disrespect, but doesn't want you to take any further action
- Person tells you they are unhappy with the way their complaint was handled
- None of the above

***13. In the course of your work, how frequently have you helped Aboriginal children to lodge complaints?**

- More than once a week
- Once a week
- Once a month
- Once a quarter
- Once in 6 months
- Once a year
- Less than once a year
- Never
- Not applicable

14. What kind(s) of assistance to lodge a complaint, have you provided?

Optional

***15. In the course of your work, how frequently have you helped Aboriginal adults to lodge complaints?**

- More than once a week
- Once a week
- Once a month
- Once a quarter
- Once in 6 months
- Once a year
- Less than once a year
- Never
- Not applicable

16. What kind(s) of assistance to lodge a complaint, have you provided?

Optional

***17. In the course of your work, how frequently have you given Aboriginal children information about complaint rights or process?**

Including verbal and other types of information.

- Less than once a year
- Once a year
- Once in 6 months
- Once a quarter
- Once a month
- Once a week
- More than once a week
- Never
- Not applicable

18. What format(s) is this information in?

For example, discussions, complaint brochures, letters and email, links to videos and other resources.

Optional

***19. In the course of your work, how frequently have you given Aboriginal adults information about complaint rights or process?**

Including verbal and other types of information.

- More than once a week
- Once a week
- Once a month
- Once a quarter
- Once in 6 months
- Once a year
- Less than once a year
- Never
- Not applicable

20. What format(s) is this information in?

For example, discussions, complaint brochures, letters and email, links to videos and other resources.

Optional

21. When do you usually provide complaint information to Aboriginal adults and/or children?

Select all that apply.

- When a person asks for information about making a complaint
- When a person commences a relationship with DCJ
- When a decision is made that affects the person
- Regularly, as a general reminder of their rights
- When there is a change of case worker
- When a person has expressed dissatisfaction with an action, service or decision
- Other, please describe:

***22. From your observation, do any of the following factors affect whether or not DCJ staff members provide information to people about the complaint process and their rights?**

Select all that apply.

- Being unsure where to find complaint information resources
- Not seeing it as part of their role to provide this information
- Competing workload pressures
- Not seeing complaints as helpful
- Concern complaints will affect their performance assessment
- A view that some children are too young to understand complaint rights and process
- Other, please describe:
- None of the above

***23. When a complaint is made about an action or decision by a member of staff, who would usually handle it in the first instance?**

- The staff member themselves
- The manager/supervisor of the staff member
- A staff member from a different area/section
- Not sure
- Other, please describe:

24. What do you think are the biggest barriers to complaining, for Aboriginal children and/or adults?

Optional

***25. Overall, how accessible do you think DCJ's complaint system is to Aboriginal people?**

- Not at all accessible Very accessible Moderately accessible Not very accessible Highly accessible Not sure

***26. Overall, in your experience how 'child-friendly' is the DCJ complaints handling system?**

In responding to this question, consider how easy or difficult it is for an Aboriginal child to complain, whether information about complaints and rights is suitable for (and accessible to) Aboriginal children of various ages, and whether Aboriginal children are likely to feel safe making a complaint.

- Highly child-friendly Very child-friendly Moderately child-friendly Not very child-friendly Not at all child-friendly Not sure

***27. Overall, in your experience how transparent is the DCJ system in relation to child protection and OOHC complaints?**

When responding to this question, consider how well the complaints process, outcomes and reasons for decisions are communicated to Aboriginal people.

- Highly transparent Very transparent Moderately transparent Not very transparent Not at all transparent Not sure

28. Please describe ways DCJ could improve its complaint handling in child protection and OOHC to make it more:

- accessible
- transparent, or
- child-friendly.

Optional

***29. In your opinion, do DCJ staff members treat Aboriginal complainants with respect?**

- Always Often Sometimes Rarely Never Not sure

***30. In your opinion, does DCJ management recognise or reward good complaint handling by staff?**

- Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Not sure

***31. In your opinion, does DCJ management see complaint handling as important?**

- Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Not sure

***32. In your experience, does DCJ management take effective action in response poor complaint handling?**

- Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Not sure

***33. In your experience, does DCJ management share feedback from complaints with staff?**

- Always Often Sometimes Rarely Never Not sure

***34. In the past 12 months, have you witnessed any situations where a person was threatened with (or experienced) any kind of retaliation because they complained?**

- Often Sometimes Occasionally Rarely Never Not sure

35. What kind of retaliation was taken or threatened?

Optional

***36. In your opinion, is there more DCJ could do to minimise the risk or fear of retaliation against Aboriginal complainants?**

- Yes
 No
 Not sure

37. What more do you think DCJ could do to minimise the risk or fear of retaliation against Aboriginal complainants?

Option

***38. In your experience, does racial bias (including unconscious bias*) affect complaint handling in DCJ?**

* Unconscious bias, also known as implicit bias, is defined as “attitudes and stereotypes that influence judgment, decision-making, and behavior in ways that are outside of conscious awareness and/or control”. https://edib.harvard.edu/files/dib/files/dib_glossary.pdf

Always Often Sometimes Rarely Never Not sure

39. Please describe how you think conscious or unconscious racial bias affects complaint handling in DCJ.

Optional

40. Please share any other insights you have about DCJ’s complaint handling for Aboriginal children and adults in the child protection and OOHC system.

This can include things DCJ does well and any ideas you have for how the complaint handling system could be improved.

Optional

Appendix D – Sample file selection process

Ombudsman complaint files

Review of earlier data and analysis

The review team considered earlier quantitative and qualitative analysis of Ombudsman complaint files that had been compiled in June 2021 during early scoping work.

The earlier qualitative analysis involved sampling 45 cases from the 121 actionable complaints received during the 2 calendar years from January 2019 to 30 December 2020 (the 19/20 dataset) where:

- ⇒ the agency complained about was DCJ
- ⇒ the complaint was about child protection or OOHC
- ⇒ the complainant, the child or other key parties were Aboriginal
- ⇒ the Ombudsman made preliminary inquiries or s 31AC comments.

The 45 cases were mostly randomly selected, but with some manual selection to ensure coverage of a range of OOHC and child protection issues, and to consider matters where there were multiple complaints to the Ombudsman.

Quantitative dataset

When the review commenced, the team looked at refreshed quantitative data for complaints about community services¹⁸⁵ for the 3 financial years from 1 July 2019 to 30 June 2022 (the 19/22 dataset) where:

- ⇒ the agency complained about was DCJ or an NGO
- ⇒ the complaint was about child protection or OOHC.

¹⁸⁵ Excluding complaints about homelessness, disability services and neighbourhood services.

Qualitative review sample

To complement the earlier qualitative analysis of complaints for the period up to 30 December 2020 done prior to the commencement of the review, the review team used data for the 18-month period 1 January 2021 to 30 June 2022 (the 21/22 dataset) for qualitative sample selection.

The review team selected 2 cohorts as follows:

- ➔ **Cohort 1** – Priority Aboriginal cohort: The review team prioritised Aboriginal complaints from children, Aboriginal complaints about complaint handling and remote Aboriginal complaints. The team sampled:
 - ➔ all Aboriginal complaints where the complainant was 18 or under¹⁸⁶ (11 complaints)
 - ➔ all complaints where complaint handling issues had been selected (20 complaints)¹⁸⁷
 - ➔ all Aboriginal complaints categorised as remote¹⁸⁸ (10 complaints).
- ➔ **Cohort 2** – Random location cohort: The random selection process added 8 Aboriginal and 4 non-Aboriginal files selected from each of the location categories of Metropolitan, Regional and Not Stated. There was only 1 non-Aboriginal remote complaint in the 2021/2022 dataset, which was selected. However, this was re-categorised as Aboriginal-regional following closer file examination, taking the total of Aboriginal regional complaints to 9 and reducing non-Aboriginal remote complaints to zero.

Qualitative samples - 1 January 2021 to 30 June 2022

Cohort	Sub-cohort	Selection process	Aboriginal	Non-Aboriginal	Total sample size
Priority Aboriginal cohort (31)	Complainant 18 or under	All	11	N/A	11
	Complaints about complaint handling	All	20	N/A	20
	Remote CSC	All	10	0*	10
Random location cohorts (45)	Regional CSC	Random	9	4	13
	Metropolitan CSC	Random	8	4	12
	Not stated	Random	8	4	12
TOTAL			66 (85%)	12 (15%)	78 (100%)

*There were no non-Aboriginal remote area complaints in the 21/22 dataset.

¹⁸⁶ 18 year olds were included to ensure we captured any complaints about service, actions or decisions by DCJ arising, or complained about, prior to turning 18.

¹⁸⁷ Complaints with issue fields 'Complaints to Agency', 'Complaint Handling Process', 'Complaint handling/investigation Process', 'Complaints', or 'Complaints to Agency' (total = 19). This also includes 1 additional complaint handling complaint identified through a keyword search for the words 'retribution', 'repercussion', or 'punish'.

¹⁸⁸ A metropolitan, regional or remote location was manually identified, using the postcode of the CSC involved, or if that was unavailable, the postcode of the complainant. The review used Australian Bureau of Statistics guidelines for assessing 3 geographic locations. Note that the 'Metropolitan' category aligns with the ABS's 'Major Cities'. The review combined the ABS's 'Inner Regional' and 'Outer Regional' categories into a single 'Regional' category, and combined 'Remote' and 'Very Remote' into a single 'Remote' category. Broken Hill town and region fell across two categories, the review opted to classify it as 'Remote'. The review was looking for an even spread of random complaints by location, not a representative spread. Given the very small proportion of remote complaints, this qualitative sample is deliberately disproportionate.

Reasons for inclusion of non-Aboriginal and NGO complaints

Non-Aboriginal complaints

A comprehensive comparative assessment of experiences of Aboriginal and non-Aboriginal complainants (if any) was not within scope of this review, which focused resources firmly on the experience of Aboriginal people. However, the review team was not inattentive to the possibility of differential treatment in complaint handling. A small, non-representative sample of complaints from non-Aboriginal complainants was included to help gather preliminary qualitative insight into any similarities and differences in experiences of Aboriginal and non-Aboriginal complainants. This helped inform the further lines of inquiry throughout the review, including through questions, surveys and stakeholder engagement.

NGO complaints

While the review scope did not include an audit of how NGOs handle complaints, it was important to include NGO complaints in the sample to enable us to see if there were any complaint handling gaps or pain points in the intersection between NGO and DCJ complaint processes, for example where people:

- ⇒ complained directly to DCJ about a matter relating to an NGO, or
- ⇒ escalated a complaint about an NGO to DCJ.

Ombudsman complaint sample limitations

These sample cohorts are intentionally disproportionate, and not capable of producing population-level inferential conclusions. Rather, the sample was selected to provide the review team with targeted qualitative insights into the nature of complaints to the Ombudsman across various geographic locations, with a strong focus on complaints from children, complaints about the complaint handling system and the experiences of Aboriginal people in the complaint system.

DCJ complaint files

The review team examined complaint files held by our office and various complaint handling areas of DCJ, namely:

- ⇒ Enquiries, Feedback and Complaints Unit
- ⇒ Community Services Issues Management
- ⇒ Contract management areas (including Commissioning and Planning teams, Statewide Services teams and the Prudential Oversight team).

It was not possible to identify samples from the districts and Community Services Centres (CSCs) due to their general failure to keep registers of complaints. Only 1 CSC (Pennant Hills) and 1 district office (Murrumbidgee, Far West, and Western NSW District) keep a register of complaints. The Office explored the possibility of extracting complaint data from ChildStory files using keyword searches for words such as 'complaint' but found this could not be done in a viable way for sampling purposes.

Sample selection overview

The minimum sample sizes for each of the complaint handling areas above were calculated using the ABS sample calculator with a Confidence Level of 95% and a Confidence Interval of 0.125 applied to the total number of child protection and OOHC complaints received by each complaint handling area in the previous 3 financial years (July 2019 to June 2022).

Where possible, samples were stratified prior to randomisation so that two thirds of each sample were Aboriginal complaints and one third non-Aboriginal, with an even spread across each financial year. For these purposes:

- ⇒ 'Aboriginal' includes people who identify as Aboriginal and/or Torres Strait Islander, or Aboriginal Community Controlled Organisations, and
- ⇒ 'Aboriginal complaint' includes any complaint where the complainant, a child, or another party to the complaint, identifies an Aboriginal person or Aboriginal Community Controlled Organisation.

All sample files were either:

- ⇒ randomly selected by the Ombudsman from complaint registers listing all complaints for particular units or program areas, or
- ⇒ randomly selected by the DCJ unit/area, with the Principal Investigator observing the random selection in real time via MS Teams screensharing.

Enquiry Feedback and Complaint Unit files

The Enquiry Feedback and Complaint Unit (EFCU) is DCJ's dedicated complaint handling unit. Complaints to EFCU that can be resolved in the first instance are recorded as enquiries, while complaints that require further response are categorised as complaints. For this reason, the review obtained a sample of files for both enquiries and complaints about child protection and OOHC as follows:

EFCU enquiries and complaints sample

Target population	Sample size per financial year	No. of Aboriginal	No. of non-Aboriginal	Total sample size
EFCU recorded 'complaints'	21	14 (66.6%)	7 (33.3%)	63
EFCU recorded 'enquiries'	21	14 (66.6%)	7 (33.3%)	63
				126

When the files were received, we identified 7 'non-Aboriginal' files that were, on closer inspection, found to be Aboriginal files. We therefore went back to DCJ to obtain a further 7 non-Aboriginal files.

However, as the 7 Aboriginal files had already been sampled and analysed, they were included in the evidence base, with the result that a total of 133 files were sampled:

- ⇒ Complaints – 45 (68%) Aboriginal, 21 (32%) non-Aboriginal
- ⇒ Enquiries – 46 (69%) Aboriginal, 21 (31%) non-Aboriginal.

Community Services Issues Management files

At the commencement of this review, the Community Services Issues Management (CSIM) team handled community services complaints that come in through Ministerial and Ombudsman channels, or via executives from other agencies or divisions. The review sought a sample of 63 CSIM child protection and OOHC complaint files as follows:

CSIM complaint sample

Target population	Sample size per financial year	No. of Aboriginal	No. of non-Aboriginal	Total sample size
CSIM complaints	21	14 (66.6%)	7 (33.3%)	63 ¹⁸⁹

However, limitations in the source data meant DCJ was unable to stratify as requested. This is because it was unable to refine its community services complaints to exclude complaints that were not about Child Protection or OOHC, or to stratify by Aboriginal and non-Aboriginal cohorts.

The sample provided by DCJ included 38 files that were in scope, and 24 files¹⁹⁰ that were not within scope of the review. Following inspection of the 38 files in scope, and ChildStory records where necessary, 12 were found to be Aboriginal, and 26 were found to be non-Aboriginal.

Contract management files

Commissioning and Planning teams and Statewide Services teams are responsible for overseeing NGO contracts for OOHC services. They maintain local Contracting Complaint Registers which are shared with the Prudential Oversight team to produce a combined contracting complaints register.

The Ombudsman randomly selected 42 files from spreadsheets provided by the Prudential Oversight team which listed complaints from programs that include child protection and OOHC services, namely:

- ⇒ Commissioning and Planning managed complaints about Permanency Support Program, Brighter Futures and Intensive Family Preservation
- ⇒ Statewide Services managed complaints about Permanency Support Program.

Random sample selection returned:

- ⇒ 11 Statewide Services managed PSP complaints
- ⇒ 28 Commissioning and Planning managed PSP complaints
- ⇒ 3 Brighter Futures complaints.

¹⁹⁰ Reasons for exclusion included being outside the Minister's portfolio, related to other DCJ programs or Working With Children Checks. Two files were excluded on the basis they contained no useful information (unused blank templates).

¹⁸⁹ The sample size calculation of 59 was rounded up to 63 to enable the sample size for each year to be readily divided into thirds.

As no Intensive Family Preservation program complaints had been selected during the randomisation process, a single file was manually selected and added, to ensure a spread across the programs.

Finally, a further 2 files were specifically requested. These files were identified from our earlier sampling of EFCU files as ones where a contract manager was involved in the complaint handling process. The review team wanted to see the contract management files associated with those complaints to provide a fuller picture of the whole complaint as handled by different business areas.

The 45 files selected were broadly representative spread across financial years, but could not be reliably stratified by Aboriginality due to limitations in the source registers.

Reason for not sampling district and CSC complaint files

DCJ was asked to provide registers of complaints handled by CSCs and district offices. However, only 1 out of 81 CSCs (Pennant Hills) and only 1 out of 7 districts (Murrumbidgee, Far West, and Western NSW District) were able to provide a register. This meant it was not possible to obtain a meaningful sample of district and CSC complaints. Instead, the Office decided to conduct interviews with district staff.

Summary total of DCJ complaint files sampled by Aboriginality

Following a close inspection of the samples, our reviewers were able to identify with more certainty how many Aboriginal and Non-Aboriginal files had been provided and inspected.

Total sampled files by Aboriginality

	Aboriginal	Non-Aboriginal	N/A	Total
EFCU – Complaints	45	21	0	66
EFCU – Enquiries	46	21	0	67
POT	23	19	3	45
CSIM	12	26	0	38
Total	126 (58.33%)	87 (40.28%)	3 (1.39%)	216