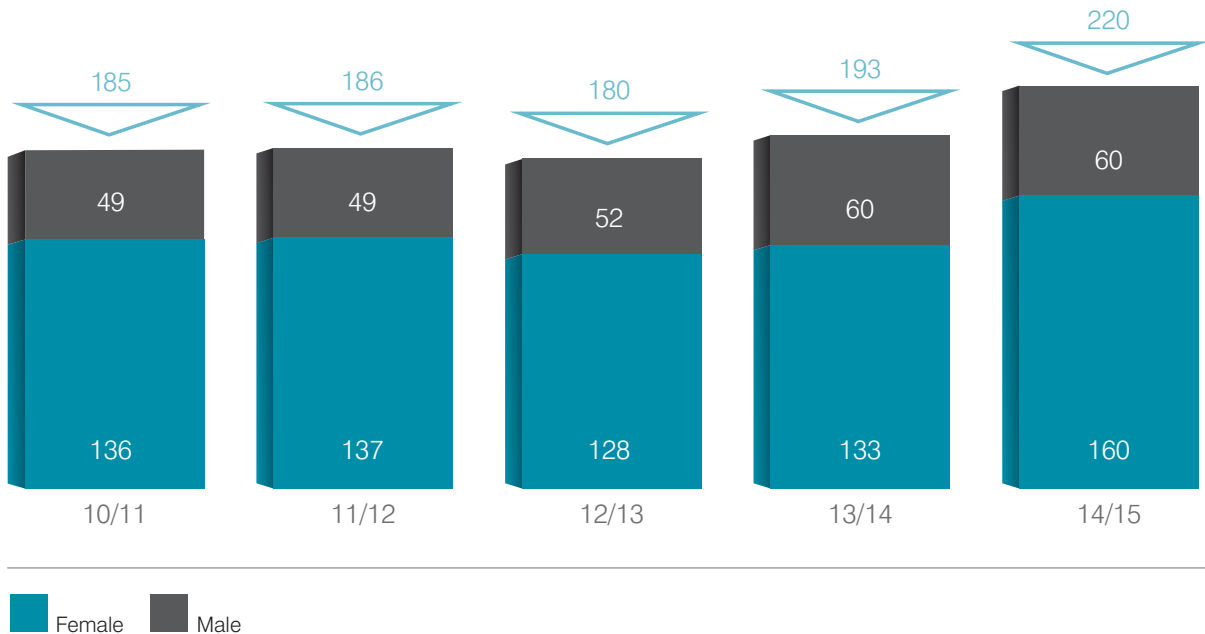




2014-2015 Annual Report

People

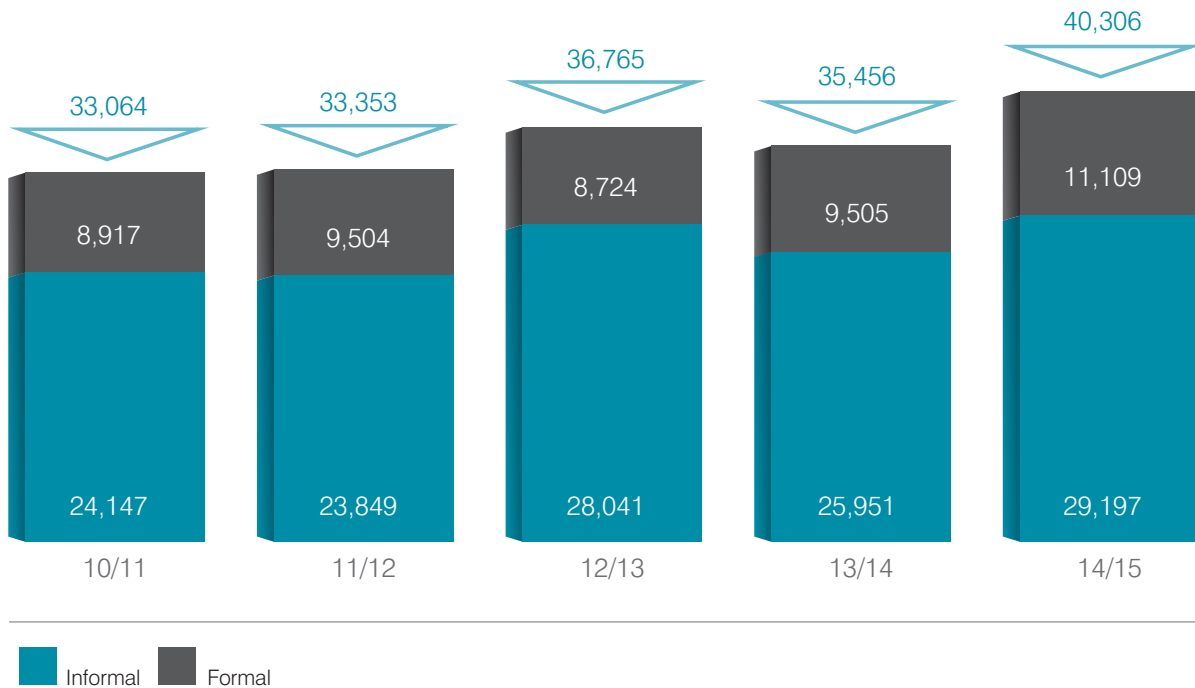
Staff composition



Trends in the representation of EEO groups

EEO Group	Target (%)	Result (% of total staff)				
		10/11	11/12	12/13	13/14	14/15
Women	50	73	74	73	72	73
Aboriginal & Torres Strait Islander people	3	2	3	3	2	3
People whose language first spoken as a child was not English	19	18	18	16	20	20
People with disability	n/a	9	10	12	10	11
People with disability requiring work-related adjustment	2	2	2	3	2	3

Complaints



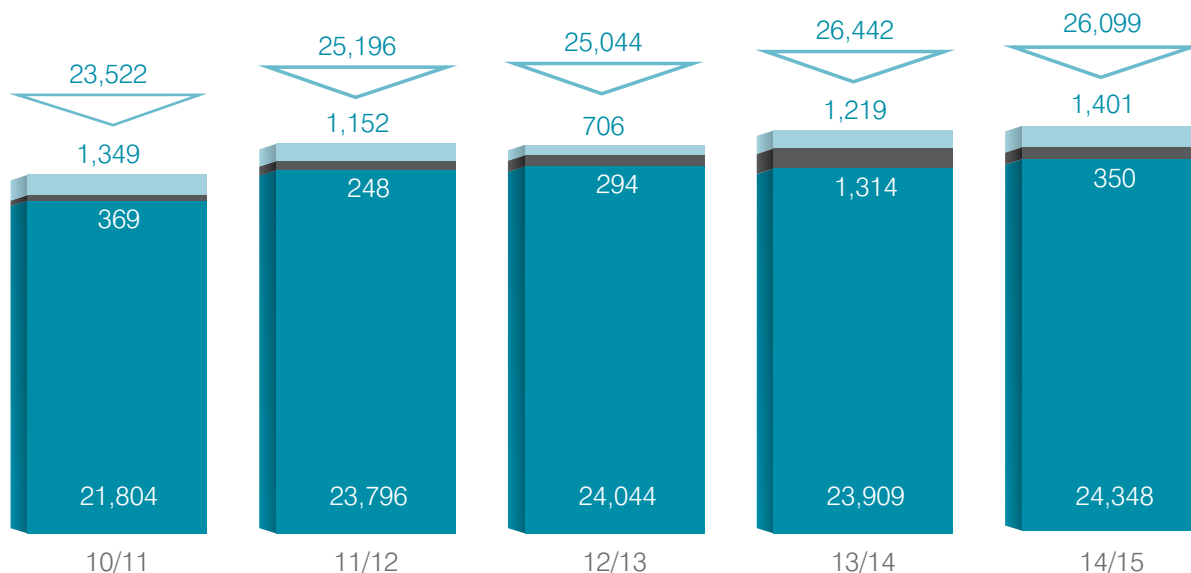
Our performance

Performance indicators	%
Assessed complaint or notification within 10 working days	88
Acknowledged complaint or notification within 10 working days	77
Completed preliminary inquiries within 16 weeks	79
Suggestions to agency adopted or action taken consistent with suggestions*	94
Investigation recommendations adopted or action taken consistent with recommendations	50
Average time to finalise new complaints	5 weeks

* these are suggestions made under section 31AC of the Ombudsman Act

Finances

Funds from government (\$,000)



■ Capital
 ■ Recurrent
 ■ Crown acceptance of leave liabilities

Financial summary over five years

Year	10/11 \$,000	11/12 \$,000	12/13 \$,000	13/14 \$,000	14/15 \$,000
Operating revenue	24,428	25,898	27,981	29,995	31,864
Operating expenses	24,297	26,962	26,908	29,280	32,535
Total assets	3,253	3,040	3,839	5,347	9,066
Total liabilities	2,423	3,274	3,000	3,803	8,277
Net result	142	(1,064)	1,073	705	(755)
Total equity	830	(234)	839	1,544	789



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Letter to the Legislative Assembly and Legislative Council

The Hon Donald T Harwin MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Shelley E Hancock MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Mr President and Madam Speaker,

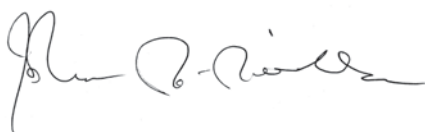
NSW Ombudsman annual report 2014–2015

I am pleased to present our 40th annual report to the NSW Parliament. This report contains an account of our work for the 12 months ending 30 June 2015 and is made pursuant to ss.30 and 31 of the *Ombudsman Act 1974*.

The report also provides information that is required pursuant to the *Annual Reports (Departments) Act 1985*, *Annual Reports (Departments) Regulation 2005*, *Government Information (Public Access) Act 2009*, *Law Enforcement (Powers and Responsibilities) Act 2002* and *Disability Inclusion Act 2014*.

The report includes updated material on developments and issues current at the time of writing (July–September 2015).

Yours sincerely



Professor John McMillan AO
Acting Ombudsman

26 October 2015

Our vision

Through our work we will improve the standard of accountability, integrity, fairness and service delivery to the citizens of NSW.

Our key stakeholders

Our key stakeholders are the community, NSW Parliament, the government, government agencies, non-government organisations and peak bodies, as well as other oversight bodies.

Our aim

We want to see fair, accountable and responsive administrative practice and service delivery in NSW. We work to promote:

- good conduct
- fair decision making
- protection of rights, and
- provision of quality services

in our own organisation and those we oversight.

Our values

The Ombudsman expects that all staff of the Office will act with fairness, integrity and impartiality, respecting all those with whom we deal, to seek practical solutions and improvements that will benefit the community, including demonstrating the following values:

- Integrity – acting lawfully, honestly, ethically with good judgement and high professional standards.
- Impartiality – acting in a non-political manner, neither an advocate for complainants nor responding agencies but as an advocate for the public interest independent of government.

- Fair play – focusing internally and externally on fair and reasonable procedures, consistency and proportionality.
- Adding value – bringing clarity to problems and identifying practical solutions and improvements that benefit the community rather than simply apportioning blame.
- Respect – treating complainants, stakeholders and colleagues with dignity and respect.

Our corporate purpose

Our purpose is to:

1. Help organisations to identify areas for improvement to service delivery, and ensure they are acting fairly, with integrity and in the public interest
2. Deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems
3. Be a leading integrity agency
4. Be an effective organisation.

Our guarantee of service

We will:

- consider each matter promptly and fairly, and provide clear reasons for our decisions
- where we are unable to deal with a matter ourselves, explain why, and identify any other appropriate organisation
- treat anyone who contacts us with dignity and respect
- help those people who need assistance to make a complaint to the Ombudsman
- maintain confidentiality where appropriate and possible, and
- add value through our work.

Ombudsman's message

It is a great pleasure to introduce this annual report as Acting NSW Ombudsman. The work of the office in 2014-2015 was substantial and influential, as captured in the pages of this report.

It is a privilege for me to lead the office of NSW Ombudsman as it celebrates its fortieth anniversary. In that time, the office has dealt with more than 258,000 formal matters and more than 570,000 informal matters. I commenced in the role in August 2015, after former Ombudsman Bruce Barbour completed his third term. A tribute to Bruce's extraordinary fifteen-year legacy of shaping and extending the functions and impact of the office appears later in this report. Lasting improvements in government administration and service delivery that occurred during Bruce's term are linked to his energy and insight. It is fitting that the International Ombudsman Institute recognised Bruce's international standing by bestowing honorary life membership on him in 2015.

Turning to highlights in this annual report, it describes two new roles the office commenced this year. One is the disability reportable incident jurisdiction (see page 94). A key objective in commencing this work was to raise awareness of the scheme among agencies and staff providing residential care to people with disability. The effective safeguard role that an Ombudsman's office can play in this field is likely to attract greater interest with the roll-out of the National Disability Insurance Scheme.

A second role was the new position of Deputy Ombudsman (Aboriginal Programs). This report provides the first update on work led by the Deputy Ombudsman in reviewing the OCHRE reforms (see page 110). The office's Aboriginal unit office has continued to talk to and meet with communities to ensure that our work is built on a practical understanding of what is happening in communities. This is another field in which the office has been at the forefront in adapting the Ombudsman role in a targeted way.

A challenge the office faced this year in an established role was to map the potential expansion of our employment-related child protection jurisdiction, following advice from the Solicitor General. We are continuing to work with government to identify a clear position on the coverage of Part 3A of the *Ombudsman Act 1974*, and also talking to the various sectors that appear to fall within the coverage of Part 3A based on the advice (see page 85). This Ombudsman role is also attracting growing public interest because of the community focus on the ongoing royal commission and an accompanying emphasis on effective child protection strategies.

Another major activity this year has been the large-scale investigation, Operation Prospect, that commenced in late 2012 (see page 46). The investigation had reached an advanced stage when I commenced as Ombudsman. The duration of the investigation reflects the complexity and importance of the legal and administrative issues involved, the large tracts of evidence that have been assembled and require sifting and analysis, the range of issues raised in complaints and referrals that underpin the investigation, and the time taken in providing procedural fairness to a large number of people and organisations

who have a material interest in the investigation. Completion of the investigation as soon as practicable is an early priority during my term.


Those special roles and challenges build on ongoing work of the office described in this report – in areas as diverse as public sector complaint handling, legislative reviews, reportable conduct, child death reviews, public interest disclosures, inspections and monitoring, training and providing advice and assistance to the community and agencies. To put a numerical tag to that work, in the last year the office received 40,306 complaints and notifications, audited and inspected 4,724 police records and files relating to extraordinary powers, supported the official community visitors as they spent 8,307 hours visiting services, and trained 7,187 people in 317 training workshops.

The effectiveness of the office, in new and established roles, is broadly based but tied particularly to three factors. One is support and respect of the community, government agencies and the Parliament. This is reflected in the dynamic expansion of NSW Ombudsman functions over many years. I regard it as a high priority to maintain that confidence in the office.

Staff are another key to the effectiveness of the office. I was struck on taking office by the calibre of NSW Ombudsman staff and their passionate commitment to the independent oversight and accountability role of the Ombudsman. I was equally reassured by the smooth transition they arranged when I commenced.

A third – and perennial – issue for all government agencies is adequate resourcing to discharge all functions professionally. The NSW Ombudsman's office has been fortunate that its new functions have been resourced, and the office has more than doubled in size over the last fifteen years to become one of the largest public sector Ombudsman offices internationally. This perhaps masks a particular budgetary challenge for the office, which is that traditional core functions of complaint handling and investigation are not earmarked as requisite functions. They fall within the discretionary budget of the office. Clearly, they are vital functions in the work of a parliamentary Ombudsman and must be discharged effectively.

The core principles and objectives of an Ombudsman office change little over time, but adapt to deal with the different challenges in every age. The coming year will be no different. I look forward to another vibrant year of providing a high quality Ombudsman service to the New South Wales community.



Professor John McMillan AO
Acting Ombudsman

About us

Who we are and what we do

The NSW Ombudsman is independent and impartial. Established by the *Ombudsman Act 1974*, we are independent of the government of the day and accountable to the public through Parliament. Our central goal is to keep government agencies and some non-government organisations accountable by promoting good administrative conduct, fair decision-making and high standards of service delivery, and protect the rights of people in NSW. We are responsible for keeping the following types of organisations under scrutiny:

Agencies delivering public services

Who we scrutinise

- several hundred NSW public sector agencies including departments, statutory authorities, boards, correctional centres, universities and area health services
- the NSW Police Force
- over 160 local and county councils
- certain private sector organisations and individuals providing privatised public services.

How we keep them accountable

We investigate and resolve:

- complaints about the work of public sector agencies
- complaints about the merits of agency decisions
- public interest disclosures from public sector staff and complaints about the way agencies have handled these disclosures.

We oversee the NSW Police Force's investigations into complaints about police officers and check their complaint-handling systems. We visit juvenile justice centres and correctional centres to observe their operations and resolve concerns of inmates. We also:

- scrutinise legislation giving new powers to police
- hear appeals against decisions by the Commissioner of Police about the witness protection program
- provide training and guidance in investigations, complaint management and good administrative conduct.

Organisations delivering services to children

Who we scrutinise

- over 7,000 organisations providing services to children – including schools, child care centres, family day care, out-of-school hours services, juvenile justice centres and organisations providing substitute residential care and health programs
- the conduct of paid staff, contractors and thousands of volunteers working for these organisations.

How we keep them accountable

Organisations are required to notify us of any reportable allegations about, or convictions for, conduct that could be abusive to children. We oversee how organisations handle these allegations about their staff, and keep under scrutiny their systems for dealing with such matters. Where appropriate, we directly investigate the handling of allegations. We also:

- deal with complaints from parents and other interested parties about how organisations have investigated allegations
- keep under scrutiny the systems organisations have to prevent employees from behaving in ways that could be abusive to children
- provide training and guidance about how to handle these kinds of allegations and convictions.

Organisations delivering community services

Who we scrutinise

- licensed boarding houses and fee-for-service organisations
- child protection and family support services
- out-of-home care services for children and young people
- home and community care services
- services for people with disability
- supported accommodation and assistance program services.

The Department of Family and Community Services (FACS) provides many of these services. Non-government organisations providing these services also fall within our jurisdiction if they are funded, licensed or authorised by the Minister for Community Services or the Minister for Ageing and Disability Services.

How we keep them accountable

We investigate and resolve complaints about the provision, failure to provide, withdrawal, variation or administration of community services. We review:

- standards for the delivery of community services
- the systems organisations have in place to handle complaints about their services
- the situation of children, young people and people with disability who are in out-of-home care
- the deaths of certain children, young people and people with disability in care.

We also:

- visit certain services where children, young people and people with disability live
- support the Child Death Review Team
- coordinate the official community visitors scheme
- provide information and training to consumers of community services and organisations about complaint-handling and consumer rights

- promote improvements to community service systems and access to advocacy support for people who are receiving, or are eligible to receive, community services.

On 3 December 2014, the disability reportable incidents scheme was established under Part 3C of the Ombudsman Act. Under this scheme, FACS and funded disability services are now required to notify us of any allegations of serious incidents involving people with disability living in supported group accommodation. We oversee how organisations handle these allegations, and keep under scrutiny their systems for dealing with such matters. Where appropriate, we directly investigate the handling of allegations. We also:

- deal with complaints about how organisations have investigated allegations
- keep under scrutiny the systems organisations have to prevent employees and other clients from behaving in ways that could lead to serious incidents involving people with disability in supported accommodation
- provide training and guidance about how to handle serious incidents involving people with disability in supported accommodation.

Agencies conducting covert search warrants

Who we scrutinise

Law enforcement agencies such as the NSW Police Force, the Crime Commission, the Independent Commission Against Corruption and the Police Integrity Commission.

How we keep them accountable

We review agency compliance with accountability requirements for undercover operations, the use of telephone intercepts and surveillance devices, and covert and criminal organisation search warrants.

How we do our work

We work to resolve complaints from members of the public and from people who work for the organisations we scrutinise. Our work is aimed at exposing and eliminating conduct that is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, a mistake of law or fact, or otherwise wrong.

We aim for outcomes that are in the public interest. We investigate some of the more serious complaints, but in many cases we encourage the organisation being complained about to handle the matter themselves. We monitor the progress of these matters and provide advice where necessary. Our focus is on helping organisations to satisfactorily resolve any problems identified.

We help organisations to prevent or reduce the number of complaints made about them by reviewing their systems. Our proactive work also allows us to address problems if members of the public have legitimate grievances but, for whatever reason do not or cannot take up the complaint themselves. We aim to reduce the volume of complaints to our office by providing training and advice to the organisations we scrutinise about how to effectively resolve and manage complaints. We also provide assistance, guidance and training to other watchdog agencies.

Responding to complaints and notifications

We categorise the complaints we receive as formal and informal matters. Generally, formal matters are defined as written complaints and notifications and informal matters as complaints that are made over the telephone or in person.

If a complainant is a vulnerable member of the community and it is difficult for them to make a written complaint, we will take their complaint verbally and treat it as a formal complaint.

Sometimes we receive written complaints about public sector agencies that are within our jurisdiction, but the conduct complained about is outside our jurisdiction. These are initially classified as 'formal' complaints received about public sector agencies. Written complaints received about agencies outside our jurisdiction, and oral complaints about both agencies and issues outside our jurisdiction, are dealt with informally by referring the complainant to an appropriate agency or service. They are classified as 'outside our jurisdiction' from the outset.

Handling inquiries

Our inquiries and resolution team handle the majority of contacts with our office. People from across the state, the country and even internationally ask us to resolve their complaints. We try to help wherever we can to achieve an outcome that is in the public interest. However, it is not practical for us to follow up on every complaint, and not every complaint warrants further action.

Assessing complaints

Every day the staff who field inquiries are questioned on a broad range of technical, legal and policy-based issues relating to the work of agencies across the NSW public sector. They use their extensive knowledge and resources to give advice or to take appropriate action. Some advice is procedural, some based on our experience with a particular issue or agency, and other advice we provide after researching the relevant legislation or policy.

Advice about alternative options

Much of our inquiry work involves helping complainants to understand the complaints process and giving them the confidence to work with the relevant agency to resolve their complaint. We explain how to make a complaint and discuss what reasonable expectations are – including response times and possible outcomes.

Often complainants and agencies can resolve the problem directly. The agency benefits from receiving and handling complaints, encouraging openness in their staff to recognise that complaints help the agency improve the work that they do, and of course to provide better service to the community. Complainants benefit from resolving the issue themselves and gain confidence that agencies take their complaints seriously. The level of awareness of our office means that people often contact us about problems we do not have the jurisdiction to handle. In about a third of contacts, even though we have no jurisdiction, we make sure complainants are aware of the relevant statutory and

industry Ombudsman, government enforcement and regulatory bodies, legal advice services and relevant peak and consumer bodies.

Suggesting they complain to us

Agencies don't always get it right, and complainants contact us after trying to resolve their complaint directly with the agency. Agencies sometimes fail to communicate with complainants within a reasonable time, leading complainants to believe that either the agency has not dealt with their complaint, or has otherwise acted inappropriately. Other times complainants believe an agency has not taken reasonable steps to address their complaint. This may or may not be the case.

When advising complainants to complain to us, we discuss reasonable outcomes and timeframes (as we do when referring complainants back to agencies) and what information we need to formally assess their complaint.

Explaining the actions of agencies

People contact us about matters that on assessment we do not believe disclose wrong conduct. Sometimes they are not sure themselves, but in other cases they are convinced that what the agency has done or not done is completely wrong. Our focus is on whether the conduct was 'reasonable' – and in about one in four inquiries within our jurisdiction we spend time explaining to the complainant why we don't believe the agency is wrong.

Complaints can result from misperceptions or misunderstandings or even a failure to properly explain a decision or action. Mere disagreement with an agency's decision does not make it wrong. If we assess an agency's decision to be legal, supported by policy, soundly reasoned and there is no other evidence to indicate it is wrong, we have no grounds to investigate the decision further.

Acting on urgent complaints

There are regularly complaints or complainants that need immediate action or help. We accept complaints orally if we believe there is a possible problem with an agency's imminent action or inaction and there would be serious consequences. We also recognise certain members of the community need help to ensure their complaint is heard and appropriately addressed. In these cases, we immediately contact the agency concerned and try to resolve the complaint.

Facts and figures for 2014-2015

This year we received 40,306 complaints and notifications across our jurisdiction. As figure 1 shows, this included 11,109 formal matters and 29,197 informal matters. Figure 3 provides a breakdown of the 10,694 formal complaints and notifications we have finalised this year.

Fig. 1: Complaints and notifications we received in 2014-2015

Subject area	Formal	Informal	Total
Child and family services	458	689	1,147
Correctional centres and Justice Health	684	2,910	3,594
Departments and authorities	2,323	4,719	7,042
Disability reportable incidents	371	75	446
Disability services	289	204	493
Employment-related child protection	1,425	780	2,205
Juvenile justice	54	186	240
Local government	948	1,961	2,909
Other community services	41	135	176
Police	3,434	2,324	5,758
Outside our jurisdiction	1,082	11,094	12,176
General enquiries/requests for information	0	4,120	4,120
Total	11,109	29,197	40,306

Fig. 2: Formal complaints and notifications received and finalised

Subject	10/11	11/12	12/13	13/14	14/15
Received	8,917	9,504	8,724	9,505	11,109
Finalised	9,485	9,326	8,555	9,108	10,694

Fig. 3: Formal complaints and notifications finalised

Subject	10/11	11/12	12/13	13/14	14/15
Community services	716	641	513	566	681
Custodial services and Justice Health	898	1,003	766	576	681
Departments and authorities	1,857	1,778	1,566	1,807	2,274
Disability reportable incidents	N/A	N/A	N/A	N/A	39
Employment-related child protection	1,304	988	998	1,063	1,298
Juvenile justice	78	91	65	55	55
Local government	924	933	765	872	959
Police	3,278	3,390	3,178	3,249	3,635
Outside our jurisdiction	430	502	704	920	1,072
Total	9,485	9,326	8,555	9,108	10,694

Fig. 4: Number of formal investigations finalised in 2014-2015

Branch	Total
Human services	5
Police and compliance	2
Public administration	4
Total	11

Our proactive and systemic work

As well as handling complaints and notifications, we also do a great deal of proactive work. This includes conducting audits and reviews – both of systems and particular pieces of legislation. Figure 5 outlines some of our proactive and systemic work for 2014-2015. More information about this work is included in each of the chapters of the report.

Fig. 5: Proactive and systemic work in 2014-2015

Category	Type of work	10/11	11/12	12/13	13/14	14/15
Audits and inspections	Police records	8,259	2,708	1,657	2,963	3,053
	Controlled operation files*	385	372	388	406	408
	Surveillance device warrant files*	770	882	1,418	1,224	1,210
	Covert search warrant files*	20	24	35	38	33
	Witness protection appeals	2	0	0	0	1
	Activities undertaken to scrutinise NSWPF complaint-handling systems*	1	7	10	13	6
	Criminal organisation search warrant files	6	0	0	73#	0
	Child protection 'agency' audits conducted	24	4	7	11	3
Police powers under review	Reviews of legislation conferring new police powers completed	1	0	0	1	1
	Reviews of legislation conferring new police powers in progress	1	4	4	5	5
Visits	Hours spent on visiting services (OCV program)	5,824	6,222	6,139	8,261	8,307
	Visits to residential services (OCV program)	1,447	2,215	2,056	2,771	2,990
	Correctional and juvenile justice centre visits	54	53	52	44	33
	Regional and remote communities visited	57	62	42	27	30

*These are the number of files inspected at the time of preparing this report.

#These files are required to be inspected every two years.

Our work with others

We aim to be a leading integrity agency – and can only achieve this by working closely with other organisations in New South Wales, around Australia and across the world. These are some of the opportunities we have had this year to meet with, talk to and learn from others doing similar work.

In New South Wales

Our office is not the only integrity agency in NSW. Each year we work closely with the Independent Commission Against Corruption (ICAC), the Police Integrity Commission (PIC), the Information and Privacy Commission (IPC) and the Audit Office of New South Wales to avoid unnecessary duplication and improve the way we all do our work.

In November 2014, we worked with the ICAC and the NSW Branch of the Institute for Public Administration Australia to host the tenth National Investigations Symposium. This event is an opportunity for a wide range of staff with investigative responsibilities to come together, learn from experts in various fields and also share their own experiences. See page 76 for more information about the event.

We have also:

- continued to work with the other members of the Public Interest Disclosures Steering Committee to ensure the legislative system for handling public interest disclosures is operating appropriately
- met regularly with staff from other oversight bodies to discuss areas of common interest and involvement, such as non-government provision of out-of-home care.

Across Australia

Although the various Ombudsman offices and integrity bodies across Australia have different jurisdictions and often very different ways of approaching their work, there are some common elements. This is why it is so valuable for us to keep in contact with one another – sharing and learning from each other's experiences. This year we have worked with the Commonwealth Ombudsman to provide an effective complaint-handling framework for the National Disability Insurance Scheme (NDIS) trial site in the Hunter region. This work is discussed in more detail at page 98.

Around the world

We have continued our involvement with other Ombudsman offices in our local region and across the world. We have provided information and support through our membership of the Pacific Ombudsman Alliance, and have continued our membership in the International Ombudsman Institute (IOI). Former Ombudsman Bruce Barbour was awarded honorary life membership of the IOI for his services to the international Ombudsman community.

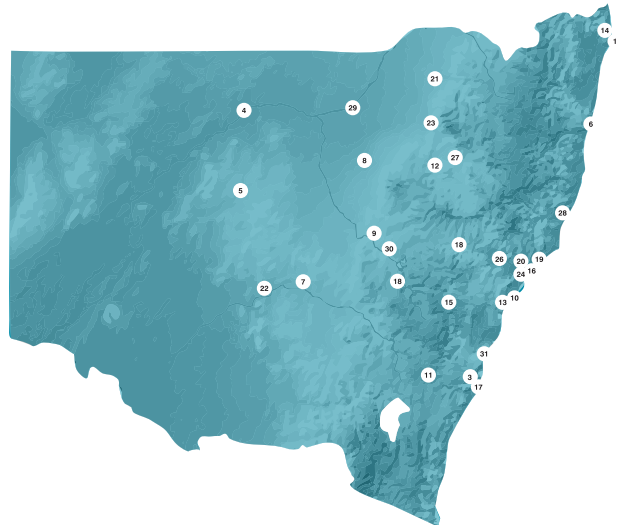
In late March 2015, Deputy Ombudsman Chris Wheeler travelled to Thailand to deliver training as part of the 2nd International Ombudsman Institute/Asian Ombudsman Association International Training Workshop hosted by the Office of the Ombudsman of Thailand. The workshop, which commemorated the 15th anniversary of the establishment of the Ombudsman of Thailand, was held over several days and focused on the importance of

continuous improvement in complaint handling and customer service. Chris was joined by former NSW Energy and Water Ombudsman, Clare Petre, who we have recently engaged as a contract trainer for our office.

Chris and Clare presented a tailored training program to 38 delegates and representatives of the Thailand Ombudsman, as well as to professional colleagues of the International Ombudsman Institute member and non-member institutions in the Asian region. The training covered complaint handling and investigation as well as managing unreasonable complainant conduct. Of the participants who completed a training evaluation, 96% reported they were quite or very satisfied with the overall training workshop and 88% reported that they felt their level of knowledge had increased by a fair to significant amount. The workshop provided an invaluable opportunity for us to extend the reach of our training programs, exchange knowledge and expertise about complaint oversight, and identify and share best practice with an international jurisdiction.

In our last annual report, we said that the information resource for Ombudsman offices we were developing alongside the Western Australian Ombudsman would be finished this year. Competing work priorities have meant the project has not been completed. The IOI Board has granted additional time for the project to be completed, and it will be finished by the end of December 2015.

Communities visited in NSW in 2014-2015



- | | | |
|------------------|-------------------|---------------------|
| 1. Ballina | 12. Gunnedah | 23. Narrabri |
| 2. Bathurst | 13. Kariong | 24. Raymond Terrace |
| 3. Bomaderry | 14. Lismore | 26. Singleton |
| 4. Bourke | 15. Lithgow | 27. Tamworth |
| 5. Cobar | 16. Newcastle | 28. Taree |
| 6. Coffs Harbour | 17. Nowra | 29. Walgett |
| 7. Condobolin | 18. Orange | 30. Wellington |
| 8. Coonamble | 19. Port Stephens | 31. Wollongong |
| 9. Dubbo | 20. Maitland | |
| 10. Gosford | 21. Moree | |
| 11. Goulburn | 22. Murrin Bridge | |

Managing our organisation



This section of the report outlines what we do to make sure we operate effectively. It discusses our corporate governance framework, which is led by our senior officers group. It also outlines the work we do to support our office. This work is performed by staff working within various areas that make up the corporate branch.

We work hard to ensure our staff have the personnel, finance, information technology and records support they need, and that our systems and processes keep pace with changes and developments in technology. We also work hard to ensure our office is open and inclusive, and provide training and support to our staff to achieve this.

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Highlights

In 2014-2015, we:

- Completed an independent review of our internal audit function (see page 20).
- Finalised a risk profile for our office following an office-wide risk assessment (see page 19).
- Continued to move towards doing more of our work electronically (see page 32).
- Made enhancements to our case management system to improve the way we track and report on our recommendations (see page 32).

In the last 40 years, we have:



- Worked to maintain the office's independence since it was made a separate administrative unit in 1984.
- Provided the necessary support to a staff that has grown from 14 in the office's first year, to 71 in 1994-1995, and to 220 this year.
- Effectively managed a budget that has grown from about \$200,000 in 1976 to more than \$26 million total government revenue in 2014-2015.
- Provided information to our Joint Parliamentary Committee since it was first established in 1991.
- Given advice and assistance to five Ombudsmen, and now to the current Acting Ombudsman.
- Ensured the office has the infrastructure, staffing and support to meet the various expansions in its responsibilities and jurisdiction.
- Identified and implemented the technological improvements needed to ensure the office is as efficient and effective as possible

Corporate governance

Strategic planning

Our statement of corporate purpose provides us with high level direction and guidance. Our four key purposes are the categories used for the performance statement in this report (see page 22). The statement also includes several key success factors, which help us to monitor our progress in achieving our purposes. The following sections provide some information about what we have done to meet these this year.

Engaging effectively with partners and stakeholders

We work hard to meet with and talk to as many people involved in our work as we can. This interaction helps us to achieve good results. It also helps us to better understand the challenges facing people accessing services and those providing them.

We travel to rural and regional areas in NSW to attend various forums and conferences, give presentations on topics relevant to our office, consult community groups, or simply talk about our role. This year, for example, our staff attended the Association of Children's Welfare Agencies Conference to speak about our findings on leaving care practice, the Local Government Executive Directors Conference, and the Far West Initiative Forum to discuss place-based service delivery.

We also deliver training on a wide range of topics to agencies and community groups. This year we developed new training on the key changes in the revised Australian/New Zealand Standard: Guidelines for complaint management in organisations. For more information on our education and training activities, see page 119.

Information on our stakeholder engagement activities can be found throughout this report.

Being flexible and responsive

The Disability Inclusion Act 2014 provided our office with a new and important function. We established a new disability reportable incidents division to help us oversee and carefully monitor the prevention, handling and response to reportable incidents by agencies in the disability services sector. We began by reviewing the structure and processes of our Human Services Branch (HSB) and made changes to support the expanded responsibilities. We also created and filled new positions, as well as ensuring we secured the funding we needed.

As part of the review, we restructured the HSB into the following areas:

- child and family
- employment-related child protection
- disability
- disability reportable incidents
- complaints.

We developed our Senior Executive Implementation Plan as required under the *Government Sector Employment Act 2013* (GSE Act) and, in accordance with the plan, have successfully transitioned almost all affected staff

(this process will be completed in 2016). This resulted in a change of title for our Director Corporate and Director Strategic Projects – both are now Assistant Ombudsman.

Our new Deputy Ombudsman (Aboriginal Programs) Daniel Lester started work with us in October 2014, and we expanded our strategic projects division to support him in providing oversight to designated Aboriginal programs in NSW.

Our work in responding to and supporting the work of the Royal Commission into Institutional Responses to Child Sexual Abuse has continued. As the main oversight agency for employment-related child protection in NSW, as well as the oversight agency for the provision of community services, we continue to make significant contributions to this inquiry.

Developing our workforce

We do our best to make sure our staff can participate in relevant and targeted training and development activities. In 2014–2015, our staff attended sessions on a range of topics – including complaint management, communication, leadership, investigation skills, interviewing across cultures, Aboriginal language and culture, disability awareness and mental health awareness. For more information about our learning and development activities, see page 37.

Implementing best practice processes

We continually look for ways to improve how we do our work. Some of these changes come from business areas reviewing their own practices, while others are started by our business improvement unit (BIU).

This year we:

- Introduced new labelling software for email and continued our awareness program in line with the Digital Information Security Policy for the NSW public sector.
- Implemented remote offsite data storage to strengthen our business continuity measures.
- Established a secure system of printing to improve internal controls over information and reduce waste.
- Made enhancements to Resolve, our case management system, to improve the way we track and report on recommendations we make.

Leading the office

The management of our office is overseen and driven by the senior officers group (SOG) and division managers group (DMG).

The SOG is made up of the Ombudsman, four Deputy Ombudsman and two Assistant Ombudsman. A formal management meeting is held every month to review workload, budget and staff matters. The SOG also tries to meet once a week to discuss emerging issues and topics from across the office.

The DMG is made up of the managers of each business area. They usually meet monthly to discuss operational issues and any changes to our policies and procedures.

Our senior executive



Professor John McMillan AO

Acting Ombudsman

Professor McMillan was appointed Acting NSW Ombudsman for a two year term commencing in August 2015. He was previously the inaugural Australian Information Commissioner (2010-2015), Commonwealth Ombudsman (2003-2010) and the Integrity Commissioner (Acting) for the Australian Commission for Law Enforcement Integrity (2007).

John is an Emeritus Professor at the Australian National University, where he taught administrative and constitutional law from 1983-2003. He has been a solicitor in private practice, a legal consultant to many parliamentary and governmental inquiries, and was active in public interest advocacy in promoting open government reform. He is a co-author of a leading student text, *Control of Government Action: Text, Cases and Commentary* (2015, 4th ed).

John is a National Fellow of the Institute of Public Administration Australia, a Fellow of the Australian Academy of Law, and former President of the Australian Institute of Administrative Law.

John was made an Officer of the Order of Australia (AO) in the Australia Day Honours List 2010 for his work as Ombudsman, academic and in professional societies.



Chris Wheeler

Deputy Ombudsman
Public Administration

*BTRP MTCP
LLB (Hons)*

Chris was appointed Deputy Ombudsman in 1994.

He has over 30 years of experience in complaint handling and investigations, as well as extensive experience in management and public administration.

Chris is the sponsor of the Australasian Ombudsman Management of the Unreasonable Complainant Conduct project.



Steve Kinmond

Deputy Ombudsman/
Community and Disability
Services Commissioner

*BA LLB
Dip Ed Dip Crim.*

Steve was appointed Deputy Ombudsman/Community and Disability Services Commissioner in 2004.

He has almost 30 years of experience in investigations, and has had extensive involvement in the community services field.

Steve has also worked as a solicitor and had his own consultancy practice.



Linda Waugh

Deputy Ombudsman
Police

*BA
Post Grad Dip Psych
MBA*

*Currently working full time
on Operation Prospect*

Linda was appointed Deputy Ombudsman in 2011.

She has worked at the Queensland Criminal Justice Commission, the Queensland Crime and Misconduct Commission and the NSW Independent Commission Against Corruption.

Linda has a wide range of experience, having worked in investigations, research, crime prevention and education.



Michael Gleeson

Appointed Acting Deputy
Ombudsman January 2014
Police

*BA
Dip Gov (Investigations)*

Michael has worked in a wide range of roles within our office, including most recently as the Manager of the Police Division.

He has also worked in Department of Courts Administration and the NSW Corporate Affairs Commission.

Michael has 20 years experience in complaint handling, investigations and project management.



Anita Whittaker

Assistant Ombudsman
(Corporate)

*PSMO BCom
MIA (Aust)*

Anita started working with our office in 1985, and has over 30 years experience in the NSW public sector.

She has a very strong background in public administration and financial and human resource management.

Anita was awarded the Public Service Medal in 2000 in recognition of her outstanding service to the NSW public sector.



Danny Lester

Deputy Ombudsman
(Aboriginal Programs)

*BAdEd
Dip Bus*

Danny was appointed as Deputy Ombudsman in 2014.

He has held a range of frontline position in state and federal departments, as well as non-government leadership roles with the Aboriginal Employment Strategy and the Australian Employment Covenant.

Danny has served on the Board of the Sydney Local Health District, the TAFE NSW Sydney Advisory Council and on the Advisory Council for the Centre for Social Impact.



Julianna Demetrius

Assistant Ombudsman
(Strategic Projects)

Dip Law (LPAB)

Julianna has held a number of investigative and management positions during her 12 years with our office.

She was responsible for establishing the office's cross-agency team in 2007. This later became the strategic project division.

Julianna has extensive experience in conducting large-scale systemic investigations across the human services and justice sectors.



Our structure

Public administration

The public administration branch deals with complaints about a broad range of public authorities, as well as local councils. In addition to this 'traditional' Ombudsman role, the branch also includes our custodial services and public interest disclosures units.

Complaints, investigations and projects

This team performs what many would see as a 'traditional' Ombudsman role, receiving and responding to complaints about a wide range of public authorities, as well as local councils. The team also conducts investigative and project work aimed at public authorities to improve the services they provide.

Inquiries

Our inquiries unit are often the first point of contact for people seeking information and assistance from our office. They deal with a wide range of matters, and provide clear and practical advice. In many cases, they are able to help people resolve their problem without having to make a formal complaint.

Custodial services

Our custodial services unit is responsible for our work relating to correctional and juvenile justice centres. Staff from the unit have regular contact with inmates and centre staff, dealing both with complaints and systemic issues.

Public interest disclosures

Our public interest disclosures unit was established in 2011, and provides advice and assistance to public authorities and public officials on the operation of the *Public Interest Disclosures Act 1994*. The unit also provides support to the Public Interest Disclosures Steering Committee.

Human services

The human services branch consists of our community services division, employment-related child protection division, and disability reportable incidents division.

Community services

The community services division has a wide range of functions under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*. Among other things, the division handles complaints about community and disability services, and conducts inquiries into matters affecting people eligible to receive such services, and matters affecting service providers. The division is also responsible for reviewing the deaths of certain children and people with disability, supporting the NSW Child Death Review Team, and coordinating the Official Community Visitor scheme.

Employment related child protection

The employment-related child protection division oversees the investigation by certain agencies into allegations against their employees that involve inappropriate or abusive behaviour towards children; scrutinises the systems those agencies have in place for preventing and responding to these types of allegations; and manages the Ombudsman's 'Notification of Concern' function in connection with the new working with children check.

Disability reportable incidents

The disability reportable incidents division receives notifications of allegations of serious incidents involving people with disability living in supported group accommodation. The division oversees how organisations respond to these allegations, and keeps under scrutiny their systems for preventing and effectively responding to such matters.

Police and compliance

The police and compliance branch consists of our police division, which is responsible for overseeing serious police complaint investigations, as well as auditing police complaint records and conducting a wide range of legislative reviews. The branch also includes our secure monitoring unit.

Police complaints

Our work relating to police complaints is conducted by staff in several units. The serious misconduct unit directly oversees the handling of more serious police complaints. They work alongside staff in our assessment, information and auditing area, who assess complaints, collect, collate and analyse a wide range of information, as well as auditing the processes police have for dealing with less serious complaints.

Legislative reviews

We are responsible for reviewing the application and use of a range of pieces of legislation providing police with new and extraordinary powers. This work is conducted by staff from our research and projects area.

Secure monitoring

The secure monitoring unit handles appeals and complaints under the Witness Protection Act. They also inspect the records of eligible authorities and law enforcement agencies to assess and report on their compliance with certain legislation.

Corporate

The work of all of the areas of our office is supported by a small, diverse corporate branch.

Personnel

Personnel is responsible for payroll, leave administration, recruitment, performance management and work, health and safety.

Business improvement

The business improvement unit facilitates a range of different improvements to our processes across the office, with a particular focus on making the best possible use of our information and document management systems.

Finance

Finance is responsible for accounting, budgeting and office services.

Information technology

Information technology develops and manages computer systems to deliver our core work and protect our data assets.

Records

Records manage our physical records including creating, archiving and disposing of files.

Projects

The projects staff are responsible for office administration, executive support, policy review and development, corporate governance, internal audit, and media interaction.

Aboriginal programs

Part 3B of the *Ombudsman Act 1974* requires us to monitor and assess certain Aboriginal programs, providing independent oversight of the design, delivery and results of government services for Aboriginal people in NSW. The Deputy Ombudsman (Aboriginal Programs) leads this function.

The first such program is OCHRE, the NSW Government plan for Aboriginal affairs. OCHRE includes six key initiatives:

- Local Decision Making
- Connected Communities
- Opportunity Hubs
- Industry-based Agreements
- Aboriginal Economic Development Framework and related initiatives
- Aboriginal Language and Culture Nests.

Strategic projects

The strategic projects division is responsible for leading major projects and investigations, particularly those that cross jurisdictions of the Ombudsman's various operational areas. The division has a particular focus on Aboriginal and youth issues and houses several of the 'cross office' units/positions including the Aboriginal unit, the community education and training unit, OCHRE team, youth liaison officer and a team of research and investigative staff.

Aboriginal unit

Our Aboriginal unit examines ways to improve service delivery by government agencies and non-government service providers to Aboriginal people in NSW. The unit helps Aboriginal and Torres Strait Islander people in NSW to resolve complaints about a range of matters and works hard to develop and maintain strong and positive relationships with communities, organisations and agencies to improve outcomes for Aboriginal people.

Community education and training

The community education and training unit is responsible for providing training and awareness sessions on a broad range of subjects, including the rights and responsibilities of those using community services and managing unreasonable complainant conduct.

Our departing Ombudsman



Bruce Barbour

Bruce Barbour retired as NSW Ombudsman on 30 June 2015 after three terms spanning 15 years. He has been the longest serving NSW Ombudsman. The office underwent unprecedented growth in its role, functions and profile during Bruce's term. It became internationally renowned as a dynamic and innovative office.

Bruce was appointed NSW Ombudsman in 2000. He was previously a senior member of the Commonwealth Administrative Appeals Tribunal, a member of the Casino Control Authority in NSW and a Director at the Australian Broadcasting Tribunal. Bruce had earlier worked in the Ombudsman's office in investigations into police misconduct.

A defining feature of Bruce's term as Ombudsman was a move into more proactive and systemic work, and the development of new roles that changed the way an Ombudsman could stimulate improvements in administrative practice in government and other service providers. The changes often centred on erecting safeguards and improving services for the most marginalised and vulnerable members of the community.

Major changes during Bruce's term included the amalgamation of the Community Services Commission, responsibility for convening and supporting the Child Death Review Team, a greater legislative role in relation to public interest disclosures, a number of important reviews of new and extraordinary police powers, and the evolution and expansion of the office's employment-related child protection jurisdiction. Most recently, the position of Deputy Ombudsman (Aboriginal Programs) was created, and the office was given responsibility for monitoring and overseeing the handling of serious incidents involving people with disability living in supported group accommodation.

Bruce reported publicly on a wide range of important public interest issues during his time as Ombudsman. He made recommendations for change on issues including: the government response to Aboriginal child sexual assault; the policing of domestic violence; the use of force in prisons; accommodation and support for people with psychiatric disability; the use of Tasers by the NSW Police Force; improving the quality of land valuations; the operation of juvenile justice centres; helping the homeless access accommodation and support services; and a range of critical issues facing the then Department of Community Services. The great majority of recommendations have been accepted, implemented and applauded for strengthening accountability and improving service delivery.

In addition to his work in NSW, Bruce recognised the importance of being part of and supporting a broader Ombudsman community, both nationally and internationally. He had a long-standing involvement with the International Ombudsman Institute (IOI), serving on the IOI Board as the Regional Vice President for the Australasian and Pacific Region. He was instrumental in the creation of the Pacific Ombudsman Alliance, which was established to develop and support offices across our region. His contribution to the international Ombudsman community was recognised by the IOI Board in 2015, when he was awarded honorary life membership. The IOI Secretary General said that this was 'a sign of gratitude for your outstanding services for the IOI and the entire Ombudsman community'.

Having effective policies

Our policies are approved by the Ombudsman and outline how particular issues are to be addressed or certain decisions should be made. These policies strengthen our corporate governance framework and ensure consistent work practices throughout the office.

Our code of conduct requires that staff comply with all office policies, and we aim to review each policy every two to three years. This year we reviewed or developed eight policies – relating to areas such as security, governance, work health and safety, and staff entitlements.

Measuring our performance

We track our performance across all areas of our work. This includes individual case management and how our systems and structures are working. Data from our case management system is used to monitor turnaround times and identify where there may be backlogs, delays or inefficiencies.

This information is an essential element of our governance system and helps the SOG to make decisions on workload, priorities and the allocation of resources.

We continue to measure our performance against our office-wide key performance indicators (KPIs) for our complaint handling and oversight work.

Our performance statement (see pages 22-29) provides information about what we have achieved in 2014-2015 and what we plan for the coming year.

How we are held to account

There are a number of ways we are held to account. We respond to complaints about our work, provide opportunities for reviews, and report to the Parliamentary Committee on the Ombudsman, Police Integrity Commission and NSW Crime Commission. We also come under the scrutiny of the Auditor-General, the Independent Commission Against Corruption, the Information and Privacy Commission and the NSW Treasury.

Handling complaints about our office

We take complaints about our work seriously as they help us identify areas where we can improve. When someone is unhappy with the way we have dealt with them or their complaint, our staff make sure they know they can make a complaint to our office. We consider all complaints carefully and take any necessary action. See figures 6 and 7 for information about the outcome and issues raised in complaints this year.

Fig. 6: Outcome of complaints about our office

Outcome	No.
Unjustified	12
Justified or partly justified	4
Some substance and resolved by remedial action	4
Total	20

Fig. 7: Complaints about our office

Issue	Total
Bias/unfair treatment/tone	5
Confidentiality/privacy-related	1
Delays	3
Denial of natural justice	1
Failure to deal appropriately with complaint	9
Lack of feedback/response	6
Limits to jurisdiction	0
Faulty procedures	1
Inaccurate information/wrong decision	4
Poor customer service	9
Corruption/conflict of interest	1
Other	3
Total issues	43
Total complaints	20
% of all matters, formal complaints and notifications finalised	0.19

Reviewing decisions

Some people will be unhappy with the reasons behind decisions we make. If a complainant believes our decision is wrong, they can ask for a review. Each matter is only reviewed once.

When we receive a request for a review, we call the complainant first and try to resolve the matter quickly and informally. If this is not successful, the review is allocated to a member of staff who has had no previous involvement in the matter. This staff member assesses the original complaint as well as any issues raised in the review request.

When they have completed the review, the matter – including the reviewer's recommendations – is referred to the Ombudsman. The complainant will receive a letter from the Ombudsman outlining the outcome of the review. In some cases, this letter will also outline any restrictions on the complainant's future contact with our office.

This process provides members of the public with an avenue for review, but it also gives us an opportunity to improve the way we handle matters – particularly the way we communicate our decisions. Figures 8 and 9 provide information about the reviews we handled this year. There were fewer requests for reviews in 2014-2015 than the previous year.

Parliamentary committees

Our work is overseen by the Parliamentary Committee on the Office of the Ombudsman, the Police Integrity Commission and the NSW Crime Commission. This committee is made up of representatives from both Houses of Parliament, including representatives from both major parties. This ensures our independence as it means we are accountable to Parliament, rather than to the government of the day.

Fig. 8: Requests for a review of our decision as a percentage of formal complaints finalised

Subject	No.		% breakdown				
	requests for review	formal complaints finalised	10/11	11/12	12/13	13/14	14/15
Employment-related child protection	1	115	5.7	3.5	2.9	0.0	0.9
Community services	13	681	1.1	1.1	1.4	1.1	1.9
Custodial services/Justice Health	1	736	1.3	0.5	0.4	0.6	0.1
Local government	52	959	8.4	6.9	7.5	5.1	5.4
Other public sector agencies	49	2,274	4.4	4.6	3.7	3.6	2.2
Police	60	3,635	2.2	2.0	1.6	1.1	1.7
Disability Reportable Incidents	0	39	0.0	0.0	0.0	0.0	0.0
Outside our jurisdiction	0	1,072	0.5	0.0	0.1	0.0	0.0
Total	176	9,511	3.0	2.7	2.4	1.9	1.85

Fig. 9: Outcome of reviews conducted in 2014–2015

Area	Original outcome affirmed after		Resolved	Reopened	Total
	reviewing the file	further inquiries			
Community services	9	0	3	1	13
Custodial services	1	0	0	0	1
Disability Reportable Incidents	0	0	0	0	0
Employment-related child protection	1	0	0	0	1
Local government	24	23	4	1	52
Other public sector agencies	26	9	13	1	49
Police	56	2	0	2	60
Total	117	34	20	5	176

If a person is unhappy with our services, they can complain to our Parliamentary Committee. Information about the role of the committee and how to contact them can be found on our website.

We did not have a general meeting with our Parliamentary Committee this year.

The former Ombudsman Bruce Barbour and Deputy Ombudsman Linda Waugh appeared before two separate Parliamentary committees inquiring into the conduct and progress of Operation Prospect. Information about both inquiries, including the information we provided, is available on the NSW Parliament website.

Public interest disclosures (PID) report

All public authorities are required to have policies and procedures in place to facilitate the reporting of wrongdoing by their staff. Heads of authorities are responsible for ensuring staff are aware of the *Public Interest Disclosures Act 1994* (PID Act) and that they will be given protection and support if they make a public interest disclosure.

Each public authority has to report on what they have done to meet their obligations. The following is our report. It provides information about public interest disclosures made within or about our office. Information about the

public interest disclosures we have dealt with as an investigating authority will be included in our annual report on the oversight of the PID Act, which will be released later this year.

Policy framework

We recognise the value and importance of staff raising concerns when they see something they believe is wrong and our internal reporting policy encourages staff to do this. It commits the Ombudsman and senior staff to handling these disclosures effectively and providing support to the staff making them.

New staff are required to acknowledge that they have read the internal reporting policy as part of their induction. The policy is available on our intranet, in a central register of policies that all staff can access, and on our website.

Staff awareness

Staff awareness and understanding is an important part of creating a climate of trust. All staff should be comfortable and confident to raise their concerns.

Information about how to make a report about wrongdoing is included in staff bulletins and on posters displayed around our office. Our PID e-News – a quarterly newsletter for external subscribers outlining relevant recent developments and news – is also distributed within our office.

Fig. 10: Public interest disclosures – 2014-2015

Issue	Public officials performing their day-to-day functions	Under a statutory or other legal obligation	Others
Number of public officials who made public interest disclosures directly	0	0	0
Number of public interest disclosures received	0	0	0
Number of public interest disclosures finalised	0	0	0
Disclosures received primarily about:			
Corrupt conduct	0	0	0
Maladministration	0	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	0
Local government pecuniary interest contravention	0	0	0

PID statistics

Under the PID Act, we are required to report certain information – see figure 10. In 2014-2015, no public officials made a public interest disclosure about us directly to our office and none of our staff made a public interest disclosure to us about another public authority.

Managing risk

Our fundamental asset is our reputation for independence and impartiality, and we work hard to identify and manage any risks that could damage it. A number of key risks for our office are:

- the loss, publication or inappropriate release of the confidential information we hold
- weak supervision and performance management
- unauthorised or improper access to information
- failure to maintain effective cross-office communication
- staff exposed to injury, assault or critical incidents at work
- failure to set priorities and target resources.

We have a risk management framework that complies with the core requirements of NSW Treasury’s Internal Audit and Risk Management Policy for the NSW Public Sector (Policy and Guidelines Paper TPP09-05).

Our information security management system helps us to identify potential risks and put in place controls to either remove or reduce those risks. This applies to our paper-based systems as well as our computer network and databases.

Our risk, information and security committee (RISC) is responsible for ensuring we have appropriate systems to identify and effectively manage any risks that may arise. The RISC meets each month and is made up of representatives from across the office.

Our audit and risk committee (ARC) provides us with independent assurance about our risk management practices. Although both the RISC and ARC have different responsibilities, they work closely together to ensure that our risk management framework meets our ongoing requirements.

This year we finalised a risk profile of our office following the office-wide risk assessment we did in 2014, and are working towards a more comprehensive risk management framework. This has involved incorporating our risk profile into some of our key office documents – including our fraud control plan, internal audit recommendations register, our process for certifying the effectiveness of our financial controls, as well as our internal audit management report and briefings to our ARC.

Our audit and risk committee

Our ARC provides independent assistance to the Ombudsman by monitoring our governance, risk and control frameworks as well as our external accountability requirements.

The committee membership remained unchanged this year – with Carolyn Burlew continuing as our independent chair, David Roden as an independent member, and Deputy Ombudsman Linda Waugh as the non-independent member.

The committee met five times during 2014-2015, and considered issues such as:

- the implementation of our three year internal audit plan
- the progress of our risk management framework
- the independent review by the Institute of Internal Auditors, Australia (IIA) of our internal audit function
- the progress of our legislative compliance program
- risks associated with the growing jurisdiction of our office and our strategies for dealing with our changing business environment.

The committee also reviewed our early close and end-of-year financial statements and provided advice and assurance to the Ombudsman.

In July 2015, NSW Treasury updated their policy and this will require some changes to our committee. We will report on these changes next year.

Audit program

The following audit reports were tabled before the committee during 2014-2015 and provided, with management responses, to the Ombudsman for approval:

- processes for capturing and reporting on agency implementation of our recommendations
- compliance with software licencing
- accounts payable and accounts receivable
- access to information on police information systems (conducted by our BIU).

A review of how we manage unallocated complaints and notifications is underway at the time of writing this report.

The results and outcomes of all audits are reported to our SOG. Our ARC also monitors our progress in implementing any recommendations.

We developed an internal audit communication strategy to help our staff understand the role and benefit of internal audit and to support them in meeting their responsibilities when participating in an audit.

Independent quality assessment of our internal audit function

In accordance with NSW Treasury policy requirements and international internal auditing principles, we conducted an independent quality assessment of our internal audit program that has now been in place for five years. We engaged the IIA to undertake this process.

The IIA surveyed staff who have been involved with internal audit over the last five years and consulted with our internal audit provider, PricewaterhouseCoopers. They also spoke directly with the chair of our ARC, the Ombudsman, our Assistant Ombudsman (Corporate) and other senior staff.

Our internal audit program was rated as 'beyond conforming' on the IIA's maturity model scale. They found that our internal audit function conforms to the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, and is compliant with NSW Treasury's Internal Audit and Risk Management Policy for the NSW Public Sector.

This was an encouraging result and reflects our positive attitude to internal audit and the value it adds to our office – helping us to identify areas of improvement and continually advance our practices.

Attestation of compliance

Internal audit and risk management

The Ombudsman, following advice from the audit and risk committee, attests to compliance with the six core requirements of the NSW Treasury policy. The attestation statement is provided on the next page.

Internal audit and risk management attestation for the 2014-2015 financial year for the NSW Ombudsman's Office

I, John McMillan, am of the opinion that the NSW Ombudsman's Office has internal audit and risk management processes in operation that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*.

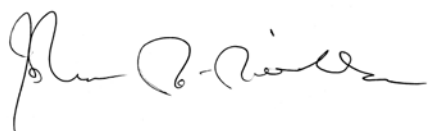
I, John McMillan, am of the opinion that the audit and risk committee for the NSW Ombudsman's Office is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08.

The chair and members of the audit and risk committee are:

- Independent chair – Ms Carolyn Burlew, start term date 11 May 2013, finish term date 10 May 2017.
- Independent member – Mr David Roden, start term date 28 June 2013, finish term date 27 June 2016.
- Non-independent member – Ms Linda Waugh, Deputy Ombudsman (Police and Compliance Branch), start term date 1 July 2015, finish term date 30 June 2019.

These processes provide a level of assurance that enables the senior management of the NSW Ombudsman's Office to understand, manage and satisfactorily control risk exposures.

As required by the policy, I have submitted an attestation statement outlining compliance with the policy to Treasury on behalf of the Treasurer.



Professor John McMillan
Acting Ombudsman

NSW Government Digital Information Security

The Ombudsman, following advice from the audit and risk committee, attests compliance with the NSW Government Digital Information Security Policy. The attestation statement is provided below.


Digital information security annual attestation statement for the 2014-2015 financial year for the NSW Ombudsman's Office

I, John McMillan, am of the opinion that the NSW Ombudsman's Office had an Information Security Management System in place during the financial year being reported on consistent with the core requirements set out in the Digital Information Security Policy for the NSW Public Sector.

I, John McMillan, am of the opinion that the security controls in place to mitigate identified risks to the digital information and digital information systems of the NSW Ombudsman's Office are adequate for the foreseeable future.

I, John McMillan, am of the opinion that the NSW Ombudsman's Office has developed an Information Security Management System in accordance with the core requirements of the Digital Information Security Policy for the NSW Public Sector.

I, John McMillan, am of the opinion that, where necessary in accordance with the Digital Information Security Policy for the NSW Public Sector, certified compliance with AS/NZS ISO/IEC 27001 Information technology - Security techniques - Information security management systems – requirements have been maintained by the NSW Ombudsman's Office.



Professor John McMillan
Acting Ombudsman

Our performance statement

Purpose One

Help organisations to identify areas for improvements to service delivery, and ensure they are acting fairly, with integrity and in the public interest.

What we said we would do in 2014–2015:

Implement a disability reportable incidents scheme under Part 3C of the *Ombudsman Act 1974*.

Monitor and assess the implementation of OCHRE, the NSW Government's plan for Aboriginal affairs, consistent with our new function under Part 3B of the Ombudsman Act.

Oversee the Department of Family and Community Services' review of the *Going Home, Staying Home* reforms to the homelessness service sector.

Inquire into prenatal reporting and birth alerts.



What else we did in 2014–2015:

Worked with the Department of Family and Community Services to develop an integrated governance framework to improve how we monitor significant outstanding recommendations.

Convened a best practice working group to identify and address critical issues relating to abuse and neglect of people with disability and their access to justice.

Made a submission to a review of the police oversight system in NSW.

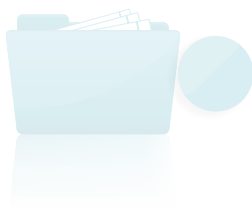


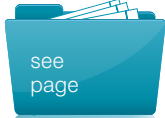



What we plan to do in 2015–2016:

Monitor and assess the implementation of OCHRE – the NSW Government's plan for Aboriginal Affairs.

Review outcomes achieved by FACS' *Aboriginal Cultural Inclusion Framework 2015-2018*.

Review behaviour support relating to client to client incidents to help to improve disability sector performance in preventing and effectively responding to abuse and neglect.



Key:  Achieved  On-going  Not achieved 

Review how the transition to the National Disability Insurance Scheme is impacting on people with a disability in the Hunter trial site.



Monitor the implementation of recommendations in our 2014 report to Parliament on the child protection system.



Offer training about handling serious incidents in the disability sector more widely in line with our new functions overseeing the handling of reportable disability incidents.



Continue to work with groups involved in out-of-home care, Legal Aid, the NSW Police Force and others to develop a protocol for responding to at-risk young people.



Continued to press for change to the way in which the State Debt Recovery Office use garnishee orders with Centrelink recipients.



Inquire into matters affecting participants and providers of supports in the NDIS.



Commence a major project to build the capacity of people with a disability to resolve issues and raise concerns with service providers within the context of the transition to the National Disability Insurance Scheme.



Deliver a tailored version of our 'Rights Stuff' training package for youth workers/advocates who come into contact with migrant and refugee young people.



Our performance statement

Purpose Two

Deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems

What we said we would do in 2014–2015:

Finalise a disability complaint-handling review to ensure our practice is effective and person centred.



Finalise a range of new and updated advice and guidance following the release of the Australian Standard on complaint-handling.



Refine quality control systems for community services complaints and employment-related child protection telephone inquiries and ensure appropriate and timely follow up for members of the public.



What else we did in 2014–2015:

Finalised 39,891 matters, 10,694 formally and 29,197 informally.



Updated and refined our training on investigating misconduct in the public sector.

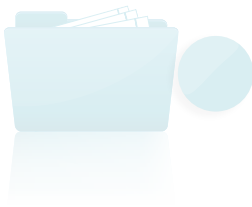


Made a submission to the Department of Family and Community Services review of social housing in NSW.



What we plan to do in 2015–2016:

Review our on-line complaint form.



Audit the complaint-handling policies and procedures of various NSW public authorities.







Work with new providers of supports under the NDIS to improve their complaint-handling practice and systems.



Host forums for complaint-handlers and those handling public interest disclosures.



Key:  Achieved  On-going  Not achieved 

Audit the complaint-handling procedures of NSW councils.

Provide a series of training workshops on the revised Australian Standard on complaint-handling.



Started a three month complaint referral trail with the State Debt Recovery Office.

Inspected 3,053 police complaint records and provided our feedback to commanders.



Provide training on the revised Australian & NZ Standard on complaint handling.

Continue to hold regular liaison meetings with a wide range of government agencies and service providers.

Report on the audit of complaint handling procedures and practices in NSW councils.

Publish a 'complaint-handling tips' factsheet for local councils.



Our performance statement

Purpose Three

Be a leading integrity agency

What we said we would do in 2014–2015:

Continue to provide advice, information and assistance to the Royal Commission into Institutional Responses to Child Sexual Abuse, and to the Victorian Department of Human Services and Commission for Children and Young People to support the implementation of a reportable conduct scheme.



Work with the Victorian Ombudsman's Office to undertake a joint review of the South Australian Ombudsman's complaint-handling procedures.



Conduct a major revision of the unreasonable complainant conduct training materials.



What else we did in 2014–2015:

Made a submission to the Department of Social Services on the proposed NDIS Quality and Safeguarding framework, and contributed to roundtables and other forums to inform the development of the framework.



Co-hosted the tenth National Investigation Symposium with the Independent Commission Against Corruption and the NSW Branch of the Institute for Public Affairs Australia.



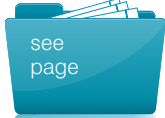



What we plan to do in 2015–2016:

Host a forum in February 2016 to promote best practice in preventing and responding to reportable conduct, bringing together stakeholders from the education; early childhood, out-of-home care; religious, sporting and recreational sectors.



Support the work of the Royal Commission into Institutional Responses to Child Sexual Abuse through the provision of critical data, information holdings and observations about systemic issues and good practice.

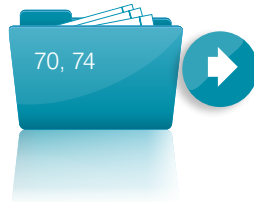


Key:  Achieved  On-going  Not achieved 

Provide training to Ombudsman and their staff from across the world over three days in Thailand, funded by the International Ombudsman Institute and the Asian Ombudsman Association.

Update our enforcement guidelines and good administrative practice guideline.

Finalise a 'starter kit' for new and developing Ombudsman offices.



Conduct a major revision of the unreasonable complainant conduct manual.

Establish a social media presence for our office.



Our performance statement

Purpose Four

Be an effective organisation

What we said we would do in 2014–2015:

Continue to roll out electronic complaint-handling and records management across the office, focusing on corporate and police and compliance branch records.

Finalise our Senior Executive implementation plan, a requirement under the GSE Act.

Finalise our implementation of the NSW Government information classification and labelling guidelines.



What else we did in 2014–2015:

Introduced labelling software for our emails and continued our awareness program for staff to ensure documents are correctly labelled.

Reviewed and updated the Official Community Visitor scheme online administration database – OCV Online.

Conducted an independent review of our internal audit function.



What we plan to do in 2015–2016:

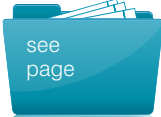



Finalise our implementation of the NSW Government information classification and labelling guidelines.

Finalise implementation of Follow Me printing as an additional step to improve our information security and reduce waste.

Complete the refurbishment of our office.

Upgrade our case management system, Resolve.



Key:  Achieved  On-going  Not achieved 

Continue our internal audit program, finalising our audit on our processes around the implementation of Ombudsman recommendations as well as financial systems and IT licensing.

Refurbish the office following lease negotiations and an owner incentive for this purpose.

Establish our new disability reportable conduct role within the office, creating positions and securing funding.



Finish developing a reviewable disability deaths data dashboard to facilitate early identification and response to trends and patterns in preventable deaths.

Finalise our SES transition in accordance with our SEI Plan under the GSE Act.

Implement a national criminal records check for new staff.

Finalise implementation of SuperStream.



Balancing our books

Most of our revenue comes from the government in the form of a consolidated fund appropriation. This was \$24.348 million in 2015. The government also provided \$1.401 million for certain employee entitlements such as defined benefit superannuation and long service leave. We received \$350,000 for our capital program which was spent on a range of items, including computer hardware and finalising the development of a consolidated database for our reviewable death functions.

In addition to our consolidated fund allocation, we received a number of specific purpose grants totalling \$4.623 million. The most significant of these was for Operation Prospect (see page 46). We also received a grant for our disability reportable incident function (see page 94), our Aboriginal programs role (see page 103), our working with children check/notification of concern role (see page 86), and our workload increases in the ERCP area (see page 84).

Other than our appropriation, our usual main source of revenue is from conducting fee paying training courses. We generated \$1.142 million through the sales of publications, bank interest, fee-for-service training courses and consultancy work (see page 119).

Most of our revenue is spent on employee-related expenses including salaries, superannuation entitlements, long service leave and payroll tax. We spent just under \$25.5 million on these items in 2014–2015, and the day-to-day running of our office cost about \$6.4 million.

In line with the NSW Government's commitment to improve financial management in the public sector, we continue to review our internal accounting practices and the quality of the information we provide to the NSW Treasury. We have streamlined our reporting processes and continue to improve our fixed asset procedures. We actively discuss issues with both internal and external audit and, where necessary, with our ARC.

Fig. 11: Financial summary

	13/14 \$'000	14/15 \$'000	Change %
Operating revenue including government contributions	29,995	31,864	6.24
Operating expenses	29,280	32,535	11.12
Total assets	5,347	9,066	69.56
Total liabilities	3,803	8,277	117.64
Net result	705	(755)	(207.10)
Total equity	1,544	789	(48.90)

Our operating revenue increased by 6.24% in 2014-2015, while our operating expenses increased by 11.12%. The major area of change in our revenue base was an increase in specific purpose grants, which totalled \$4.623 million. We had a 47.5% increase in our self generating revenue – which includes fee-for-service training, bank interest and other miscellaneous revenue items. There was an \$182,000 increase in the acceptance by the crown of employee benefits and other liabilities. This was mostly an increase in long service leave after an actuarial assessment of this employee benefit.

Our asset base increased largely because of a lease incentive receivable for fit-out improvements that started after we negotiated a new accommodation lease during the year. Our non-current assets have increased as the lease incentive is progressively being recognised as an asset.

Our liabilities have also increased. Our accrued wages and on-costs increased, and were paid in early July 2015. Provision for annual leave was similar to the previous year as we proactively managed our leave entitlements during the year. Creditors were significantly higher than the previous year due to unpaid invoices for fit-out work.

For more details about our financial position, see the 'Our financials' section of the report at page 127.

Reducing our environmental impact

In July 2014, the NSW Government published its government resource efficiency policy (GREP) which commits NSW public sector agencies to reducing operating costs as well as increasing the efficiency of the resources they use. It replaces the sustainability policy and waste reduction and purchasing policy and includes new waste reporting requirements.

The GREP contains strategies to improve energy, waste, water and clean air performance and sets interim and long-term targets. 2013–2014 data will set the benchmark for assessing our progress in implementing the GREP strategies.

Our office fit-out gave us an opportunity to adopt energy-saving initiatives to reduce our energy usage and improve our work environment. We have finished the first two stages of our fit-out project this year, and parts of our office are now more open and have more natural light. Our lights are fitted with energy-saving motion sensors and we have paid particular attention to improving the air-conditioning performance. This project will be finalised next year.

Energy

The GREP has a number of strategies to improve the use of energy, including:

- minimum NABERS Energy ratings
- minimum standards for new electrical appliances and equipment
- minimum fuel efficiency standards and purchasing 6% green power.

In 2014-2015 we bought energy efficient equipment, purchased 6% of our power as green power, and encouraged our staff to adopt energy efficient practices. We were due to be audited for NABERS compliance, but postponed the audit until our fitout is finished.

We had an increase in our electricity usage due to significant out-of-hours work and supplementary air conditioning for Operation Prospect.

We have a number of strategies to improve the environmental performance of our motor vehicle fleet including:

- purchasing fuel efficient cars based on NSW clean care benchmarks that are compatible with E10 blends of fuel

- maintaining our cars according to the manufacturer's recommendations
- encouraging staff to use public transport where practicable.

We monitor the need to maintain a fleet and ensure there is a real need for a car before one is purchased. We make sure that any car is fit for its purpose – in both size and fuel efficiency.

Our other energy efficiency initiatives included:

- monitoring our energy usage through auditing, preventive maintenance, staff education programs and buying energy efficient equipment
- enabling power-management features when installing office equipment
- installing video-conferencing facilities to provide an alternative to travel, helping us reduce our greenhouse gas emissions
- supporting our building's environmental programs.

Waste

The GREP requires us to report on our top three waste streams by volume and total cost, with 2013-2014 data to be used as the baseline year. However, as reported last year, we participate in the building's recycling program and it is not possible to collect this information for our office only.

Our top three waste streams are:

- clean waste paper and cardboard
- general waste
- toner cartridges, mobile phones and batteries.

During the year, we continued to reduce our reliance on paper-based products. This included a significant reduction in the number of reports we print, including annual reports and special reports to Parliament. We make these reports available on our website along with our guidelines, brochures and fact sheets.

We continue to move from paper-based records to electronic ones, with the public administration division expanding their electronic complaint-handling initiative to including more complex complaints. Our corporate area is also moving to a paperless environment.

We use Australian 80% recycled content paper in our printers and copiers and purchased 3,650 reams of copy paper. This averages 16.58 reams per staff member – over the ICT Sustainability Plan's July 2015 target of nine reams per person. We explored the possibility of Follow Me print to reduce paper wastage and implemented this initiative in July 2015. This new printing system allows us to monitor and report on paper usage, which we will use to target inefficiencies and waste. We promote double-sided printing and better use of online forms.

We recycle all our clean waste paper through our secure paper recycling bins and collected 4.6 tonnes of paper. We also recycle all our toner cartridges through the HP Planet Partners Program.

Some other waste reduction initiatives included:

- monitoring our segregated waste streams – including the general waste, comingled recycling, paper and cardboard we generate
- educating staff about how to reduce contamination of the waste stream
- promoting the use of online forms
- providing refresher training to staff on using our electronic document management system
- encouraging staff to print only when necessary and to use double-sided printing
- diverting facsimiles to email.

Water

We lease premises in a building that is fitted with a range of water-saving technologies including low-flow taps and showers, dual-flush cisterns and waterless or low-flow urinals and grey water systems. The building has a 3.5 star NABERS Water rating. We do not have any data on our tenancy's water usage.

Clean air

There are two clean air targets under the GREP – the first is about air emission standards for mobile non-road diesel plant and equipment and does not apply to our office. The second is using low-volatile organic compound (VOC) surface coatings. We are making sure our office refurbishment complies with this and the Australian paint approval scheme.

Fig. 12: Fuel consumption

	10/11	11/12	12/13	13/14	14/15
Fuel (l)	2,521	2,743	1,882	1,657	2,333
Distance travelled (km)	29,849	36,809	23,472	18,944	28,026

Fig. 13: Electricity consumption

	10/11	11/12	12/13	13/14	14/15
Electricity (kWh)	320,053	224,942	240,891	274,617	308,352
Kilowatts converted to gigajoules	1,152	810	867	988	1,110
Occupancy (people)*	195	186	180	193	199
Area (m ²)	3,133	3,133	3,133	3,133	3,133
Gigajoules per person	5.91	4.35	4.82	5.11	5.57

* rounded to nearest whole number

Supporting our business

Our corporate branch supports our operational areas and provides personnel, business improvement, accounting, information technology (IT), information management, publications design and layout, project and administrative support. The work of our personnel unit is discussed later in this chapter and our accounting activities are discussed in the financial section of this report (page 127). As with all areas of the office, the work of our corporate branch is guided by our corporate and other planning documents. Some of our key corporate projects this year are outlined below as well as throughout the report.

Electronic complaint-handling

We have reported before on our projects to implement electronic complaint-handling systems. Our BIU continues to work with business areas and IT to increase the level of automation in our complaint-handling processes.

Building on our work with the police division in the previous year, we have introduced a number of additional Resolve tabs that are tailored to the needs of individual divisions. These new tabs allow for more visible tracking of workflow.

Monitoring organisational performance

We continued to improve our key performance indicators (KPI) and other management reporting. The next stage of our KPI project involves developing systems to measure the non-complaint handling areas of our work, including projects and reviews.

This year, we have made improvements to Resolve – our case management system – to enable us to:

- record recommendations made in our legislative review and community services areas
- record matters relating to our new role in disability reportable incidents and report these in our KPI and management reports
- record and track applications for access to government information under the *Government Information (Public Access) Act 2009*.

Improving our information systems and reporting

The quality of our information is vital to assisting the community and identifying systemic issues over time. We make every effort to effectively manage the large volumes of information we receive from agencies or access directly from their systems. This helps us make connections and identify risks across a range of information and adds significant value to our work.

We have continued to improve how we record this kind of work and to facilitate links to data stored in Resolve. After improving Resolve's functionality to support the ERCPD's intelligence function, we have further increased it to support a similar approach across other areas of the HSB.

Other changes to our information systems include:

- Resolve to TRIM integration – we automated a number of security features in TRIM based on the values entered into Resolve. This saves time and makes sure sensitive cases are properly secured.

- Reviewing Resolve – we engaged a Resolve business analyst to review our system and identify any improvements we can make to better support our business. A number of recommendations were made to enhance the system's user interface and we aim to make these improvements over the next two years.

Upgrading our infrastructure

Our infrastructure is important in making sure we are able to provide the highest quality services to our stakeholders in a timely and effective manner. This year, we made a range of enhancements and upgrades to better support our staff and these are detailed below.

Offsite data protection

Having a complete copy of our data located offsite is an important business continuity measure. This year we implemented remote offsite data storage. The offsite data is regularly updated via a secure communication link and allows us to quickly recover data and resume operations in the event of a hardware failure, error or disaster.

Follow Me print

Follow Me is a secure printing system that allows users to print to a shared print queue and then release their print job from any enabled output device. This ensures printing is confidential to the user and reduces waste.

Digital information security

The NSW Digital Information Security Policy sets out five core requirements for government agencies. These requirements include having an information security management system that complies with the minimum controls in the information security standard (ISO 27001) and code of practice. We have started working towards becoming certified under this standard.

Protecting sensitive information

The Ombudsman deals with a significant amount of sensitive information. Under the NSW Government information classification and labelling guidelines, this information must be handled in accordance with its sensitivity. This includes labelling the information appropriately. We are continuing to work towards achieving full compliance with these guidelines.

We have introduced labelling software for email and continued our awareness program for staff. This includes an office 'Quick guide to classification and labelling' as well as division-specific guidance. Our next step is to change our Resolve and TRIM security levels to reflect the new government requirements.

Enhancing the official community visitors (OCV) online system

We implemented recommendations after a review of our OCV online data structure. This involved redesigning the database schema, data cleansing, and updating the web interface. These enhancements will make the system easier for us to maintain and improve functionality for the work of the OCVs.

Our people

At 30 June 2015, we had 220 people working for us on either a full or part-time basis. Our staff has diverse skills and experience, and come from a range of backgrounds – including investigative, law enforcement, community and social work, legal, planning, child protection and teaching.

Human resources

Government Sector Employment Act

The transitional period for the *Government Sector Employment Act 2013* (GSE Act) ended on 24 February 2015.

Transitional arrangements supported the move to employment and management arrangements under the GSE Act.

During the year, we finalised our senior executive implementation (SEI) plan and worked to transition our senior executive service to the new structure and remuneration framework under the plan. This involved reviewing the ongoing business needs for the executive positions, assigning work-level standards to executive roles, assigning remuneration bands, and determining the actual remuneration level of the role. We have evaluated all executive positions, and moved most of our senior executive service into the new structure and remuneration framework. We will complete our transition of the remaining senior executive roles in 2015-2016.

Any exceptional movement in wages, salaries or allowances

The relevant industrial agreements were varied to increase salaries and salary-based allowances by 2.27%, effective 4 July 2014. All staff, excluding the Ombudsman and the four Deputy Ombudsman, received this increase.

A 1.88% increase was paid to our Deputy Ombudsman who are remunerated under the SES determination of the independent Statutory and Other Offices Remuneration Tribunal (SOORT). This increase was effective 1 July 2014.

SOORT made a special determination to provide an increase of 2.27% to Public Office Holders in receipt of a salary, which includes the Ombudsman – from 1 October

2013. The SOORT also determined an additional increase of 1.70% will apply to office holders in receipt of a salary on and from 1 July 2014.

Personnel policies and practices

Our staff are employed under the provisions of the GSE Act which, along with associated regulations and the Crown Employees (Public Service Conditions of Employment) Award 2009, set the working conditions for public servants. This means we have little scope to set working conditions and entitlements for staff.

We expanded the capability of our HR21 system and completed successful testing to allow staff to apply for overtime online. We will roll this out in 2015-2016 and will continue to develop HR21 as resources permit. Some of our personnel work is now paperless as we have moved from paper-based to electronic file management. This has resulted in efficiency savings and reduced waste.

We continued our practice of requiring most of our staff in relevant areas to obtain a working with children check clearance before commencing employment with us. We also reviewed some of our personnel policies, including policies relating to family and community services leave policy, breastfeeding and purchased leave.

In line with government policy, we proactively managed and reduced leave liabilities and there were no staff with a leave balance of more than 30 days at 30 June 2015.

Improved performance management

We have made improving our performance management framework a priority and have successfully synchronised our performance management activities throughout the office, which has included developing work agreements, reviewing progress and reporting on staff performance at the same time. This has promoted the importance of performance management and aligned it with our business planning cycle.

The results from the 2014 People Matter Survey show an overall improvement in regard to the percentage of staff who have had a formal performance management review, informal feedback and who have a current performance plan. We also received a positive response from staff that their performance is assessed against clear criteria.

Fig. 14: Staff levels as at 30 June 2015

	10/11	11/12	12/13	13/14	14/15
Statutory officers	4.00	4.00	4.00	4.00	6.00
Investigative	73.26	78.49	80.47	91.56	82.54
Investigative support	24.50	20.40	19.60	18.6	24.5
Project, research and systemic review	41.82	40.36	34.9	34.1	41.78
Training and community education	1.50	3.00	2.50	1	2.5
Inquiries	9.54	8.74	9.74	9.56	11
Community visitor support	2.80	1.80	1.80	1.80	1.80
Corporate	27.77	29.67	26.81	32.37	28.23
Total*	185.19	186.36	179.82	192.99	198.35

* Full-time equivalent

Working with the JCC

The Joint Consultative Committee (JCC) continued to work cooperatively during the year to discuss a range of issues affecting staff.

People Matter Survey 2014

In 2014, the Public Service Commission conducted the People Matter Survey, to capture employees' perceptions of how well the public sector values are applied across the sector, as well as employee views on – and experiences in – their workplaces.

The survey was the second of its kind in the NSW public sector and was open to all NSW public sector employees with more than 75,000 people (around 19% of the public sector workforce) participating.

The 2014 results were positive, showing that we rated higher than the sector as a whole. Some findings included:

- 100% of staff felt that the office strives to earn and sustain a high level of public trust.
- 100% of staff felt that the Ombudsman provides a high quality service.
- 91% of staff were satisfied with their job, although only 68% of staff felt their workload was acceptable.
- Over 90% of staff agreed that equal employment opportunity is provided in our organisation and that our office is committed to creating a diverse workforce.

Compared to the 2012 survey results, we scored lower in areas relating to communication between managers and staff and change management.

Senior executive

The GSE Act provides for new executive arrangements for former senior executive service (SES), senior officer (SO) and equivalent positions. The GSE Act transitional provisions provide for the new executive arrangements to be adopted by all agencies within three years of the legislation's commencement.

We developed a senior executive implementation (SEI) plan to guide our transition to the new arrangements under the GSE Act.

The provisions of the GSE Act relating to the employment of public service employees do not apply to the Ombudsman. The Ombudsman is a statutory appointee employed under the provisions of the *Ombudsman Act 1974*. Entitlements and other conditions are provided through the instrument of appointment. The SOORT determines the remuneration to be paid to the Ombudsman as a public office holder.

As part of our transition to the GSE Act, our Director Corporate and Director Strategic Projects were appointed as Assistant Ombudsman.

The Deputy Ombudsman and Assistant Ombudsman are statutory appointees, employed under the Ombudsman Act. The provisions of the GSE Act relating to the

employment of public service employees do not apply to the Deputy Ombudsman and Assistant Ombudsman except for provisions relating to:

- the band in which an executive is to be employed
- the contract of employment of an executive
- the remuneration, employment benefits and allowances of an executive
- the termination of employment of an executive.

Aspects of the transition process – such as application of work level standards, the remuneration framework and developing role descriptions – are relevant to the Deputy Ombudsman and Assistant Ombudsman. All senior officer positions were considered as part of our transitional arrangements.

As at 30 June 2015, we had 14 senior executive staff – half of whom were women. See figure 15 and 16 for details of the levels of our senior positions as well as their remuneration. Although the Ombudsman is not subject to the GSE Act, he is included to make the table complete.

Fig. 15: Senior executive level

Band	2014		2015	
	Female	Male	Female	Male
Band 4	0	1	0	1
Band 3	0	0	0	0
Band 2	1	3 [#]	1	3 [#]
Band 1	6 [*]	3	6	3
Total	7	7	7	7
Total both male and female	14		14	

* includes a staff member on leave without pay

includes a temporary position created while a Deputy Ombudsman is leading a major investigation

Fig. 16: Senior executive remuneration

Band	Range	Average remuneration	
	\$	2014	2015
Band 4	430,451 - 497,300	467,881	487,898
Band 3	305,401 - 430,450	0	0
Band 2	242,801 - 305,400	235,301	274,504
Band 1	170,250 - 242,800	155,412	187,789

12.95% of the Ombudsman's employee-related expenditure in 2015 was related to senior executives, compared with 13.3% in 2014.

Workforce diversity

The GSE Act makes diversity a priority area for all public sector agencies. It focuses on existing groups (Aboriginal people, women, people from culturally and linguistically diverse backgrounds, and people with disability), but also

provides flexibility to include other groups – including mature workers, young people and carers. A key goal is for all public sector agencies to reflect the diversity of the wider community.

Our equal employment opportunity (EEO) program aims to ensure fair practices and behaviour in our workplace, including:

- recruitment, selection and promotion practices that are open, competitive and based on merit
- access for all staff to training and development
- flexible work arrangements that meet the needs of all staff and create a productive work environment
- procedures for handling grievances that are accessible to all employees and deal with workplace complaints promptly, confidentially and fairly
- clear and strong communication channels to give employees information and allow their views to be heard
- management decisions made without bias
- no unlawful discrimination or harassment in the workplace
- respect for the social and cultural backgrounds of all staff.

The NSW government has set targets for employing people from various EEO groups. These targets are a useful measure of the effectiveness of our EEO program (figures 17 and 18). We exceeded the target in the representation of women, people whose language first spoken as a child was not English, Aboriginal and Torres Strait Islanders, and people with disability requiring adjustment. There is no target for people with disability. This year saw an increase in the representation of people with disability in our staffing profile.

Policies and practices

All government agencies must consider EEO/diversity policies, outcomes and priorities when they are recruiting and supporting staff. We make sure we have a diverse and skilled workforce, fair work practices and behaviours, and employment access and participation by EEO/diversity groups. Figures 18 and 19 show the gender and EEO/diversity target groups of staff by salary level.

Harassment prevention and respect for each other

We continue to implement a range of strategies to make sure our workplace is free of harassment and bullying, and staff respect and value each other.

To promote respect for the social and cultural backgrounds of others, we continued our in-house training on Aboriginal cultural appreciation. We also encouraged staff to attend training on cultural intelligence, mental health awareness and working with refugees and provided information and education sessions on understanding transgender in a workplace context.

We continued our disability awareness training. This training uses attitudinal and practical sessions to illustrate issues facing people with disability, and provides practical suggestions on how to engage with people with disability.

There were no formal workplace grievances lodged during the reporting year.

Access and equity programs

We continued to implement our access and equity programs which focus on the needs of vulnerable groups. Our disability action plan, multicultural action plan and Aboriginal policy support our workforce diversity outcomes.

During the year we finalised our multicultural action plan (MAP) for the next five years, which was guided by the multicultural planning framework for NSW government agencies. Our MAP 2015-2019 is outcome focused with strategies and actions to ensure our services are accessible and appropriate for culturally, linguistically and religiously diverse people.

See page 183 for more details about these programs.

Flexible work arrangements

We promote flexible work options to enable staff to balance work and their personal commitments. We offer part-time work, flexible working hours, working-at-home arrangements and a range of leave options. Fifty one staff worked part time during the year.

The year ahead

In 2015-2016 our priority will be to finalise our workforce plan incorporating diversity strategies.

Fig. 17: Trends in the representation of EEO groups

EEO Group	Target (%)	Result (%)				
		10/11	11/12	12/13	13/14	14/15
Women	50	72.9	73.8	73.1	71.9	72.7
Aboriginal & Torres Strait Islander people	2.6	2.4	2.9	3	2.4	3.2
People whose language first spoken as a child was not English	19	17.5	18.1	16.1	20.1	19.5
People with disability #	n/a	9.2	10	12.1	10.1	11.1
People with disability requiring work-related adjustment	1.5	2.4	2.4	2.5	2.4	2.8

Employment levels are reported but a benchmark has not been set.

Fig. 18: Trends in the distribution of EEO groups

EEO Group	Target (%)	Result (%)				
		10/11	11/12	12/13	13/14	14/15
Women	100	91	92	92	93	95
Aboriginal & Torres Strait Islander people	100	n/a	n/a	n/a	n/a	n/a
People whose language first spoken as a child was not English	100	86	87	87	87	89
People with disability	100	104	102	100	99	100
People with disability requiring work-related adjustment	100	n/a	n/a	n/a	n/a	n/a

Note 1: A distribution index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at the lower levels.

Note 2: The distribution index is not calculated where EEO group or non-EEO group numbers are less than 20. In these cases n/a appears.

Fig. 19: Percentage of total staff by level

Level	Total staff (no.)*	Respondents	Men	Women	Breakdown by EEO group				
					Aboriginal & Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with disability	People with disability requiring work-related adjustment
\$0 - \$43,593	0	0	0	0	0	0	0	0	0
\$43,593 - \$57,256	1	1	0	1	1	0	0	0	0
\$55,985 - \$62,587	16	15	4	12	0	5	5	2	0
\$64,008 - \$80,997	40	39	11	29	2	15	13	4	0
\$80,997 - \$104,743	86	85	17	69	2	17	17	9	5
\$104,743 - \$130,929	66	66	22	44	1	8	7	8	1
\$130,929 > (Non SES)	6	6	2	4	0	0	0	0	0
\$128,023 > (SES)	5	5	4	1	1	0	0	1	0
Total	220	217	60	160	7	45	42	24	6

*This figure represents the actual number of full-time and part-time staff as a 30 June 2015 – not the full-time equivalent.

Work health and safety (WHS)

We are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in the *Work Health and Safety Act 2011* (WHS Act) as well as public sector WHS policies. We base our WHS activities on effectively identifying and managing risk. This is supported by policies and programs that provide guidance to both managers and staff.

We have an established framework to assist us in meeting our WHS responsibilities. This includes policies on our WHS strategies and procedures, first aid and return to work arrangements.

Our WHS committee

Our WHS framework is supported by the WHS committee, made up of representatives from all divisions of the office who meet monthly to discuss issues relating to the health and safety of our staff.

This year the committee:

- finalised a number of WHS forms, templates and resources for staff
- worked on the development of a WHS risk assessment tool
- supported staff in the process of relocation during the office fit-out, and
- assisted staff to conduct self-assessments of their workstations following relocation to our new office fit-out.

Reasonable adjustments

During the year, we modified a number of work areas or work processes to assist staff who have either ongoing medical conditions or other specific needs including desk adjustments and special equipment purchases, including sit/stand desks, changing the placement of lights and installing special software. Some of these modifications were made following medical or other external professional assessments.

Emergency evacuation procedures

We continued to participate in our building's emergency evacuation training program. All our nominated wardens are required to attend training at least twice a year. We also took part in the building's emergency evacuation drills. We developed personal emergency evacuation plans for a number of staff who were deemed to be mobility impaired for a prolonged period of time and we tested these plans during emergency evacuation drills.

We are a member of the building emergency planning committee, which meets once a year to discuss the building evacuation processes and preparedness.

Employee assistance program

We continued to provide an employee assistance program (EAP), including a free 24-hour counselling service for staff and their families. Representatives from our EAP provider attended staff meetings to provide information on this service to our staff.

WellCheck program

We run a WellCheck program for staff in our human services branch. This program provides a psychological 'wellcheck' to staff who are potentially at risk of being exposed to known risk factors that can lead to the development of traumatic stress and adjustment difficulties.

Other programs to support WHS

We have a number of other programs that help us to meet our health and safety obligations including:

- Hepatitis vaccinations – staff who visit correctional centres are vaccinated against Hepatitis A and B.
- Flu shots – we organise flu shots for staff to prevent high levels of absenteeism during the flu season.
- Basic first aid – we pay for our first aid officers to attend initial and ongoing training and provide them with a yearly first aid officer allowance.

Workers compensation

We are part of the NSW Treasury Managed Fund, a self-insurance scheme for the NSW public sector. There was a decrease in the number of claims reported to our insurer from last year, with two new claims reported (figure 20). As at 30 June 2015, we had closed all workers compensation claims.

Our workers compensation incidence rate was lower than the previous year because of the lower claim numbers and higher number of employees.

Fig. 20: Workers compensation

Claims entered in the year	10/11	11/12	12/13	13/14	14/15
Claims brought forward	4	5	4	3	3
New claims	8	7	8	2	2
Claims closed	7	8	9	2	5
Open claims 30 June	5	4	3	3	0

Fig. 21: Workers compensation incidence rate

	10/11	11/12	12/13	13/14	14/15
Number of claims submitted	8	7	8	2	2
EFT number of employees	185.19	186.36	179.82	192.99	198.35
Incidence rate (%)	4.32	3.76	4.45	1.04	1.01

Learning and development

Providing staff with learning and development opportunities helps us to continue to attract and develop a skilled and committed workforce. Our staff are encouraged to participate in a diverse range of training to help them work more effectively and to gain skills to assist their personal and professional development.

Developing professional skills

Our staff attended a range of conferences during the year, including the Association of Children's Welfare Agencies conference, Local Community Services Association conference, Australia and New Zealand Society of Criminology conference, International Trauma conference and Australasian Conference on Child Abuse and Neglect. These events are an opportunity to learn from industry experts, improve understanding of contemporary issues affecting our work, and network with people who have similar roles, experience and skills.

Staff also attended a range of training courses, some of which were delivered within the office:

- training sessions on the use of Microsoft Word, Excel and Outlook
- writing in plain English delivered by the Plain English Foundation and writing in the public sector delivered by IPAA
- workplace health and safety
- a range of training specific to our complaint-handling activities, including – training on the new complaint-handling standard, conversations with complainants, interviewing across culture and effective interviewing techniques.

Raising awareness

Providing training that is aimed at raising our staff awareness of contemporary issues in our society is an important part of our strategy to continually improve how we interact with the public. This year, we provided information and education sessions on disability awareness, Aboriginal cultural awareness, understanding transgender in a workplace context, mental health, working with refugees, managing change, and cultural intelligence.

Managing staff

We continued our training program to ensure supervisors and managers have the necessary skills and knowledge to effectively carry out their responsibilities. This included training on managing people effectively, fundamentals for supervisors, group coaching and managing controversy.

New staff induction

Our induction program provides new staff with relevant, consistent and useful information about our office, our policies, process and obligations. Within the first three months of joining the office, new staff attend training on our electronic document management and case management system and security awareness. We also run 'Ombudsman: What, When, Where and Why' training sessions for new staff to help them understand our functions, jurisdiction and responsibilities.

Providing study leave

Staff development also means encouraging staff to undertake further study to enhance their skills. Four staff used study leave provisions to attend tertiary education courses in 2014-2015.

Access and equity programs

Our access and equity policy provides a framework for us to focus on the needs of vulnerable groups and to make sure their specific needs are considered in planning and resource allocation. The policy identifies a number of vulnerable communities as our target groups.

Disability action plan

Our current disability action plan (DAP) supports our commitment to achieving the outcomes for people with disability set out in the NSW State Plan. It has been extended for 12 months to guide our work improving the accessibility of our services. See appendix I on page 185 for more information about our DAP.

There has been significant legislative change and major reforms in the way disability services are provided. The Disability Inclusion Act requires the NSW Government to make communities more inclusive and accessible for people with disability, and sets out rules on how specialist disability supports and services are delivered in NSW. The Act requires certain public authorities to have a Disability Inclusion Plan (DIP) by December 2015. Although we are not required to have a DIP, we will develop one to ensure our services continue to achieve good outcomes.

This year we began our new role in overseeing agency responses to allegations of reportable incidents in disability-supported group accommodation. This has involved extensive consultation with key government and non-government agencies to develop resources for service providers. For more details see section on page 94.

Multicultural action plan

Legislation promoting multiculturalism in NSW was amended at the end of 2014, and the Act is now called the *Multicultural NSW Act 2000*. It sets out a new approach to promoting cultural diversity as a social and economic asset. This includes a 'commitment to Australia' – which is a commitment to the common values and beliefs that bind Australians together.

We updated our multicultural action plan (MAP) to reflect these changes, guided by the multicultural planning framework for NSW government agencies. Our MAP will support our multicultural and services program (MPSP) during 2015-2019.

Details of the implementation of our MAP can be found in appendix I.

Aboriginal policy

Our Aboriginal policy outlines our commitment to improving our services to Aboriginal people, as well as working with key agencies to improve broader service delivery. We have always focused on communication and consultation as the best way to achieving outcomes for Aboriginal people in NSW. This involves working closely with government and non-government service providers, Aboriginal community leaders and community workers in both metropolitan and regional areas.

We continued our community consultations this year and undertook a series of remote and regional community visits to meet face-to-face with communities – as part of our role in monitoring and assessing the delivery of the NSW Government's OCHRE initiatives.

The focus for our Deputy Ombudsman (Aboriginal Programs) has been to work with key government agencies, Aboriginal communities, the Minister for Aboriginal Affairs and other stakeholders to ensure that services and programs for Aboriginal people are making a difference.

Working with Aboriginal communities, on page 101, has more details about our work in this area.

Women's action plan

Our women's action plan outlines strategies and planned outcomes to ensure that our services are accessible and appropriate for women in NSW. These outcomes include supporting women to live free from domestic and family violence, identifying and removing barriers to accessing services, and promoting a safe and equitable workplace for women. For further details on our women's action plan see Appendix I on page 187.

Recognising carers

Our carers recognition policy ensures we fulfil the requirements of the *Carers (Recognition) Act 2010*, and promote the principles of the NSW Carers Charter. The Act places obligations on all public sector agencies in relation to carers – not only carers that use the services of the agency, but also staff members who have carer responsibilities.

We implement a range of flexible work arrangements such as job sharing, part time work, and family and community service leave that support staff who have caring responsibilities. We also value the input of carers in providing community services and deliver awareness training for them. For further details on our carers recognition policy, see Appendix I.

Law and justice



This section of the report outlines the work we do concerning law and justice agencies in NSW. This includes our work relating to policing, custodial services, and our monitoring and inspection functions around controlled operations, telecommunications interceptions, surveillance devices, and covert and criminal organisations search warrants.

Our work overseeing the police complaints system is done by staff in our police and compliance branch. They review investigations of individual complaints, conduct audits and check that the processes police have in place for resolving complaints are fair and effective. They are also responsible for reviewing the operation of legislation that provides police with new and extraordinary powers.

Our custodial services work is done by staff from the custodial services unit within the public administration branch. They are responsible for receiving and responding to complaints and dealing with issues relating to Corrective Services NSW, Juvenile Justice NSW, the GEP Group and the Justice & Forensic Mental Health Network. They also monitor and investigate systemic issues identified through their contact with inmates and visits to centres.

In this section

Police	41
Compliance and inspections	54
Custodial services	55

Highlights

In 2014-2015, we:

- Finalised our oversight of 3,635 police complaints (page 41), and finalised 3,834 custodial services formal and informal matters (page 55).
- Monitored a range of important issues relating to custodial services, including an increasing inmate population (page 56), the operation of specialist programs (page 58) and segregation and separation for children and young people (page 60).

- Inspected 3,053 complaint records and provided our feedback to local area commanders (page 47).
- Worked to ensure NSW Police Force provide adequate reasons to complainants (page 49) and respond appropriately to court findings (pages 49-50).

In the last 40 years, we have:

- Had our jurisdiction expanded to the oversight of police in 1978, the ability to reinvestigate complaints about police in 1984, and the ability to directly investigate complaints about police in 1993.
- Worked over time to move the complaints system from an adversarial to a managerial or remedial model that places responsibility for managing complaints and discipline on local commanders.
- Dealt with a wide range of important issues in custodial services, including segregation, separation and the use of force.

- Conducted 28 reviews since 1997 of legislation providing police with new and extraordinary powers. This has included reviews of the use of drug detection dogs, stop and search powers, and terrorism police powers.
- Reported to Parliament on important systemic issues, including the use of Tasers by police, conflicts of interests, race relations and police, the policing of domestic violence, and improving the management of police complaints.



Keeping the police complaints system under scrutiny

We focus on ensuring that the NSW Police Force (NSWPF) handles complaints about their officers and other staff appropriately. Having the primary responsibility for resolving complaints allows the NSWPF to identify and fix problems with service provision, the conduct of their officers, and the systems they use to support their work. Our scrutiny makes sure this process is impartial, transparent, professional and fair. The community expects high standards of conduct from police officers – as they have a broad range of powers and access to highly sensitive and personal information. A robust complaints system is central to the NSWPF’s ability to identify where officers have failed to meet those expectations, take steps to fix the underlying reasons for that failure and prevent future misconduct.

Complaints made by police officers about other officers are an important part of the complaints system. Misconduct cannot always be detected by management or members of the public. Police are required to report possible serious misconduct. For the past 10 years, complaints from officers have consistently made up between 35-40% of all complaints. This is evidence that officers themselves have confidence in the complaints system.

Police commanders are responsible for managing complaints about their own officers and taking appropriate action when a complaint reveals misconduct or opportunities for conduct to be improved. We hold them to account for their decisions in the following ways.

We scrutinise how they handle complaints of a more serious nature – such as those that involve allegations of corrupt and criminal behaviour, a lack of integrity, unreasonable conduct associated with police use of their powers to arrest, search, use weapons or conduct vehicle pursuits, and those relating to incidents leading to death or serious injury. The NSWPF must notify us of these complaints and advise us how they propose to handle the matter, including whether the complaint will be investigated. We independently assess every decision. If we disagree with a decision to take no action, we may require them to investigate. We can also monitor the progress of an investigation in real time, if we believe it is in the public interest to do so.

At the end of a complaint investigation the NSWPF has to provide us with a report. We carefully assess this report to see if the complaint was handled adequately. This includes determining whether police investigator complied with the legislative requirements set out in the Police Act.

We consider such things as:

- Was the investigation effective and timely?
- Were reasonable inquiries made into matters specified by the NSWPF and/or our office?
- Was adequate action taken, or proposed to be taken, as a result of the investigation’s findings?
- Was the complainant consulted during the investigation, and were they satisfied with the outcome?

We regularly audit NSWPF complaint records and examine systems and practices for managing complaints, to oversee how they have handled the less serious complaints that have not been notified to us. These audits also allow us to make sure police have correctly identified complaints, as ones that do not need our oversight.

Where we believe that the NSWPF’s handling of a complaint raises possible serious systemic issues, we can investigate the matter to identify any serious problems that need to be remedied.

Our oversight of thousands of complaints every year enables us to suggest improvements to complaint handling and help the NSWPF to use complaints to improve their service delivery.

Complaints received and finalised

This year we have spoken to 2,324 people who contacted us for advice, information or an explanation about police complaints. If a call from a complainant is within jurisdiction and straightforward, we may contact the local area command to resolve the complainant’s concerns without a formal complaint.

We received 3,434 formal complaints about police officers this year and finalised 3,635. As figure 22 shows, we receive between 3,200 and 3,500 complaints each year.

Fig. 22: Formal complaints about police received and finalised

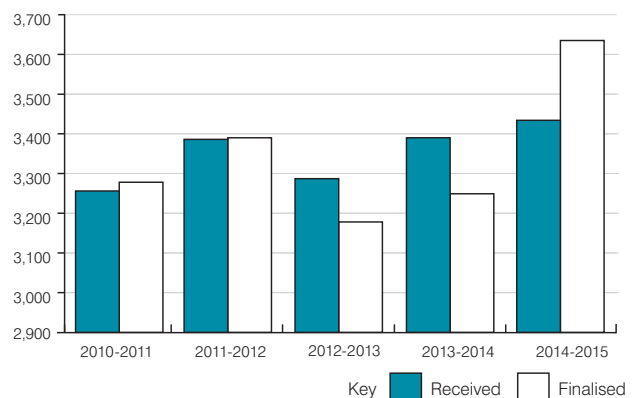


Fig. 23: Who complained about the police

Subject	10/11	11/12	12/13	13/14	14/15
Police	1,156	1,246	1,206	1,250	1,203
Public	2,100	2,140	2,081	2,140	2,231
Total	3,256	3,386	3,287	3,390	3,434

Figure 23 shows the number of complaints made by police officers who reported apparent misconduct by other police. These make up 35% of all complaints made this year – a consistent trend over the past decade.

It also shows the proportion of formal complaints made this year by fellow police officers and members of the general public, compared to the previous four years.

Figure 24 shows what people complained about this year. A single complaint will often include more than one allegation and may involve more than one officer. Further details of the investigation action that NSWPF took for each allegation are in Appendix A.

Fig. 24: What people complained about

Subject matter of allegations	Number of allegations
Misconduct	2,013
Service delivery	1,379
Investigation	872
Information	663
Excessive use of force	552
Other criminal	539
Prosecution	339
Corruption/misuse of office	271
Property/exhibits/ theft	166
Drugs	165
Public justice offences	161
Search/entry	148
Arrest	145
Custody	127
Complaints	111
Driving	92
Total	7,743

Improving the handling of individual complaints through close oversight

We hold police to account throughout the complaint process – from the initial decision about whether or not the complaint requires investigation through to any management action taken. Not all complaints will lead to management action, as people commonly express dissatisfaction with a range of police conduct that is

required or permitted to properly execute their duties. However our view is that all complaints, even those that do not reveal poor police conduct, are an opportunity to build positive relationships with the community. Complaints can result from people misunderstanding the extent of police powers or as a result of a communication breakdown. We always encourage police to respond to complainants' concerns respectfully, regardless of whether there has been any police misconduct.

Requiring police to investigate from the outset

The decision police make at the outset about how to handle a complaint (including whether or not to investigate it) is critical. Our scrutiny ensures that relevant information is taken into account and the decision is appropriate. What we consider when assessing a notification from police depends on the nature and seriousness of the allegation. For example, we make sure allegations such as assault or unauthorised access to information are identified as criminal allegations and are investigated appropriately. We often make suggestions about particular lines of inquiry – such as reviewing certain documents or talking to certain witnesses. If we disagree with NSWPF's decision not to investigate, we can require them to conduct an investigation. See case study 1 for an example.

Assessing the quality of complaint investigations and outcomes

During the year, we carefully assessed reports on the handling of 1,915 complaints. The police decide what kind of investigative approach to take, and must ensure that this investigation is effective and timely. Generally, for more serious matters where significant management action might be required, a formal evidence-based investigation should be undertaken. This year, 702 of the 1,915 reports were this kind of investigation. The remaining 1,213 complaints were resolved informally, aiming to achieve a good outcome for everyone involved.

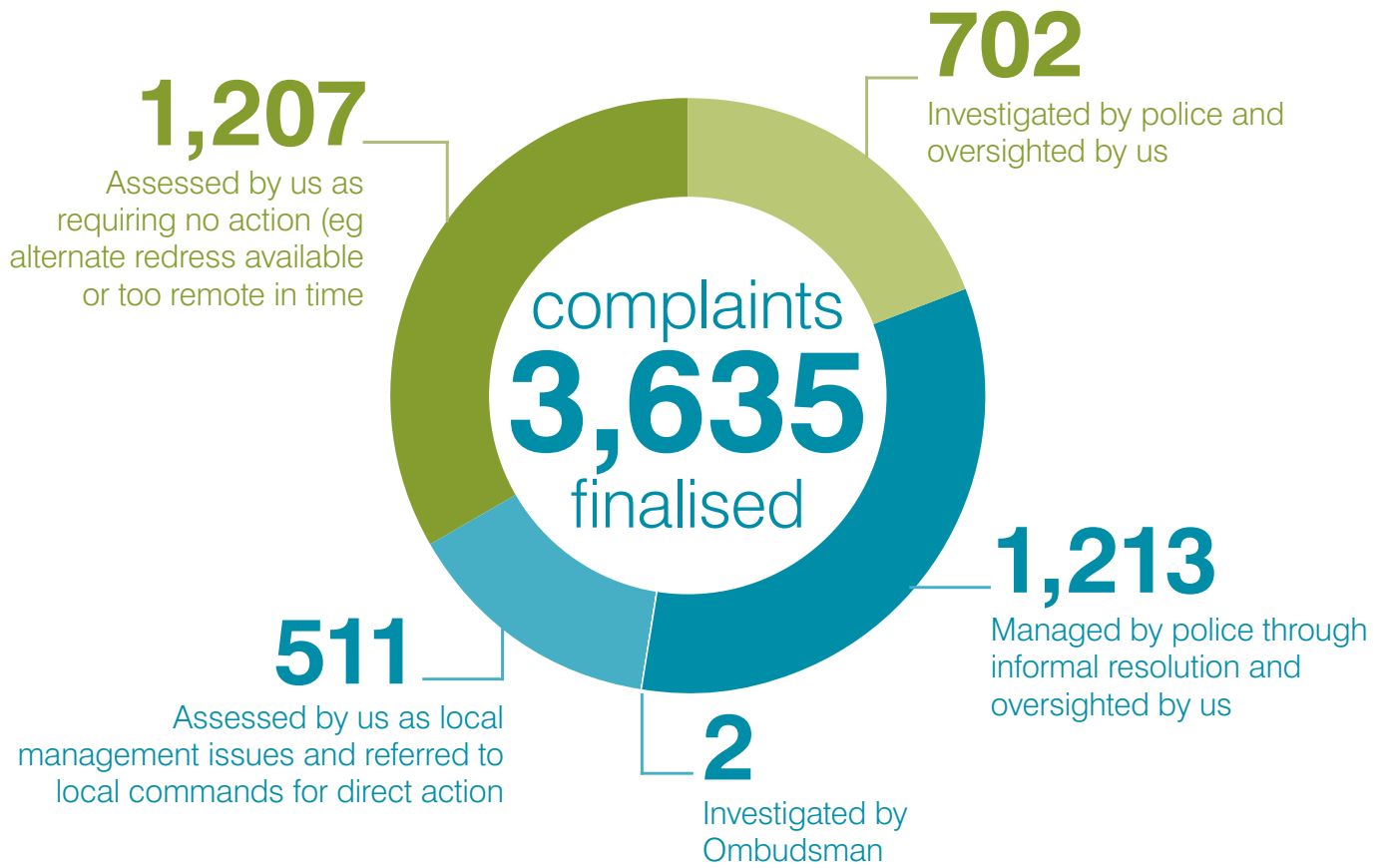
We also reviewed 1,207 complaints where police decided not to take any action, and another 511 complaints involving allegations such as rudeness and poor customer service that were referred to police as 'local management issues' to resolve directly with the complainant without our oversight – see figure 26.

Of the 1,915 complaints assessed, some form of management action was taken in response to 1,091. As figure 25 shows, for the past 10 years commanders have consistently taken management action in almost 60% of complaints investigated.

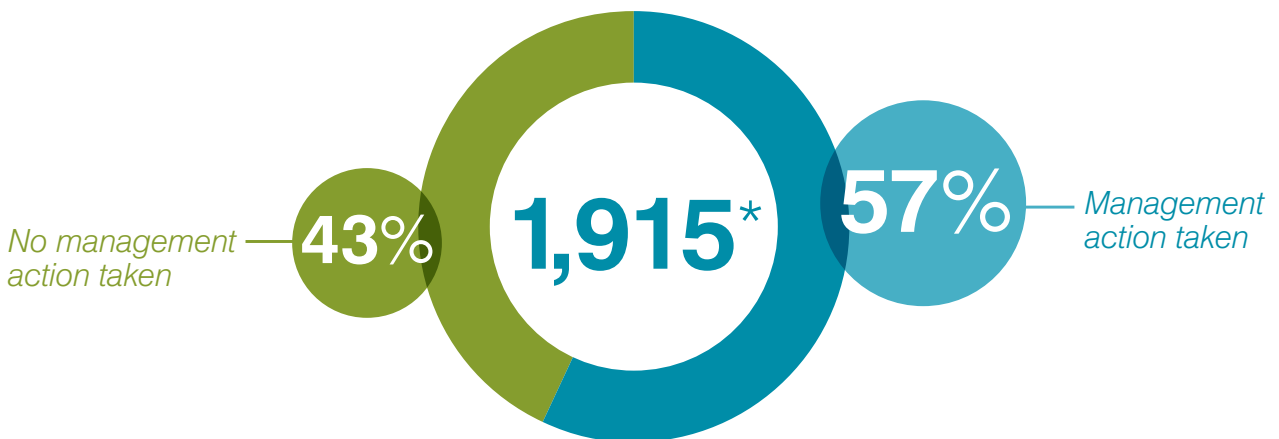
Fig. 25: Action taken by the NSWPF – a 10 year comparison

Subject		05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
No management action taken	no.	895	1,000	901	741	781	874	961	844	765	824
	%	42	44	40	43	41	44	45	45	44	43
Management action taken	no.	1,236	1,287	1,177	1,095	1,112	1,107	1,197	1,034	977	1,091
	%	58	57	60	57	59	56	55	55	56	57
Total investigations completed	no.	2,131	2,287	2,078	1,836	1,893	1,981	2,158	1,878	1,742	1,915

Fig. 26: Action taken in response to formal complaints about police that have been finalised



Investigations and informal resolutions completed



* This figure includes 702 matters investigated by police and oversighted by us and 1,213 matters managed by police through informal resolution and oversighted by us.

1 Further lines of inquiry warranted

An investigation into an incident of domestic violence, involving an alleged perpetrator who was related to a police officer, found evidence that confirmed the officer had accessed details of the victim's family on the COPS database.

The command decided to resolve the matter by talking informally to the police officer about these accesses. No other lines of inquiry were considered.

We disagreed with this decision. It was our view that the allegations needed to be thoroughly tested to see if the officer had done what was alleged and to give the officer an opportunity to provide their version of events.

If the allegations were found to be sustained, then serious management action needed to be taken in relation to the officer's conduct. This type of management action can only be supported by careful testing of the allegations from the outset and affording adequate procedural fairness to the officer.

We also held the view that the officer's conduct needed to be investigated criminally. The investigator agreed, however subsequent legal advice determined there was insufficient evidence to proceed.

Notwithstanding the outcome of the criminal matter, police accepted our suggested lines of inquiry to undertake a departmental investigation and at its conclusion sustained the allegations. The officer was issued with a commander's warning notice and placed on a six-month management plan. This included mentoring, training on professional conduct, monitoring of the officer's conduct, and frequent audits of their computer accesses.

2 Girl arrested at school over a pair of shoes

A police officer in country NSW arrested a 15-year-old girl at school following a report that she (and her friend) had been involved in stealing a pair of shoes, worth \$50, from the bedroom of another girl (G). The officer transported the girl in the caged section of a police vehicle some 40 kilometres to the nearest police station with custody facilities. The girl's father was not permitted to be her support person and a relative who was not appropriate for that role because of their own health issues, was appointed instead.

According to the girl, she and her friend had gone into G's house to retrieve her friend's school bag (which G had let them leave in her bedroom). While they were there the friend borrowed G's shoes without asking (G wasn't there), but returned them the following day.

The friend gave the same explanation to police the next day. Both girls were issued with youth cautions for break, enter and steal.

A key part of our work is assessing the adequacy of the remedial action taken by commanders in response to complaints to ensure that police conduct is lawful and reasonable. The actions taken can range from removing an officer from the force altogether, to providing them with training and counselling. As figure 27 shows, the most common responses are management counselling, providing officers with support such as coaching and mentoring, and giving an official reprimand or warning.

In 2014-2015:

- eight officers were removed by the Commissioner under section 181D of the Police Act
- serious 'reviewable' management action was taken against 22 officers – this includes a reduction in rank or transfer to another command
- there were 295 instances where an officer agreed to comply with a conduct management or performance management plan – designed to improve their performance by providing access to training, mentoring or closer supervision
- 338 officers were issued with a formal warning notice – including advice that further misconduct might result in removal from the NSWPF.
- 63 officers were criminally charged following a complaint investigation (see figure 30 at page 48).

Fig. 27: Management action taken

Subject area	Percentage
Management counselling	22.6
Coaching/mentoring/referral to specialist services	16.2
Official reprimand/warning notice	14.3
Additional training	11.9
Increased or change in supervision	11.6
Conduct management plan	7.9
Performance agreement	4.6
Restricted duties	4.3
Transfers	2.1
Removal under s.181d	1.4
Change in policy/procedure	1.2
Reduction in rank/seniority	0.7
Formal apology	0.6
Deferral of salary increment	0.6
Total	100

Making suggestions for improvement

We tell the NSWPF when we are not satisfied that a complaint has been properly investigated or with the management action that has been taken. We may ask the commander to conduct further inquiries, to reconsider the findings made or remedial action taken, or request further advice about the reasons for a decision. In some cases, it may be too late to address our concerns. We still provide them to the NSWPF to help avoid similar problems in the future. We also assess the timeliness of each investigation.

This year we found that 85% of the 1,915 complaints we assessed had been handled reasonably and in accordance with the legislative requirements. The other 293 (15%) were assessed as deficient – on the basis that the investigation was inadequate, the management action was not appropriate, or there had been unreasonable and unexplained delays in finalising the complaint. The NSWPF agreed with our suggestions and remedied our concerns about their handling of the complaint in 88 (30%) of the 293 matters.

Figure 28 (page 48) shows that this number has been relatively constant for the last ten years. We believe the high proportion of satisfactory investigations is evidence that our scrutiny of individual complaint matters assists commanders and complaint investigators to handle matters appropriately.

Case studies 2, 3, 4 and 5 are examples of complaints where we were not satisfied with the way the complaint had been handled. As a result of our involvement, more appropriate investigation findings were made and management actions taken.

Monitoring the investigation of complaints in real time

The Police Act allows us to monitor the progress of complaint investigations in real time when we believe it is in the public interest to do so. We review investigative strategies before they take place and consider whether we wish to be present as observers at any interviews with complainants, witnesses and officers. Case study 6 shows how our involvement ensured that police conducted an appropriate investigation into an alleged assault.

Reviewing police handling of complaints that are not notified

A complainant can raise concerns with us about the way police handled their complaint. They can do this for all complaints – including those where the original complaint was not notified to us. In case study 7 we helped a very dissatisfied complainant to recover her son's property.

Complaints that identify issues about police practices

Investigating systemic issues

We use our power to directly investigate complaints about police officers sparingly – when the issues can only be properly explored with our direct involvement. A complaint may raise wider systemic issues that a police complaint investigator may not be in a position to explore. Sometimes, the failure by police to handle a complaint properly prompts us to intervene. Case study 8 is an example that involves an issue of significant public interest.

Using personal recording devices for police work

A series of complaints showed that officers had been using personal recording devices not issued by NSWPF – including mobile phones, micro-digital cameras and audio recorders – to perform certain police tasks, such as taking crime scene photographs and video footage of searches and arrests.

The girl's father complained to NSWPF. He believed the officer's actions were unreasonable and influenced by his personal relationship with G's mother. The NSWPF investigation found that the officer had failed to declare a conflict of interest arising from this personal relationship, but that it had not unduly influenced his decision making. NSWPF also found that the officer had made an error of judgment by not allowing the father to be the girl's support person. However, the investigation found that arresting the girl at school and transporting her in the caged section of the police vehicle were lawful and reasonable.

We disagreed with these findings and asked NSWPF to review the investigation. In our view, there was insufficient evidence of criminal conduct, therefore the youth cautions were not justified. It was also unclear why the officer arrested the girl at school and transported her in that manner, rather than arranging for her parents to bring her to the custody police station for interview (as he did for the girl who actually took the shoes).

NSWPF considered our concerns and re-examined the evidence. Findings were made that the arrest was unlawful, the transportation method unreasonable, and the officer's investigation of the complaint was inadequate. To remedy the situation, NSWPF removed both youth cautions from police records, and a senior officer met with the families to discuss the situation.

3 Action taken about inappropriate behaviour

A police officer made an anonymous complaint about the superintendent at their local area command, alleging sexual harassment, discrimination and bullying. The NSWPF investigation resulted in five sustained findings of breaching the code of conduct. Four of the findings were overturned during the quality review process conducted by a senior officer.

We wrote to the NSWPF asking for a review as there was significant evidence to support the original findings. We also suggested that the Workplace Equity Unit should provide strategic advice and support to the command, as a large number of officers seemed to know about the matter. After our correspondence, four sustained findings for breaching the code of conduct were recorded against the superintendent – who was given a non-disciplinary transfer out of the command and placed on a six-month conduct management plan. The Workplace Equity Unit also agreed to provide further support to the local area command.

4 Medical treatment should have been provided

A 17-year-old young man, out drinking with a group of friends, ran from police after being directed to stop for offensive conduct – including the use of offensive language. Police chased him and an officer stopped him by grabbing his shirt. They both fell, with the officer hitting a parked car and suffering some grazes to his legs. The young man yelled at the officers, claiming they had broken his leg – but police thought that he was feigning the injury. They put him in the back of a police wagon, drove to the police station and took him up the stairs. He was taken to the front of the police station, issued with a criminal infringement notice and remained there for almost an hour and a half. During that time, he continually demanded medical treatment. The young man eventually called an ambulance himself. He was taken to hospital where it was confirmed that he had suffered a fracture in his left leg.

The boy's mother complained to police that the arresting officers had failed to provide medical treatment. The NSWPF conducted an investigation but did not make any findings against the arresting officers. After viewing CCTV footage, it appeared clear that the young man was limping and could not put weight on his leg at the police station. The failure to provide medical assistance was unreasonable. We wrote to NSWPF raising these issues as well as concerns that the young man was not entered into the custody management system. This requires the custody manager to check if a person has any injuries and to seek medical attention if needed. The NSWPF reconsidered the evidence and made findings against the officer in charge of the matter. They also sent a station-wide email to all officers reminding them of their responsibilities when dealing with young people in custody.

5 Inaccurate and potentially misleading warnings and intelligence

A young person complained that police were frequently stopping and searching him and had made comments that caused him humiliation and distress. The comments were allegedly made by police after they became aware via police radio of a report on the police database that was extremely embarrassing for the young man. He claimed the information was inaccurate and misleading. After reviewing the intelligence report and the associated warning, we raised concerns about its reliability. Police initially agreed to remove the warning, but the intelligence report that had generated the warning stayed on the young man's profile. We believed removing the warning alone may not prevent similar comments being made against him in the future. We asked police to take additional steps so that the information, which had no bearing on officer safety, would not be broadcast over the radio. Police agreed and it is now unlikely that the young man will suffer similar humiliation in the future.

Operation Prospect

Operation Prospect is a large-scale investigation into allegations about the conduct of officers of the NSWPF, the NSW Crime Commission and the PIC in relation to a number of investigations that were conducted between 1998 and 2002. It is also dealing with contemporary allegations of unauthorised dissemination of information. These allegations cover a wide range of serious misconduct over a long period of time.

This has been one of the largest and most complex investigations our office has ever conducted. The process has also involved two separate parliamentary inquiries looking into issues relating to the progress of the investigation. The Ombudsman appeared before both inquiries and provided a wide range of information to both. The first inquiry issued its final report at the end of February 2015, and the second reported at the end of August.

The procedural fairness stage of the investigation is continuing. This has involved Counsel assisting the investigation providing a series of detailed submissions on the evidence collected and the hearings conducted throughout the life of the operation. Each submission had to be carefully reviewed and incorporated with other relevant material from the investigation to form the basis of provisional findings and recommendations. Finalised submissions were sent to potentially adversely affected people for them to consider. They then had the option of making a submission on the evidence and any provisional findings for the Ombudsman to consider. Many have already provided responses, while others have requested and been granted extensions of time to respond.

The risks of using personal devices to record any aspect of operational policing are significant. One of the greatest risks relates to the security of the information recorded. Business-related material can be more readily disclosed deliberately or accidentally to third parties, both internal and external to the NSWPF. Case study 9 is an example of a complaint involving this kind of disclosure.

These disclosures may go undetected unless an issue arises – which may then have a detrimental effect on police investigations, the continuity of evidence, and the outcome of criminal proceedings. Police who use personal devices may also be operating outside any policy framework, which raises the risk that recordings are made other than for legitimate police purposes. We were concerned that current NSWPF policies are inadequate. Their device policy states that the use of private communication devices for police business purposes is not permitted. However, officers would not be familiar with this policy unless they had been issued with an official police mobile device. In 2013, officers were

issued with a memorandum stating that using non-police issue recording devices was prohibited. Recent complaints suggest that some officers are either unaware of this instruction or are not following it.

We have asked police to consider whether the current policies are adequate and whether a specific policy should be created to address this issue. They have agreed that further consideration is warranted in light of the issues we have raised and are currently considering their response.

Improving the complaints system

Our responsibilities include keeping under scrutiny the systems for dealing with police complaints. This gives us a unique perspective on system strengths and weaknesses – we can then draw these to the attention of NSWPF and work with them on possible solutions.

Auditing the complaints process

The community expects the NSWPF to respond professionally and appropriately to all complaints, regardless of whether we are formally overseeing the complaint. We regularly audit different aspects of the processes used by NSWPF to handle less serious complaint allegations.

This year, we visited four local area commands and found high levels of compliance with legislative provisions regarding what matters should be registered as complaints. We inspected 3,053 records and provided our feedback to the commanders.

The NSWPF internal complaint-handling guidelines state that investigations are to be completed within 90 days and outcome-focused resolution matters are to be resolved within 45 days. Figure 29 shows that only 23% of investigations and 26% of resolutions were completed within these timeframes.

Review of police oversight in NSW

The Police Act provides the framework for the police complaints system in NSW. The NSWPF, like all other government agencies, is responsible for investigating and resolving complaints about their employees including sworn and unsworn officers. Consistent with the reforms recommended by the Wood Royal Commission into the NSWPF, this framework provides for distinct but complementary roles for the NSWPF, the Ombudsman and the PIC.

At the heart of its design is a managerial model of complaint handling, which recognises that commanders are best placed to ensure that police comply with appropriate standards of conduct and to respond to complaints about the conduct of their officers. The framework recognises that the public expect effective civilian oversight of complaints about police and that police be held accountable for wrong conduct. Importantly, Justice Wood recognised that the skills, resources and expertise required to provide effective oversight of the police complaints system are distinct from those required to perform specialist corruption investigation and prevention functions – and that these functions can be performed more effectively in separate agencies.

The aims of the framework are to:

- Give the NSWPF primary responsibility for managing the conduct of its staff, foster ethical decision-making, and promote a professional culture of service to members of the public.
- Through the Ombudsman, provide independent civilian scrutiny of the standards applied by police commanders to manage complaints and conduct and the systems established by police to manage complaints.
- Through the specialist corruption investigation and prevention work of the PIC, maintain 'a focused, sophisticated and aggressive approach ... to uncover and combat serious police misconduct and corruption'.

On 25 February 2015, the Minister for Police and Emergency Services – announced the government would appoint the former Shadow Attorney General Mr Andrew Tink to review the police oversight system in NSW. On 21 May 2015, the government published terms of reference for Mr Tink's review. The review was set up to address perceptions that the current system for preventing, detecting and investigating corruption and misconduct by police officers is – according to the review terms of reference – 'outdated, complex and confusing, with responsibilities that overlap among agencies'.

The former Ombudsman met with Mr Tink in May to discuss the scope of his review and the work of our office as part of the police oversight and integrity system. After this meeting, we prepared a detailed submission – which is available on our website.

The submission outlined the principles that underpin the need for civilian oversight of police complaints, and how the current system works in practice – focusing on the distinct but complementary roles of the PIC and our office. It also addressed the options of a model involving a single civilian oversight body. Finally, we discussed areas for improvement in the current system – including the need for an effective system of oversight for critical incident investigations and the need to continue to ensure there is not an unnecessary level of overlap.

It is essential that any recommendation for a new model of civilian oversight of police is able to demonstrate that there will be clear benefits and improvements to the current system. We feel that there is insufficient evidence to suggest the current system should be abandoned – the focus should just be on refining and improving the existing system.

After the other submissions provided to Mr Tink were made publicly available, we provided a supplementary submission addressing some of the issues raised and recommendations made in them.

Every six months, we conduct an audit of all the complaints that have been notified to us which appear to be delayed, or where we have not received any advice about the reasons for the delay. This year we audited 562 matters and requested advice on the status of 206. We have provided our findings to the NSWPF and will continue to monitor this issue.

Working with the PSC to improve complaint handling

The NSWPF's Professional Standards Command (PSC) provides a broad range of complaint handling and specialist investigation support services to commands across NSW.

Our regular meetings with them give us an opportunity to discuss individual complaint matters as well as initiatives to enhance the NSWPF complaint systems and practices. We also regularly attend complaint practitioner forums facilitated by the PSC, including forums for professional standards managers and professional standards duty officers. These forums give us a valuable opportunity to discuss our oversight role and exchange ideas about effective strategies for managing complaints. We also present information at training courses provided by the PSC for police complaint investigators. Some of the ongoing issues that we have worked on with the PSC are set out below.

Fig. 28: Our view of complaint handling by the NSWPF - 10 year comparison

Our assessment	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
Satisfactory (%)	90	91	84	87	85	83	90	84	82	85
Deficient (%)	10	9	16	13	15	17	10	16	18	15

Fig. 29: Timeliness of the completion of investigations and informal resolutions by the NSWPF - percentage

Subject	10/11	11/12	12/13	13/14	14/15
Investigations less than 90 days	42	34	25	24	23
Informal investigations less than 45 days	39	36	29	26	26

Fig. 30: Police officers criminally charged in relation to finalised notifiable complaints

Number of	10/11	11/12	12/13	13/14	14/15
Complaints leading to charges	68	67	62	56	63
Officers charged	64	66	61	59	63
Officers charged following complaints by other officers	49	52	43	54	49
% of officers charged after complaints by other officers	77	79	70	92	78
Total charges laid	215	149	150	123	139

Prosecuting officers for a criminal offence

If a police officer commits a criminal offence, they can be investigated and charged like anyone else. When handling a complaint about an officer, investigators need to decide if there is sufficient evidence to warrant a prosecution. If there is sufficient evidence, an officer at the Assistant Commissioner level or above has the discretion to make the final decision whether or not to prosecute. This is not a decision that the investigator can make. This division of responsibilities safeguards the integrity of the complaints process by ensuring that criminal conduct by officers cannot be covered up by an inappropriate exercise of discretion by an investigating officer.

We have continued to find cases where investigators and local area commanders failed to have properly determined whether sufficient evidence existed for a criminal charge. They inappropriately took into account factors that should only be considered by the senior officer making the decision about whether or not to prosecute. These factors included the subject officer's previous good record,

admissions of guilt or contrition, or resolving a matter quickly. Case study 10 is one of a number of cases where senior and experienced complaint handlers did not appear to know the limits of their discretion.

Police have acknowledged the failures we identified and are taking steps to address the issue at an organisational level by circulating reminders about the obligations of complaint investigators outlined in internal policies and guidelines.

Overseeing critical incident investigations

In last year's annual report, we noted that the NSW Government was considering recommended changes to the system of oversight of critical incident investigations. No changes have been made to date. Currently, we can only become involved in a critical incident investigation if we receive a complaint about the police conduct. However, we have recently been prevented from effectively overseeing critical incident investigations involving deaths because of the current police practice of suspending all complaints involving deaths until after coronial proceedings have been finalised.

Last year, we received a complaint involving the death of a man during a police operation. The officers involved used physical force on the man before he died. We decided that it was in the public interest to monitor the complaint investigation because we were concerned about possible criminal conduct – which would have to be examined before any coronial inquest. The issues raised in the complaint were being examined as part of a critical incident investigation.

The NSWPF resisted any involvement by our office in a critical incident investigation. In their view, the government had yet to give us the statutory power to monitor critical incident investigations and we had only done so in the past because they had allowed us to. They said they would continue to determine when we could oversee a critical incident investigation by taking into account the possible impact of our involvement, the views of the critical incident investigators, and the public interest.

We disagree with this position and feel that a significant gap in the complaints system requires urgent resolution. It is problematic when an agency subject to external and independent scrutiny is deciding when an oversight body can become involved in a matter.

Providing adequate reasons to complainants

The community expects that complaints, whether or not they are substantiated, are welcomed as constructive feedback by all public sector agencies. It is important to carefully communicate the outcome of a complaint to the complainant and ensure they are not made to feel as if their concerns have not been taken seriously. Providing reasons for a decision will help the complainant to understand it, and optimises their ability to accept it. Failing to provide reasons or giving poorly explained reasons will almost certainly result in a dissatisfied complainant. Case study 11 is an example of this.

We have become increasingly concerned about cases where the NSWPF has failed to provide adequate reasons for a decision to decline a complaint, or for a finding that there was no misconduct. In these cases, the complainant often contacts us to express their dissatisfaction with the NSWPF handling of the matter. We may look into the matter and explain to the complainant the reasons for the decision. However, we have recently decided to change our approach and will now refer the matter back to the relevant command and ask them to provide the complainant with a better explanation.

We will continue to encourage the NSWPF to provide education and guidance to police investigators and professional standards officers on the importance of giving adequate reasons for their decisions.

Responding to court findings

When a person has been charged with a criminal offence and complains about improper or unreasonable police conduct, the NSWPF and our office usually take the view there is no need to immediately investigate the complaint if the conduct complained about is related to the circumstances leading to the charge and can therefore be dealt with at court. If the defendant is not convicted and the judge makes critical observations about the conduct of police, the NSWPF may need to investigate.

6 Monitoring an investigation into an alleged assault

A man alleged that he sustained injuries as a result of being punched in the face by officers during the execution of a high-risk search warrant. The man had injuries to his face, but he and other family members declined to provide statements to investigators about the alleged assault. We decided it was in the public interest to monitor the investigation.

At one stage, police advised us that they would discontinue the criminal investigation because there was no victim statement. We disagreed with this decision, as none of the seven officers who executed the search warrant had been interviewed. We suggested that some of those officers may have witnessed the alleged assault or may be able to explain how the man was injured. We were also concerned by the reason police gave for discontinuing the investigation – the lack of a statement from the victim. We felt that it was premature to discontinue the criminal investigation before gathering evidence from witnesses who could provide credible and reliable evidence about the events.

Some of the officers might have legitimately claimed the privilege against self-incrimination if they believed, on reasonable grounds, that anything they put in their statement might incriminate them. However, we felt that it was not appropriate to assume that the officers would do this without asking them first. We suggested that they should at least be given an opportunity to provide a statement. All of the officers involved provided statements to investigators and the investigation is continuing.

7 Missing watch found and returned

A woman complained that police had failed to return her son's watch, which was taken when he was arrested and placed into police custody. The son had made a previous complaint to police, but was told that the watch had been sent with him to a correctional facility. We referred the woman's complaint to NSWPF to make further inquiries. The complainant wrote to us a second time and told us that NSWPF had declined to take any action. The complainant provided us with information that suggested the watch may not have been sent to the correctional centre, so we referred the complaint to NSWPF to make further inquiries. We contacted the NSWPF by telephone and further inquiries located the watch, which had been retained as a police exhibit. As the criminal proceedings against the complainant's son had been withdrawn, police agreed to return the watch to him.

8 Possessing a service firearm while subject to an AVO

A police officer threatened to shoot and kill his former de facto partner and one of her male friends. The officer was charged with intimidation. He pleaded guilty and was demoted in rank. The court also imposed a two-year apprehended violence order (AVO) on the officer to protect his former partner, her child and her friend. One condition of the AVO was that 'The defendant must surrender all firearms and related licences to police'.

Police initially restricted the officer's access to his service firearm. However, after the court case had been finalised, but while the AVO was still in force, police conducted a risk assessment and decided to lift these restrictions. They informed his former partner, who asked if the officer would be in breach of the AVO by possessing this firearm. Police responded that he would not be in breach of the AVO because police officers do not need a licence for their service firearms.

His former partner and Women's Legal Services NSW requested that police apply to a court to clarify whether the officer should have access to his service firearm. Police refused to make an application. After Women's Legal Services NSW complained to us, we referred the matter to police for investigation. Although legally obliged to investigate complaints referred by our office, the police declined to do so – relying on legal advice. Despite our repeated requests to see this legal advice, the police refused to provide it claiming legal professional privilege.

The Ombudsman Act does not allow agencies to use a claim of legal professional privilege to refuse to provide information to us during an investigation. We started an investigation into the complaint and required police to provide the legal advice and other information. We were concerned that police were seeking to avoid further scrutiny of their decision to allow the officer to possess his firearm.

We also examined their refusal to apply to the court for clarification about the conditions of the AVO. We reviewed the legal advice and did not believe that it adequately addressed the issue of whether the court intended to prohibit the officer from possessing his service firearm. In these circumstances, it was not reasonable for the police to permit the officer to keep his firearms without seeking clarification from the court.

In our view, the provision in firearms legislation to exempt police officers from needing a licence for their service firearm did not affect the prohibitions or restrictions that a court could impose under domestic and family violence legislation. It seemed clear to us that the three judicial officers who imposed the AVO condition intended to prohibit the officer from possessing any firearm. Not only did the officer's threats contain specific references to firearms, but the AVO condition explicitly stated that the officer surrender 'all firearms'.

(continued on page 51)

This year, we have had concerns about a number of investigations where the police have made findings that there has been no misconduct on the part of the officers involved – despite judicial findings to the contrary. See case study case study 12 for an example.

It is fundamental that the NSWPF respect and give proper weight to adverse findings by courts on the conduct of police. If they decline to investigate a complaint on the ground that the complainant's concerns can be addressed through the court proceedings, then they should be prepared to accept the court's decision and findings. If the NSWPF is prepared to accept the conviction of a complainant as a reason that a complaint has no substance, then they should also respect a court's decision to acquit a complainant and any criticisms by the court of the conduct of the police involved.

An investigation into issues of police misconduct raised by a court should explore whether there is additional evidence that was not made available to the court – and therefore not considered by the court – which reasonably demonstrates that police did not act improperly or unreasonably. We have suggested that the NSWPF develop improved guidelines to ensure police investigators and commanders treat adverse findings by a court about police conduct appropriately.

Reviews of legislation

We are responsible for examining the implementation and operation of new laws that give police broader powers. Since 1997, Parliament has asked us to conduct 28 reviews of this kind. We are currently doing five reviews, all scheduled to be completed by June 2016.

We are reviewing laws that:

- make it a criminal offence to habitually consort with convicted offenders
- give police the power to detain people and vehicles, and enter premises, without a warrant, to determine compliance with a firearms prohibition order
- empower police to search premises for weapons and explosives under the Restricted Premises Act, and create new offences committed by owners and lessees of declared premises
- require police to provide their name and place of duty when exercising certain powers, such as arrest and search
- give police the ability to restrict the activities of any members of a body that has been declared a 'criminal organisation'.

Doing research for our reviews

Our reviews require us to 'keep under scrutiny' the exercise of the new police powers. We check that police implement the new laws fairly and effectively, and whether the laws are operating in the way Parliament intended. We aim to:

- collect and analyse objective data about the circumstances and manner in which police use the powers or laws, and the outcomes that result
- understand the operational context for the use of the powers, and the policies and other systems put in place for their use

- identify any practical implementation issues
- collect the perspectives of community stakeholders about their experience of the way the laws have been implemented.

Consultations with police officers of varying ranks have been a key source of information for our reviews. These consultations, sometimes done in focus groups, give us insight into how the laws translate into practice. Over the years, we have been able to rely on a high level of police engagement and assistance with our reviews. This has enabled us to report on the hands-on experience of frontline police and other officers with responsibilities for successfully implementing the laws.

Last year, however, we reported that the NSWPF's approach had shifted – which affected our ability to obtain relevant information for our reviews under the *Firearms Act 1996* and the *Restricted Premises Act 1943*. Although this year we have experienced greater cooperation with these reviews, the NSWPF refused our request to consult with police officers for our review of police compliance with the statutory requirement to give their name and place of duty in certain circumstances. This unprecedented step is of some concern, as an important purpose of our reviews is to gain a practical understanding of how the laws are working in practice for operational police.

Consulting community and law enforcement stakeholders

This year we published two issues papers – inviting interested members of the community, police and people affected by the laws under review to share their perspectives on how those laws were working in practice. The first paper discussed issues relating to a search without warrant power that police can use to search anyone who has had a firearms prohibition order placed on them. One of the key issues was the boundaries of the power, which can only be exercised 'as reasonably required.'

The second paper relates to our review under the *Restricted Premises Act* of new police powers to search for weapons and explosives, and new offences relating to 'reputed criminals' attending or managing declared premises. It raised – for public consideration – the limits on the search powers under the Act, which have been used a number of times to search suspected bikie clubhouses.

This year we also published an invitation for submissions to our review of the police requirement to provide their name and place of duty.

We will incorporate these stakeholder views into our final reports.

Monitoring the implementation of our recommendations

An important part of our work is monitoring the implementation of recommendations from our previous reports.

In August 2013 we reported on our review of legislation that authorised police to require a person to uncover their face to enable police to identify them. We found the new law raised particular issues for Muslim women who wear a niqab, and recommended that steps be taken to raise community awareness of the new law. In our view, this

The judicial officers knew that the officer did not have any firearms apart from his service firearm. Although the AVO condition might have been open to a different interpretation, the police should have resolved any ambiguity consistent with the protective purpose of AVOs and taken into account the potential risk to the former partner's safety.

After our investigation, police acknowledged that it would have been better to have a court clarify the AVO condition. They also agreed with a number of our recommendations aimed at ensuring that the problems raised in this complaint were not repeated. Police will now ensure that all provisional and interim AVOs involving police officer defendants contain a specific condition that prohibits those officers from possessing all firearms, including their service firearms. When issuing a final AVO, the court will determine whether officers should have any or restricted access to their service firearms after considering the views of the person protected by the AVO and risk assessments conducted by police.

9 Taking photographs at a crime scene

A police officer used her personal mobile phone to take photographs of a crime scene. The photographs included pictures of guns, drugs and a deceased person. The officer texted the photographs to her then boyfriend. Police considered whether the officer had committed a criminal offence by disseminating this information without authorisation. She was charged and found not guilty – because the elements of each of the offences was not made out. However, the NSWPF made findings against her for the unauthorised disclosure of confidential information.

10 Investigating criminal conduct

A police officer who was fined for speeding improperly accessed the relevant COPS event looking for information that could help him appeal against the fine.

The access was identified in an audit by police supervisors and dealt with as a complaint. Although the complaint investigator found the access was a misuse of the system, he considered it was 'not done with any corrupt intent, rather it was a spur of the moment decision to check the validity of the issued infringement notice to determine whether he could appeal the issue of the TIN'. The officer was counselled.

We raised concerns that the unauthorised access was not criminally investigated. We believed the investigators had considered factors that were not appropriate in reaching this decision. We asked that an independent investigator consider the sufficiency of evidence, and noted the relevant offence was within the statute of limitations.

We acknowledged it might be unfair to the officer to reconsider this matter, given that he had already been counselled. However, we believed that the proper process should be followed to ensure the integrity of the investigation.

The local area commander agreed to have the complaint independently reviewed. The reviewing officer found there was sufficient evidence of an offence, but did not recommend applying to an Assistant Commissioner to start proceedings. The commander had a number of conversations with the case officer in our office and, after considering the relevant law and policy, made the application to start proceedings.

The Assistant Commissioner exercised his discretion not to prosecute the officer. However, he also issued a memorandum to all commanders in the region directing that unauthorised accesses should be initially criminally investigated and, if there was sufficient evidence of an offence, the matter should be sent to an Assistant Commissioner for consideration.

11 A poor form letter

A woman complained that a police officer had made an unreasonable comment to her when attending an incident that she was involved in. The inspector responsible for dealing with her complaint rang her to discuss and resolve her concerns. The woman was impressed with how the inspector handled the matter, describing him as 'intelligent, kind and understanding'.

She was very distressed to then receive a form letter from the inspector's local area command saying that her complaint had been declined because it was 'vexatious and not made in good faith'. The woman wrote to us, complaining that the letter had used 'hurtful words without any justification or explanation'. She did not understand what was meant by the word 'vexatious' and interpreted the words 'not made in good faith' as saying that she was a liar.

We referred the woman's complaint to the local area commander – suggesting that police should contact her, apologise for the letter, and reinforce the inspector's earlier resolution of her complaint. The commander agreed, and both he and the inspector apologised for the letter.

We also raised with PSC our concerns about the use of form letters in circumstances where a tailored letter would be more appropriate, and the need to provide proper reasons to complainants.

would help police achieve cooperation when they required the removal of a face covering, and reduce the potential for misunderstanding.

As most uses of the new law involved traffic matters, we recommended that Roads and Maritime Services (RMS) develop public education materials – in consultation with relevant stakeholders – to be distributed to women who wear a niqab when they are issued with a new driver licence. In September 2015, following stakeholder consultation, RMS produced a brochure explaining the procedures if police, court and other government officers require the removal of a face covering to establish identity. It will be available at Service NSW centres and copies have been sent to the United Muslim Women Association for distribution to the community.

In October 2006, we reported on our review of legislation that authorised the NSWPF to use firearms and explosive detection (FED) dogs. We made 14 recommendations in our report, which focused on integrating FED dogs with other police operational units and increasing the effectiveness of FED dogs and their handlers. The NSWPF accepted all of our recommendations and the majority were implemented within two years of our report.

Over the past nine years, we have continued to work with the NSWPF on three outstanding recommendations relating to the development of programs for FED dogs and their handlers. We recommended these programs be independently accredited and regularly reviewed, and that there be an annual assessment of FED dogs and their handlers.

The implementation of these recommendations was delayed while the NSWPF investigated and adopted new training methods from the lead international agency in this area. Also, in 2015, the Australia New Zealand Policing Advisory Agency (ANZPAA) issued education and training guidelines for police dog handling.

From June 2015, NSWPF accreditation programs for FED dogs and their handlers will:

- be consistent with independent guidelines developed by ANZPAA for FED dog handlers
- be reviewed each year in line with national and international best policy
- include an annual assessment of FED dogs by an independent agency by way of an odour test.

All of the recommendations in our 2006 report have now been implemented.

Reporting on police use of emergency powers to prevent or control public disorder

The report for this is provided in accordance with s.87O(5) of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA). We are required to report each year on our work in keeping under scrutiny the exercise of powers conferred on police to prevent or control public disorder (in Part 6A of LEPRA). These powers include measures such as establishing roadblocks around a target area, stopping and searching vehicles and pedestrians within that area, and imposing emergency alcohol free zones.

From April 2014 to March 2015, police did not use these powers.

Youth Officers Conference

This year we accepted an invitation to participate in the inaugural Youth Officers Conference at the NSW Police Force Academy in Goulburn. The conference brought together School Liaison Police, Youth Case Managers and Youth Liaison Officers.

In recognition of our positive work with the NSWPF over many years to improve the way police respond to young offenders, the Director of our Strategic Projects Division was invited to sit on a question and answer panel concluding the conference. Other panel participants included the NSWPF's Corporate Sponsors for Aboriginal and youth issues, the Deputy Secretary of the Department of Justice, the President of the Children's Court and the CEO of the Police Citizens Youth Clubs NSW. Our Youth Liaison Officer also attended the conference.

12 Different finding to the court

A man was arrested after fighting with police. He was taken to hospital for treatment for injuries to his head – and then charged with a number of offences, including assaulting police and resisting arrest. The man pleaded not guilty to the charges against him.

At the hearing before the local court, all the charges were dismissed. The magistrate found one of the arresting officers had used 'gross' force against the man, and had not been truthful about the extent of this force during his evidence at the hearing. In particular, the magistrate found – contrary to the evidence of the officer – that a Taser had been discharged and the man had been hit on the head with a police torch.

As required by the policy on the need to report unsuccessful police prosecutions, the prosecutor submitted a report about the outcome of the court hearing. This report was treated as a police internal complaint about the arresting officer.

The complaint was investigated by a chief inspector, who found the version of events provided by both the arresting officers had been 'adequately explored' before the court. However, the chief inspector concluded that – despite the court's findings – the arresting officer had used 'reasonable' force and the officer's evidence on this issue had not been untruthful. The chief inspector therefore found the complaint 'not sustained'. This finding was endorsed by the officer's commander.

We were of the view that the investigation had not given sufficient weight to the magistrate's finding and asked the commander to review the 'not sustained' finding.

The commander referred our request to the chief inspector for comment. The chief inspector said that there was no requirement to make a similar finding to that of a magistrate during an independent internal investigation. He argued that he had placed sufficient weight on the finding of the court, but that the weight he placed on various components of the evidence differed from the weight placed by the court. In his view, the investigation had not replaced the magistrate's findings – it had simply reached a 'different outcome'.

The commander supported these comments and maintained the 'not sustained' finding.

The Professional Standards Command is considering this case (and others) in its review of its current guidelines.

Compliance and inspections

It is important for community safety that law enforcement agencies have all the power and tools necessary to detect and disrupt serious criminal and corrupt conduct. Increasingly, these powers and tools are used covertly and allow for a significant intrusion into people's lives and privacy. The NSW Parliament has therefore included additional accountability into the legislation covering these powers.

Under various pieces of legislation, the NSWPF, NSW Crime Commission, Independent Commission Against Corruption (ICAC), and Police Integrity Commission (PIC) are able to use covert investigation methods – including intercepting telecommunications, using surveillance devices, and running 'undercover' or controlled operations. The NSWPF can also apply for covert search warrants and criminal organisation search warrants, which were introduced mainly to combat terrorist and gang-related activities.

Our office has a pivotal role in assuring the community that the powers are used in accordance with the law, and that proper records are kept about when and how they are used. We started this role back in 1988 when it first became legal for the eligible agencies to apply for a warrant to intercept telephone calls. Since then the range and form of communications covered under the *Telecommunications (Interception and Access) (New South Wales) Act 1987* has grown substantially, along with the developing technology.

The ability to run an undercover operation to infiltrate, gather evidence and prosecute criminal or corrupt enterprises was given to eligible agencies in NSW in 1997. The *Law Enforcement (Controlled Operations) Act 1997* allows the head of the law enforcement agency to authorise an operation without approval from any external authority. We have a significant role in monitoring the approval process, which is not matched in the other areas where warrants are issued by judicial officers.

In 2007 the *Listening Devices Act 1984* was replaced by the *Surveillance Devices Act 2007*, which introduced Ombudsman oversight into this area. Eligible agencies can for example apply for a warrant which covers devices to listen to, photograph and video conversations and to track objects. This Act not only acknowledged the intrusion of surveillance into people's privacy, but also recognised the need for additional accountability when it is authorised – which was lacking in the earlier legislation.

Recent amendments have been made to the laws around searches – including the ability of the NSWPF, the NSW Crime Commission and the PIC to use covert search warrants in some cases. This means the occupant/owner doesn't need to be told at the time of the search that it has occurred. The *Criminal Organisations Legislation Amendment Act 2009* also introduced a new form of search warrant, which can be issued by a Supreme Court judge, that allows police to search premises for things connected with an 'organised crime criminal offence'. These search warrants have a lower evidentiary threshold than the standard search warrants and stay in force for seven days rather than the usual 72 hours.

We have refined the methodology and tools we use to monitor the use of these powers, largely around inspecting the records the law enforcement agencies are required to keep about their use of the powers. We

identify any exceptions we find to the head of agency to ensure the same problems do not keep happening or that other appropriate action is taken.

We also provide best practice suggestions to all of the agencies, including participating in the training they provide to staff who use the powers. Details of our inspections and the follow up actions we have taken are set out in our reports. These reports are, with the exception of our telecommunications interception role, tabled in Parliament and made available on our website. We provide our telecommunications interception report to the Attorney General, who in turn provides relevant information to the Commonwealth Attorney-General on the use of those powers in NSW.

Witness protection

A program was established by the *Witness Protection Act 1995* to protect the safety and welfare of crown witnesses and some others who give information to police about criminal activities. The Ombudsman is responsible for hearing appeals from people who are either refused admission to, or released from, the program. We also handle complaints from people who are in the program.

Appeals

Operational police can ask the Commissioner of Police to include certain witnesses and other people in the witness protection program. If the Commissioner refuses to allow someone into the program, they can appeal to the Ombudsman. People who are already in the program can also appeal to us if the Commissioner decides to remove them. In both cases, we have to review the entire circumstances of the case and make a decision within seven days. The Ombudsman's decision is final and must be acted on by the Commissioner.

Everyone who has a right of appeal to the Ombudsman under this Act is given full information about how they can activate that right. There was one appeal made under the Witness Protection Act this year, in which the Ombudsman decided the applicant should not be included in the program.

Complaints

Entering the witness protection program changes every aspect of a person's life. They sign a memorandum of understanding with the Commissioner of Police which outlines what will be done to help them in their new life. This memorandum sets out the basic obligations of all parties and tells the participants what they can and cannot do, and what arrangements will be put in place for family maintenance, taxation, welfare and other social and domestic obligations or relationships. It also outlines the consequences to the participant of not complying with the provisions of the memorandum.

If a participant believes the police are not upholding the terms of the memorandum, they can complain to us. When these complaints have raised systemic issues, the police have generally been positive in responding to and resolving the issues of concern. This means the system has continually evolved and improved and there are few complaints made – even though the participants are often experiencing significant upheaval and change.

Custodial services

Complaint trends and issues

We have had a prominent role in the custodial services area since the Ombudsman was established 40 years ago. In 1978, the Royal Commission into NSW Prisons headed by Justice John Nagle recommended an independent prison Ombudsman be established. This was rejected by the government because our office could already accept complaints under privilege from prisoners. In response to the Nagle recommendation, an Assistant Ombudsman was given responsibility for investigating those complaints. We now have a custodial services unit with five staff dealing with contacts, complaints and investigations about the adult and juvenile systems – justifying the then government’s faith in the Ombudsman to fulfil this special role.

The first Ombudsman noted in his 1976 annual report that it is not possible to measure the effectiveness of the work of an Ombudsman with mathematical precision, and that the figures do not provide the whole picture. When he wrote that report there were 3,112 inmates in NSW and we received 249 complaints about prisons. In 2015 there are 11,600 adults and 300 juveniles in custody, and we received 3,834 contacts about custodial services issues this year.

Our work in custodial services is now also more hands on. Inmates used to have to write to us or wait for one of our visits to a correctional centre to talk about their concerns.

Inmates and detainees now have regular access to telephones and can call us to discuss their issues. In most cases we can tell them straight away if we can help with their complaint or direct them to someone who can. We can also accept their complaint over the phone if we think that is appropriate. This direct contact means we have very few custodial services cases where we have to write back and tell someone we can’t help them. It also means that we take some investigative action on around 90% of the contacts we register as formal complaints.

While the amount of work we do in this area has increased significantly over 40 years, some of the issues we deal with would be equally familiar to the investigators of 1976.

Complaints about visits, transfers and unfair discipline all dropped compared to last year. We have done a great deal of work around inmate discipline in recent years, so this reduction is a good indication the system has improved. There has also been a significant reduction in contacts about medical issues. This is particularly positive given the large number of inmates in custody.

Young people in custody have continued to contact us about similar issues, most commonly relating to their daily routine. The number of complaints from detainees about their transfers between centres increased. Most of these involved young people who were moved to a centre out of their area to attend a specialist program and were keen to get back to a centre nearer their home.

Fig. 31: Formal and informal matters received

	10/11	11/12	12/13	13/14	14/15
Formal					
Correctional centres, CSNSW and GEO	821	886	660	483	572
Justice Health	43	107	96	88	112
Juvenile Justice NSW	77	92	65	54	54
Subtotal	941	1,085	821	625	738
Informal					
Correctional centres, CSNSW and GEO	3,088	3,371	3,670	3,286	2,636
Justice Health	262	213	357	389	274
Juvenile Justice NSW	279	205	222	195	186
Subtotal	3,629	3,789	4,249	3,870	3,096
Total	4,407	4,570	4,874	5,070	4,495

Fig. 32: Formal complaints finalised – correctional centres, CSNSW, GEO and Justice Health

	No.	%
Preliminary or informal investigation completed	572	84
Assessment only	105	15
Conduct outside our jurisdiction	3	0
Formal investigation completed	1	0
Total	681	99

Fig. 33: Formal complaints finalised – juvenile justice centres

	No.	%
Preliminary or informal investigation completed	46	84
Assessment only	7	13
Conduct outside our jurisdiction	1	2
Formal investigation completed	1	2
Total	55	101

13 Using force and threatening language

A detainee told us officers had threatened to drag her into another room if she didn't do as she was told. Officers can direct detainees to move and can use force if necessary, but it is important that they give these directions using clear and appropriate language. Inappropriate threats to use force can send the wrong message and cause a challenging situation to escalate – especially when dealing with young people. The detainee also said she had complained a few months earlier that excessive force had been used on her by another officer. We followed up on her claims and, as a result, an officer was counselled about the language to be used with detainees. We were also given details of what had happened with the complaint of excessive force and we were satisfied with the review action that had been taken.

14 Helping with mobility issues

Being in a correctional centre is especially difficult for people with mobility problems. One man at the Metropolitan Special Programs Centre (MSPC) needed a walking frame because of an operation on his spine. His frame only had three wheels and no brake. He also needed other aids, and it was not clear what the most appropriate accommodation placement was for him. We spoke with Justice Health, the CSNSW Statewide Disability Service and custodial staff at his centre. All of these areas had some involvement with supporting the inmate, and it seemed he was getting mixed messages. We helped to coordinate their response and he received a new walking frame. Other care items were ordered and his accommodation needs were assessed to make sure he was where he should be.

15 Managing segregation requirements

Being in segregation generally means inmates can't interact with other inmates and can only spend one hour a day outside their cell. Segregated inmates often have to change cells regularly as an additional security measure. A man who had been in segregation for several months at Long Bay Hospital 2 called us when he was charged for disobeying a direction after he refused to change cells. He claimed another inmate – who was also his co-accused – had been assaulted by officers when they were forced to move cells. We later received complaints from two other inmates about these incidents. We reviewed the documentation of the charges against the inmate, the video footage of the incidents and met with the general manager. It was clear there were security requirements around the management of these men and the general manager was reviewing whether another placement was more appropriate. The general manager was also dealing with their claims of unfair punishment. The force used on the inmates was referred to CSNSW Professional Standards Branch and remains under investigation.

Fig. 34: What people complained about – juvenile justice centres

Issue	Formal	Informal	Total
Case management	6	1	7
Classification	0	1	1
Daily routine	11	63	74
Day/other leave/works release	0	2	2
Fail ensure safety	2	0	2
Food & diet	0	29	29
Legal problems	0	2	2
Medical	1	6	7
Officer misconduct	11	31	42
Other issues	2	11	13
Outside our jurisdiction	3	1	4
Probation/parole	0	1	1
Property	1	2	3
Records/administration	0	1	1
Security	1	1	2
Segregation	0	1	1
Transfers	9	11	20
Unfair discipline	3	10	13
Visits	1	6	7
Work & education	3	6	9
Total	54	186	240

Adult correctional system

The soaring inmate population

Last year we noted the action we had taken on complaints received when the inmate population had suddenly and unexpectedly risen, presenting problems for Corrective Services NSW (CSNSW) and having an impact on inmate rights and amenities. Unfortunately, that increase was just the beginning of a phenomenon of growth that could not have been predicted and so was not prepared for – including a substantial increase in the number of women in custody. People who are on remand make up a large number of the 11,600 inmates in the system at the time of writing, further presenting a considerable demand on the system over that of longer term sentenced inmates.

In response to the growing population, the Inspector of Custodial Services conducted an inspectorial review at the end of 2014. His report – *Full House: The growth of the inmate population in NSW* – provided direct evidence of how the increasing numbers affect everyone in the system:

The inspection concludes that, as a result of overcrowding, quality of life in the NSW custodial setting for both inmates and staff is diminished ... There is extensive doubling up of inmates in cells; the reinstatement of tripling up in cells; an essential buffer stock of beds is being used; demountable cells are being constructed; old facilities are being reopened; and inmates are being housed for long periods in court cells. This erosion of the quality of life is not to be taken lightly in the volatile custodial setting.

The Inspector made 47 recommendations in his report, many of which echoed issues we have raised and suggestions we have made in the past. Some are also reflected in this report.

Fig. 35: What people complained about – correctional centres

Issue	Formal	Informal	Total
Buy ups	19	109	128
Case management	26	98	124
Charges/fees	0	6	6
Classification	43	127	170
Community programs	0	3	3
Court cells	0	4	4
Daily routine	107	459	566
Day/other leave/works release	6	40	46
Fail ensure safety	10	35	45
Food & diet	17	32	49
Information	4	29	33
Legal problems	16	37	53
Mail	9	32	41
Medical	116	360	476
Officer misconduct	46	203	249
Other issues	17	134	151
Outside our jurisdiction	6	11	17
Periodic /home detention	1	2	3
Probation/parole	14	139	153
Property	87	292	379
Records/administration	27	145	172
Security	18	36	54
Segregation	7	65	72
Transfers	22	178	200
Unfair discipline	24	136	160
Visits	33	137	170
Work & education	9	61	70
Total	684	2,910	3,594

Property

Every inmate receives basic items of clothing, bedding and toiletries when they come into the system. Most can then, within certain limits, buy extra items – along with toiletries, stationery, some food and other items like jugs and fans – with money they earn or which is sent to them by family or friends. Storing and moving inmate property is one of the main reasons inmates complain to us. CSNSW has various policies outlining what inmates can buy, what they may have in their cell, how much can be moved from centre to centre, and what happens to their property when they are transferred or released. The problem is the various property policies are not consistent and at times staff use their discretion when applying them, causing further problems. Claims that property has been lost or destroyed during searches or in transit are the main areas of complaint. We have suggested to CSNSW that property policies should be a priority in their current review of operational policies and procedures. Case studies 16 and 17 show the type of property complaints we receive and how they are dealt with.

16 Having too much property

Several tubs of property had accompanied one inmate as he moved between centres in a relatively short period of time. When he arrived at Junee Correctional Centre, he was told their interpretation of the property policy meant he should only be allowed two tubs of property plus his legal material. This meant they would not accept his additional property tubs. Our inquiries with both Junee CC and Operations at CSNSW showed the policy was being applied inconsistently. The inmate had been able to purchase more property than could fit into two tubs. Junee CC did not want to receive what they considered to be excess property, but told him he would be allowed to re-purchase some of the items they were not allowing him to transfer. This appeared to mean that if he was transferred again he could not take this additional property with him. CSNSW acknowledged the current policies were both inconsistent and inconsistently applied. The inmate was allowed to have the disputed property until the policy position was resolved.

17 Finding missing cash

A man had \$1,620 in cash with him when he was arrested. He arranged for \$770 to be given to his father and the rest was included as his 'valuable' property to accompany him into custody. He was moved between several court cell locations before arriving at the Metropolitan Remand and Reception Centre (MRRC) several days later. He no longer had his \$850. He tried unsuccessfully to find out where it went. He complained to us and we spoke to the property officer at the charging police station who gave us a copy of a receipt from the CSNSW escort staff who had collected the man. We then contacted the MRRC cashier who arranged for the escort staff to search for the money at the different locations where the man had been held. The money was found in the property safe at one of the court cell locations and transferred to the MRRC.

18 Resolving problems with day leave

Settling back into the community is a significant part of rehabilitation. Towards the end of their sentence, many inmates are allowed out of the correctional centre for a day or weekend to practice the skills they've learned in custody. This happens under supervision – usually a combination of unannounced visits by officers and wearing an electronic anklet that continually monitors their location and sends alerts if they stray from pre-approved locations or routes. A Bathurst inmate contacted us the day before he was due to go on his first day leave. He had been told his leave was cancelled because there were no electronic monitoring devices available. Our inquiries with the centre and the central monitoring group established the centre had not followed procedures for ordering the anklet, which they were not aware of before our intervention. The inmate was able to leave the centre the following weekend.

19 Unfair allocation of chores

All young people in juvenile justice centres are allocated chores they have to do. One young man called us because he felt the chores in his unit at Cobham were not being allocated fairly. He felt he was doing more of the least favoured chores – such as kitchen hand – more frequently than other detainees. He said he had spoken to his unit manager but nothing had changed. We contacted the centre and discussed their system. The roster system for allocating chores seemed appropriate and fair. All chores on the roster were allocated to a room number for each day. Cobham is a high turnover centre and sometimes there are more detainees than chores. This means there may be detainees who are not allocated a chore for the day but are put on a reserve list. On the day in question, the young man who called us was the reserve for a detainee who was at court. He had also been allocated the same chore a few days earlier based on his room number. The detainee understood this once it was explained to him. He also told the unit manager he was upset that the other boys laughed at him because of the chores he had to do. The unit manager instructed staff to monitor the interaction between the detainees around this issue.

20 Improving accountability in the Blue Card Program

Several women from Silverwater Women's Correctional Centre contacted us when they were moved to a small unit within the centre and told they were on the 'Blue Card Program'. Their description of the program was that they had little association if any with other women and were not allowed to work or participate in activities. There were no records indicating these women were being housed under a segregated custody direction. We called the centre and were told the program was designed to monitor women who centre staff felt were 'up to no good'. We said we thought this was what segregation is for and, if necessary, should be used in this case. Segregation is covered by legislation, policy, procedures and timeframes as well as access to external review, but the Blue Card Program seemed to have none of these. When we discussed these concerns with the general manager he told us it was an idea to try and keep inmates out of segregation. We still felt it was a form of segregation without accountability. We met with him to review the documentation for the program and look at the accommodation area. When we arrived, it was clear some additional thought had been given to the need for accountability and some basic policy and procedural documents had been prepared – relying on s.78A of the *Crimes (Administration of Sentences) Act 1999* to house the women separately from others. There was now some evidence of the criteria that might bring a woman into the program, what behaviour she would need to demonstrate to return to her regular accommodation unit, and how she would be managed while in the program.

Specialist programs

There are many programs available to inmates to help them deal with their offending behaviours and also to improve their behaviour in prison. Programs dealing with these behaviours are mostly voluntary. If inmates choose to take part, they can improve their position in the system and their chance of obtaining parole. Decisions around involvement in behaviour management programs, or those designed to address security issues, are generally made by centre management. The inmate stays in the program until centre managers feel they can leave. Two programs have caused a large number of complaints – the Individual Violent Offender Intervention Program (IVOIP) and the Security Threat Group Intervention Program (STGIP).

From 2012 to 2014, the IVOIP and STGIP were both run at Lithgow Correctional Centre. Inmates mainly complained because they did not know why they were sent to the program, did not believe they were participating in an actual program, and could see little benefit for them – or claimed not to know how they could get out of the program. Several inmates had appeared to languish in both programs for longer than any of the program guidelines envisaged. These two programs both involved the inmates spending significant periods in their cells, and only being able to associate with some other participants once they reached a certain level in the program. They were also restricted in who they could contact outside the correctional system, how often they could use the phone, and how much money they could spend each week on buy-ups. Although the program guidelines indicated the inmates participated in structured activities, our inquiries found that these regularly did not take place due to a range of 'operational' reasons.

In 2014, the STGIP was moved to the segregation unit of the High Risk Management Correctional Centre (HRMCC) in Goulburn. When this happened, it was obvious little was being offered to those inmates apart from their ongoing case notes and a review to adjust their 'level' of available incentives. The IVOIP inmates also complained that little was happening with their program due to the increased number of non-program participants accommodated in their unit.

We made inquiries about these programs in February 2015 and visited both the Lithgow Correctional Centre and the HRMCC. We interviewed each program participant to understand what they had been told about the program, what they were doing in the program, and what they had to do to be moved out of the program. We also spoke with the general managers at both centres and other senior staff involved in the programs. Although the inmates were often opposed to being in their program because it was not accredited for parole consideration, they suggested ways it could be improved to help them deal with issues such as anger management, impulse control and gang-related activities. Staff also identified areas for improvements and had started to review both programs with the High Risk Inmate Management Committee.

We then spoke with senior staff at CSNSW and provided an outline of the issues we had identified in our inquiries. They told us about a proposal to develop a single overarching management structure for all inmates who pose an extreme threat to the correctional system. This will be called the Extreme Threat Inmate Management Committee and will control the management, placement and programs for all inmates previously identified in the IVOIP and STGIP. It will also include the High Risk Management Program (HRMP) operated at the HRMCC.

We are pleased the new system focuses on the individual assessment of risks and needs and provides a consistent behaviour management program. We look forward to this new management structure and associated programs starting.

Designating inmates as Extreme High Risk Restricted

On the weekend before the NSW state election in March 2015, there was significant media coverage about a decision made by the Commissioner – and announced by the then Minister for Justice – to apply an extra security classification to 13 inmates. Because their offences related to national security, each of the inmates was already classified at the highest level of AA (or AAU for those on remand). The extra classification of Extreme High Risk Restricted (EHRR) applies an additional range of sanctions designed to restrict their interaction with other people, both inside and outside the correctional system.

CSNSW told us the classification change was a response to the raised national security threat level and the result of an ongoing risk assessment of AA and AAU inmates and their management. Until this decision was made, only one inmate in the state had carried the EHRR classification and an earlier investigation about that issue – which was discussed in our 2012-2013 Annual Report – made several recommendations to the Commissioner. This included that this designation was especially onerous on remanded inmates and should be removed from the Crimes (Administration of Sentences) Regulation 2008. The Commissioner did not accept that recommendation.

We received a lot of complaints from affected inmates, their families and members of the community who were particularly concerned at the requirement for these inmates to conduct all phone calls, visits and correspondence in English. Most of the affected inmates have English as their second language and their families and friends do not speak and/or read English. Several of the inmates went on a hunger strike lasting more than 20 days to protest the harshness of these conditions. Those inmates who were already AA classification and were now designated as EHRR have already been in custody for around 10 years. They are generally well behaved and have received few inmate discipline reports. They felt this was an unjustified increase in the restrictions on them because of circumstances outside their environment or control. They were also concerned about how it would affect their progression in the correctional system.

National security is clearly a very serious matter and appropriate risk assessments and mitigation strategies need to be used to protect the community. It is equally important this does not happen in an ad hoc manner or at the cost of human rights. Since the EHRR classification was given to these inmates, we have had several meetings with the Commissioner and other senior staff to ensure each decision was made on the basis of an individual risk assessment. We have also made suggestions to the Commissioner – some of which have been accepted – around procedural issues for processing applications for things such as permission to use a language other than English in certain circumstances, and receiving money from outside the correctional system to purchase necessities like underwear, toiletries and culturally appropriate food.

21 Providing information about medical appointments

Many of the medical complaints we receive are about delays in seeing professionals – such as doctors, dentists and optometrists – who come to the centres, missed appointments at outside health facilities, and not being allowed to continue with a course of treatment that was underway before coming into custody. Sometimes we can help to provide information about waiting times and appointments. We do not decide whether someone should be allowed to follow a particular course of treatment, but we can make sure they are told what is happening to them and why. Sometimes the problem is that the inmate can't be told when external appointments are scheduled due to security issues. In those cases, we can check with Justice Health and provide an assurance an appointment will occur in the near future. One man called us concerned he may have cancer. He had been booked for a liver scan at Bathurst in January, but was transferred to another centre before that happened. The doctor then arranged for another appointment in late February. This was scheduled for four days after he called us, but as it was outside the centre he had not been given a date. We were later told he had the scan and no abnormalities were detected.

Juvenile justice

Visiting juvenile justice centres

We receive two types of complaints when we visit centres – those about common, day-to-day issues that come up every time we visit, and the complaints we would be unlikely to receive if we did not visit. Last year we wrote about a complaint we had investigated from the second group about the use of force on a young man. We are still working with Juvenile Justice as they implement the recommendations we made.

An example of a common recurring complaint is one we have received regularly on our visits to Frank Baxter Juvenile Justice Centre (JJC) about a lack of access to gym equipment. Each time it has been raised with us we have raised it with centre management, and usually we are told about the slow progress being made. We have continued to raise this issue and in May this year we were told detainees would now have access to the gym. Structured exercise is beneficial not only for the boys' health and wellbeing, but also to the good order of the centre.

We realise our visits will not always achieve immediate results, as administrative changes and obtaining funding can take time. However, they do give us a very clear understanding of what is available to the young people and the opportunity to hear from staff about which things they identify as being important to helping to stop these young people coming back into custody.

Cobham Expos

For the last two years we have visited Cobham JJC to take part in their expo. This event aims to give young people information about services and agencies that can help them while they are in custody and also when they return to the community. Most young people in custody have a very good idea of what the Ombudsman can do for them while they are in a centre, but do not always know what we do outside of the custodial system. The expo is a chance to tell them about our policing, community services, housing and disability work.

We used a customised board game – Ombopolopoly – as a way of initiating a conversation with the young people about how we can help them both in detention and when they return home. Our staff had the opportunity to speak to more than 60 young people during the event. We have been asked by Cobham to participate again next year and to run information sessions for the detainees during the school holidays. We hope to have an opportunity to take part in similar events at other centres in the future.

Chisholm Behaviour Program

During 2014, the government announced that Kariong Juvenile Correctional Centre would close and become an adult facility. For the past decade, Kariong has provided a specialist program within the adult system for young men aged between 16 and 21 who could not be detained in a juvenile justice centre because of their classification – in terms of either their offence or their behaviour. Our 2010-2011 annual report detailed an investigation we had done into the behaviour management program for young people that was run at Kariong, and since that time we had noted improvements. The decision to close the juvenile program at Kariong was linked to plans to use a designated area at Cobham JJC to operate a specifically designed standalone program for young people with a high classification due to behaviour issues.

We visited Cobham in May 2015, received a comprehensive briefing on the Chisholm Behaviour Program (CBP), and had the opportunity to see the program area at the centre. The first young people had moved into the program the week of our visit, so there was little opportunity to get their feedback. However, our impression of the physical environment was very positive. We also welcomed the specific focus on the individual in each phase of the CBP – and the aim of seeing them re-join the general population in a centre at the earliest opportunity. We plan to visit the CBP and speak with the young men in the program early in the second half of 2015.

Notifications about segregation and separation

In certain circumstances, Juvenile Justice are able to stop children and young people from having contact with anyone else. Parliament acknowledged the need for external scrutiny of the use of this power when it included a requirement in the Children (Detention Centres) Regulation 2010 for Juvenile Justice to notify the Ombudsman when a young person is segregated for more than 24 hours. Several years ago, the head of Juvenile Justice agreed with us that a similar notification should be made whenever a young person is kept separate or confined without contact with

other detainees for more than 24 hours. This gives us a clear overall picture of the amount of time young people may spend on their own and helps us to ensure that they are given appropriate support and ways to occupy themselves. We use this information to provide feedback to the centre managers and senior management at Juvenile Justice, and give the community assurance that young people are not being isolated unnecessarily or for extended periods. Figure 36 shows how many notifications we received this year.

Fig. 36: Segregation and separation notifications received from Juvenile Justice in 2014-2015

Centre	Segregation	Separation
Acmena	6	14
Frank Baxter	16	18
Juniperina	3	0
Orana	14	54
Reiby	9	1
Riverina	22	13
Cobham	29	14
Total	99	114

Working with the Inspector of Custodial Services

We continue to have an excellent working relationship with the Inspector and his staff. A memorandum of understanding sets out our mutual obligations and we have regular formal meetings. We also have ongoing informal contact and share information and advice. The issues we receive as complaints can help the Inspector formulate his inspection program, as well as giving direct evidence to help determine a specific area of inquiry within an inspection.

Similarly, the Inspector provides us with information from their inspections which can help us with our complaint handling and our program of visits to correctional centres.

The Justice & Forensic Mental Health Network

As we are not health professionals, our role in complaint handling on Justice Health matters is generally about access to services and information – not about diagnosis or treatments. If someone raises issues about their condition or treatment, we refer them to the nursing unit manager at their centre or the Health Care Complaints Commission.

We have a strong relationship with the client liaison staff at Justice Health and they give us information about waiting times, appointments, forms of escort or specialist recommendations for food or clothing. An area of significant complaint is the amount of time inmates have to wait for a final assessment and inclusion on the 'methadone program' (opioid substitution treatment). For most standard cases, the waiting time is around eight or nine months. Unfortunately, many also report to us this means they are using illicit drugs in custody – with all the associated health and security issues this raises.

Departments, authorities and local government



This section of the report outlines our work under the *Ombudsman Act 1974* in relation to a wide range of government department and authorities. It also outlines the work we do in relation to local councils across NSW. This work is done by staff from our public administration division.

We handle complaints and analyse systemic issues that can have a major impact on people's lives. We look to resolve as many matters as we can quickly and informally, ensuring agencies and those receiving services can maintain a good relationship wherever possible.

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Highlights

In 2014-2015, we:

- Finalised 9,907 matters, 3,233 formally and 6,674 informally (pages 63 and 73).
- Continued to focus on complaints relating to the application of garnishee orders by the State Debt Recovery Office (pages 65-66).
- Completed a review of our enforcement guidelines for councils (page 74).
- Started to review our guidelines on good conduct and administrative practice and dealing with unreasonable complainant conduct (page 70).

In the last 40 years, we have:

- Worked to ensure agencies are performing their functions appropriately under a wide range of legislation, including those aimed at ensuring government accountability and ethical decision making, such as the former *Freedom of Information Act 1989*, and the *Public Interest Disclosures Act 1994*.
- Had our jurisdiction expanded to include local government in 1976. In 1986, it was further expanded to include individual councillors and council staff.
- Reported to Parliament on issues such as: the independence and accountability of the Ombudsman; ensuring all agencies can make ex gratia payments; the system for land valuations in NSW; several reports on the operation of the *Freedom of Information Act 1989*; and several reports on the need to effectively manage asbestos and other hazardous material.
- Developed guidance for agencies to help them improve their systems and processes, including: guidelines for effective complaint management; the complaint handlers toolkit; good conduct and administrative practice guidelines; a practical guide to apologies, and managing unreasonable complainant conduct.



Departments and authorities

Complaint trends and outcomes

This year we are celebrating the 40th anniversary of the NSW Ombudsman's office. When the Ombudsman Act was passed by Parliament in 1974, the Ombudsman was intended to function in three ways:

- as an inexpensive and independent person to examine the basis of decisions
- as an independent official to examine the exercise of discretion by public officials
- to review decisions increasingly being made by public servants rather than the Minister.

In 1976, during the debate on the Bill to extend the Ombudsman's jurisdiction to local councils, then Premier Neville Wran said the Ombudsman's primary role was to '... provide an effective, inexpensive right of appeal for a private citizen who is aggrieved by an act of administration ...'

Looking back on our forty-year history, we are confident that we have met Parliament's expectations. Our office has dealt with well over a quarter of a million formal complaints and notifications, and over half a million oral complaints and enquiries. In 2014-2015 we dealt with a record number of over 11,000 formal complaints and notifications.

Our public administration division (PAD), which has the traditional Ombudsman role of direct complaint handling, has had to manage a steadily increasing volume of complaints over the last ten years. This year, for example, the PAD received 5,079 formal complaints compared to 4,201 the previous year – nearly a 21% increase over twelve months.

To meet the challenges we are facing from an increasing number of complaints, evolving and more complex public service agencies and increasing public expectations – as well as a reduction in resources – we have adopted a more flexible approach to our complaint-handling work. This includes:

- Handling most complaints electronically – and making greater use of technology in receiving, assessing and responding to complaints.
- Getting access to a growing number of agency intranets – to speed up our inquiries and response times to complainants, and reduce the impact on agency resources of answering our questions about their practices and procedures.
- Working with agencies to develop better relationships – this allows us to work more proactively and collaboratively with them to bring about improvements in public administration, and means that we rarely need to use our Royal Commission or general coercive powers.

- Focusing our resources on equipping agencies to better handle complaints themselves – recognising that the agency's response to service failures is often more important to complainants than the service failure itself.

Over time, our focus has gradually shifted from an emphasis on individual complaints to undertaking more systemic reviews and overseeing agency complaint-handling systems.

This does not mean however that we ignore individual complaints – the case studies in this chapter show how we continue to help resolve important issues for people that have a real impact on their lives.

Fig. 37: What people complained in 2014-2015

Issue	Formal	Informal	Total
Charges and fees	192	262	454
Complaint-handling/ investigation process	217	300	517
Complaint/investigation outcome	97	169	266
Contractual issues	34	92	126
Customer service	661	1478	2139
Debt recovery action	48	103	151
Duty of care	79	141	220
Enforcement action	161	306	467
Legal problems	0	5	5
Management	39	65	104
Misconduct	27	72	99
Object to decision-making process	126	320	446
Object to merits of decision	313	631	944
Other	33	166	199
Outside our jurisdiction	150	292	442
Policy/law	89	158	247
Record keeping	57	159	216
Total	2,323	4,719	7,042

Fig. 38: Current investigations at 30 June 2015

Action	No.
Under preliminary or informal investigation	119
Under formal investigation	2
Total	121

Fig. 39: Formal and informal matters received and finalised

Subject	10/11	11/12	12/13	13/14	14/15
Formal received	1,381	1,737	1,566	1,794	2,323
Formal finalised	1,382	1,778	1,566	1,807	2,274
Informal dealt with	2,903	3,938	4,300	4,438	4,713

22 Helping a tenant avoid eviction

FACS Housing successfully applied to the Tribunal for an order evicting the complainant, a single mother, and her six children aged between 6 and 13. The order was made on the grounds that the complainant had fallen behind in rent a number of times before. Although the complainant managed to pay what she owed, FACS Housing proceeded with her eviction and obtained a warrant of possession. We contacted FACS Housing as we were concerned with the decision, given the complainant's financial hardship and need to care for her children. We were also concerned about the level of assistance FACS Housing gave the complainant to help her keep the tenancy – such as referring her to appropriate support services.

After our contact, FACS Housing reviewed the matter and decided not to proceed with the eviction. They also amended their procedures so a matter cannot proceed to eviction unless adequate steps have been taken to help the tenant maintain their tenancy.

23 Protecting a victim of domestic violence

We received a complaint about FACS Housing from a woman who applied for housing assistance after a serious domestic violence incident. The complainant's application for housing assistance was rejected, so she applied for a review of this decision. In accordance with the FACS Housing's client service delivery and appeals policy, the review should have been done within 20 days – but eleven weeks had passed without a decision being made. The complainant's attempts to find out when the decision would be made were unsuccessful. She expressed concern that the delay by FACS Housing in considering her review application put her at further risk of domestic violence. After we made inquiries, FACS Housing acknowledged the delay, added additional staff to address the backlog in handling review applications, promptly determined the complainant's review application, and agreed to meet with the complainant and her legal representative to ensure the reasons for the decision were explained.

24 Overcrowding issue resolved

A FACS Housing tenant was offered a one-room studio bedsit apartment for him and his two children. He thought this was a temporary solution until a two-bedroom property became available. After eight months, the man discovered he had been taken off the eligibility register because he had accepted the bedsit. We contacted FACS Housing and they agreed that the wrong decision had been made and located an available two-bedroom property for the man and his family.

Social housing

Responding to a discussion paper

In February 2015, we made a submission in response to the Department of Family and Community Services' (FACS) discussion paper on social housing in NSW. Social housing is made up of:

- Public housing – owned by the Land and Housing Corporation and operated by FACS.
- Community housing – generally owned and/or managed by not-for-profit providers.
- Aboriginal housing – generally owned and/or managed by Aboriginal Community Housing providers.

The NSW Government's commitment to increase the role of Community Housing Providers (CHPs) means it is important that there is an effective complaint handling system for applicants and tenants of social housing where the services are provided by the private sector through CHPs. We are concerned that people cannot complain about a CHP's administrative conduct to an appropriate external body. We have jurisdiction to deal with complaints about the administrative conduct of FACS and the Land and Housing Corporation (LAHC) in the context of public housing, but we do not have jurisdiction over CHPs. Tenants of CHPs can appeal against certain decisions made by their provider to the Housing Appeals Committee and the NSW Civil and Administrative Tribunal. However, complaints about administrative issues are not overseen by an appropriate external body or dispute resolution scheme that is comparable to that available to public housing tenants.

The large number of complaints we receive from public and community housing tenants, as well as members of the public who are their neighbours, clearly suggests there is a need for an independent complaint handler. Community housing tenants account for about 7% of all our enquiries and complaints about social housing, so this means almost one in ten social housing tenants who come to us for help are turned away as their matter is not within our jurisdiction. It is clear that both public and community housing tenants expect that they can contact an external body such as our office for help with their housing situation. Current public housing tenants who are being transferred to community housing are also losing their existing rights to complain to us.

In our submission, we suggested that the government consider options to ensure that existing and would-be community housing tenants have access to an independent external body that can take complaints about the administrative practices of CHPs. This system should be equal to and comparable to that currently available to public housing tenants.

Investigating FACS Housing

Over the last year, we received a number of complaints that have caused us to be concerned about the practices and processes used by FACS Housing to terminate tenancies of vulnerable tenants and support them to

maintain their tenancies. Case study 22 is a good example. We started a formal investigation, which is currently in its fact-finding stage.

Dealing with anti-social behaviour

We frequently receive complaints about the adequacy of FACS Housing's responses to complainants who raise concerns about anti-social behaviour from public housing tenants. While FACS Housing is restricted by privacy laws in how much information they can disclose to third parties, we suggested that they improve their communication in line with the Privacy Commissioner's 'Direction on processing of personal information by public sector agencies in relation to their investigative functions'. FACS Housing agreed to amend their standard letters to include a description of the process they use to investigate complaints about anti-social behaviour, review a wider sample of closure letters, and provide additional writing skills training to support staff to improve their communications with complainants.

State Debt Recovery Office

A complaint referral trial

Agencies should be given the opportunity to consider complaints about them first and decide what, if any, action to take in response to the complaint. We identified that common complaints made about certain agencies could be reconsidered and resolved directly by the agency contacting the complainant.

This year we started a three-month complaint referral trial with the State Debt Recovery Office (SDRO). We worked closely with the SDRO to develop the referral process, and so far we have referred ten complaints to them to investigate and resolve directly with the complainant. We have assessed their responses to the complainants, sought further information and provided feedback on complaint handling where appropriate. At the end of the trial, we will seek feedback from the SDRO and decide if it is worthwhile to continue the referral process.

If this process is successful, it will allow us to focus more on reviewing the complaint process, the outcome of the agency's reconsideration of the complaint and their communication with the complainant.

Garnishee orders and applying for refunds

The SDRO is the fines division of the Office of State Revenue (OSR). One of the tools used by the SDRO to enforce unpaid fines is a bank garnishee order, which requires a bank to deduct money from an individual's account and give it to the SDRO. A garnishee order issued by the SDRO can result in a Centrelink recipient being left with a nil balance until their next social security payment. The Commonwealth legislation relating to social security payments is meant to protect some Centrelink income from a garnishee order. Case studies 29-34 are examples of complaints we have received where this has

25 Waiting until after the appeal period
FACS Housing assessed a woman as ineligible to continue receiving a private rental subsidy. They sent a notice to her private landlord to advise that payment of the subsidy would stop. This was done before the complainant had a chance to appeal against the decision to the Housing Appeals Committee. The complainant said that the agency's premature notice to the landlord caused her to be homeless as the landlord refused to extend her lease because of the notice. FACS Housing has a policy that a subsidy does not end until after the relevant appeal period has passed. However, they do not have any clear policy on when notice of the subsidy ending would be given to the landlord. FACS Housing accepted our suggestion and agreed that in future they would not give notice to the landlord until the appeal period had passed or the appeal had been finalised.

26 Modifications and urgent repairs finally started

A woman complained that the Aboriginal Housing Office (AHO) had failed to respond to her request for necessary bathroom renovations to help her disabled daughter since she first contacted them in 2013. She also said they would not repair structural damage caused by a family member running a car through the front of the house. After our involvement, the AHO approved the modifications to the bathroom and funded part of the works. A project brief was issued to the LAHC to assess the damage to the front of the woman's house and engage a contractor to rectify the damage caused by the vehicle.

27 Delay in cleaning up mould

A family member of an elderly tenant contacted us because the LAHC would not clean a build up of mould at the tenant's property. When we contacted the LAHC, staff told us that they believed the mould was building up because of the way the tenant took care of the property. They agreed to engage a contractor for a one-off clean and to organise for specialist support workers to visit the tenant – who was frail, lived alone and had difficulty doing physical work. On this basis we closed the complaint.

The family member contacted us again a few months later because the cleaning work still had not been done. There had also been limited contact from specialist workers. We contacted the LAHC, who acknowledged that the contractors had not done enough. LAHC organised temporary accommodation for the complainant and storage for her furniture while the work was being done. In our discussions with both LAHC and Housing NSW, we ensured that periodic visits from specialist staff would occur for further support and to facilitate contact between the tenant and community groups.

28 Possum damage repaired

A woman contacted us through an interpreter because she had not been able to resolve long-running maintenance problems with the LAHC. Her roof leaked because possums dislodged roof tiles and this in turn damaged her carpet.

We asked LAHC what steps staff had taken to fix these problems when they had been reported. Their records showed a number of contacts about the possums, but no work done to make sure the problem had been fixed. Addressing the issue was made more difficult as council approval was needed to remove any trees the possums were climbing to get onto the roof.

We facilitated contact between the woman and the LAHC – and they took action to remove one of the trees, prune and ‘possum band’ another to prevent the possums accessing the roof, and contacted council for permission to lop other trees. The roof tiles were repaired and the damaged carpet was replaced.

29 No money for medication

A Centrelink recipient was experiencing serious financial hardship. After the SDRO had issued a garnishee order on his bank account, he was left with a \$0 balance. He complained to us after he had to attend court the following Monday and wasn’t capable of getting together the information he needed to request a refund from the SDRO. The complainant had mental health issues and often did not have enough money to pay for the medication he needed. As he was already experiencing financial difficulties, the garnishee order would have a serious impact on his ability to pay for his medications and daily necessities in both the short and longer term. After our inquiries, he was given a \$100 refund. The SDRO advised that a further refund would require the complainant to provide additional information.

30 Refund came too late

A complainant, who had been homeless for an extended period of time, had just got short-term accommodation in a boarding house after exhausting all the assistance available from Housing NSW. He was issued with a garnishee order and unless the money was refunded he could not pay for his accommodation. He had already accessed emergency funds from Centrelink when he was homeless and could not access further payments. He told us that he had been unable to buy food for two days and was getting meals from charity food trucks, but he was mostly concerned about paying his rent to keep his accommodation. After our inquiries, he was given a full refund – as the SDRO already held previous records about his financial hardship. However, by the time the refund was given, he had been evicted from his accommodation for failing to pay on time and, as a result, was homeless again.

not worked in practice. These cases also show the very real and very serious impact these orders can have on people’s lives.

Many Centrelink clients have limited or minimal resources and depend on their payments as income for daily living expenses including rent, food and bills. We regularly hear from people who are concerned about their ability to provide for themselves and their children after a garnishee order.

The number of complaints we receive about garnishee orders issued by the SDRO has increased significantly this year, probably because the SDRO is issuing more orders. We remain concerned about the impact of garnishee orders on low-income people, and believe legislative change is necessary to balance the debt collection role of the SDRO with the interests of vulnerable people.

The SDRO has a range of options to help people who are experiencing hardship to deal with their fines, as well as a policy for dealing with requests for a refund after a garnishee order. However, our experience has shown us that some people – as a result of their challenging life circumstances – are simply unable to understand their situation or take the required action on their outstanding fine before a garnishee order is issued. We are particularly concerned about the impact of garnishee orders on individuals who find it difficult to request a refund from the SDRO, and so have no funds until their next Centrelink payment.

We have worked with the OSR and SDRO and are pleased the SDRO is taking steps to minimise the impact of garnishee orders on clients in hardship. We also continue to liaise with the Commonwealth Ombudsman, who is monitoring a review by the Department of Social Services of Commonwealth debt management – including the issues we have identified about garnishee orders and Centrelink recipients.

Last year, we made a submission to a state parliamentary inquiry into debt recovery. We suggested the legislation should be amended to ensure a minimum amount of funds is protected when a garnishee order is issued to a bank. This could be the same as the amount prescribed by legislation when a garnishee order is issued to a person’s employer and will ensure people can afford daily expenses, such as food and rental payments. The committee, in its report of November 2014, recommended the same. The NSW Government’s response issued in June 2015 is that a debt recovery working group will be convened as part of their program of stakeholder consultation for developing a civil justice strategy. We note that the working group will determine how the committee’s proposals can best be implemented to increase protections while ensuring effective debt recovery. We have asked to be included as part of the working group’s stakeholder consultations.

Engaging with young people

A young person contacted us after money was deducted from his bank account by the SDRO under a garnishee order. The money the young person owed was for fines he incurred for rail infringements. He was issued with most of these before he was 17.

Fines can be issued to children as young as ten. The majority of fines issued to young people under 17 are single infringements for rail offences. As a matter of

31 Making sure an inmate has funds when released

An inmate at a NSW correctional centre complained to us that \$2,200 had been deducted from his bank account under a garnishee order issued by the SDRO. The inmate was to be released soon, and the funds were set aside to help him to start a tenancy and pay for other living expenses until he found regular employment. We made inquiries with the SDRO and they confirmed that a hold should have been placed on his outstanding enforcement orders while he was in gaol. Due to this error, the SDRO agreed to provide the inmate with a full refund of the money deducted from his account.

32 Having enough to survive

A young person complained to us after a garnishee order by the SDRO left her with nothing in her bank account. She had recently been released on parole and was homeless at the time as a result of domestic violence. She told us that she lives with mental health issues and felt isolated and overwhelmed by the impact of the garnishee order. She had been told she would not receive Centrelink payments for another 10 days and did not have enough money for food or accommodation. She was fearful of accessing crisis accommodation such as a refuge due to a history of sexual assault. After our inquiries, she was given a \$100 refund – but we did not feel this was enough for her to survive for 10 days. She would need to provide additional information if she wanted a further refund.

The SDRO have advised us that they are taking action to improve their ability to identify clients who should not be subject to a garnishee order issued to their bank. However, it is not clear what specific action has been taken nor the timeframes in which these issues will be addressed.

33 Double garnishee for incorrect fine

A resident of Victoria complained that the SDRO issued a garnishee order on her bank account for fines originally issued in 2008, leaving a negative balance of \$500. The woman claimed she had never been to NSW. She believed she had sold a car around 2008 and there may have been an error in transferring the registration.

The woman tried to resolve the issue directly with the SDRO. She explained that she was in acute financial hardship, had two dependent children, was homeless, and had a psychiatric disability after a domestic violence assault.

The SDRO told the woman she could apply for a refund of the amount taken out of her account, but did not offer an initial refund of \$100 that is available for people experiencing hardship.

In response to our inquiries, the SDRO agreed to provide a full refund of the amount garnisheered on the basis of financial hardship. They also decided to give the woman an opportunity to dispute the original fines as they had been sent to the wrong

address. She was given a deadline to provide evidence that she was not responsible for the fines. We were satisfied with the actions taken and closed the complaint. However, three weeks later, the woman contacted us to say her account had been garnisheered again leaving her only \$50. She had asked the SDRO for an extension to provide evidence she was not responsible for the fines on the basis that her son was in hospital. When this request was made, the woman was forwarded to a team leader's voicemail and had left a message. She had never received a return call.

When the woman contacted the SDRO she was told she could not apply for a refund because this was a second garnishee order. Finally, SDRO senior management reviewed the matter and – on the basis of the woman's acute vulnerability – decided to write the fines off.

34 Unfair to reinstate fines

A woman called us to complain that the SDRO reinstated twelve enforcement orders from 1997-2001 totalling \$3,992. Some of these fines were written off in 2011 because it was considered she had no capacity to pay them all. The woman entered into an agreement – available under a moratorium offered by the SDRO in 2012 to people with outstanding enforcement orders – to pay off three of her fines. Once she had paid off the instalment arrangement she believed her debt was settled. The SDRO received new information about the woman's employment and reinstated the previously written off fines. After our inquiries, the SDRO decided to cancel the fines without further reinstatement. After a review, it was considered unfair to reinstate the fines as the woman had entered into an agreement to settle the debt three years before. The SDRO also agreed to make sure that anyone who entered into an agreement under the 2012 moratorium would not have their fines reinstated.

35 Letter sent to wrong address

The complainant had travelled overseas for an extended period of time and received a penalty reminder notice and an enforcement order while he was away. When he returned, he contacted the SDRO and applied for the enforcement order to be annulled. The annulment application was approved and the \$50 application fee deducted from his fine, but the complainant did not receive any confirmation of this.

A few months later, he received a letter from the SDRO saying that he had to pay the outstanding amount and an additional \$40 or his car registration would be cancelled. When he followed this up, he was told the letter confirming the original amount owed was sent to the wrong address but no action was taken to correct the error. We made inquiries and the SDRO agreed to waive the additional charge to allow the complainant a grace period to pay the outstanding amount. Confirmation of this was sent to the complainant's correct address.

36 Difficulty getting rental bond back

We received a complaint from a young woman who was having difficulty getting her bond returned from Fair Trading. She had lodged a claim over five months before and had still not received the money. She had followed the matter up after a month and had been advised Fair Trading had refunded the money to the wrong account. A bank trace would be needed to recover the money and that could take six - eight weeks. However, the money was not refunded and it appeared the bank trace had never been requested by Fair Trading. We asked Fair Trading why the young woman had to wait for a bank trace when the error had been on the agency's part. In response, Fair Trading refunded the bond immediately and called the young woman to apologise. They also reviewed their procedures to ensure that if delays to a bond refund occur as a result of an error on the part of Fair Trading, the person claiming the bond is not disadvantaged.

37 Correcting administrative errors

A man's car registration was transferred to the Office of Finance due to an administrative error by Service NSW. He tried to change the registration back to his name, but couldn't do this before he received a fine for driving an unregistered vehicle. After the error was fixed, the man asked the SDRO to review the fine but Service NSW refused to provide confirmation of their error.

We found out that the error occurred when a dealer supplied an incorrect registration plate number on a vehicle disposal form. The operator from Service NSW did not check the number against the vehicle's identification number (VIN), as required when transferring a registration. Roads and Maritime Services (RMS) reminded Service NSW operators of the correct procedure and gave feedback to the local Service NSW office of their obligation to investigate and resolve possible administrative errors. They also reminded them to advise RMS whenever a customer reports they have received a fine because of an error so that appropriate action could be taken with the SDRO. The man's fine was withdrawn.

38 Identity theft

A Victorian man was very surprised to learn he had a substantial debt for a NSW TAFE Diploma of Building and Construction course. The man insisted that he had not enrolled in any such course. His efforts to resolve the issue with TAFE NSW went nowhere until he complained to us. The inquiries we made clearly indicated some unknown person had used the man's name to enrol in the course and had also applied for VET Fee-Help assistance claiming to be him. The man gave us evidence showing the signature used by that person was not his. As a result, TAFE agreed to take steps to cancel the debt. We advised the man to report the identity theft to the police.

policy, the SDRO excludes young people under 18 from civil enforcement action – such as seizing their property or garnisheeing money from their wages or bank accounts. However, if the fine is not paid, the SDRO may start civil enforcement action after the young person turns 18.

We considered the SDRO could be doing more to inform and help young people to deal with fines before they turned 18. We suggested that they should have a policy for this and, in response, the SDRO advised us that they were developing a youth engagement strategy. The primary focus of the strategy is to help the SDRO to better manage and engage with young people who are under 18 and have a fine debt. They have consulted with a number of stakeholder groups who have an understanding of youth issues to help them develop the strategy.

We also suggested that the SDRO establish a comprehensive process for writing off and reinstating fines. They have now added a reactivation strategy and clearer instructions for staff to their existing procedures for writing off fines.

Planning Assessment Commission

We received a complaint alleging that members of the Planning Assessment Commission (PAC) had made decisions about development applications despite real or reasonably perceived conflicts of interests/duties. The alleged conflicts related to appointing people to PAC positions who may have had connections with companies and/or industries the subject of PAC determinations. It was claimed those conflicts had not been properly declared. It was further alleged that the PAC regularly held meetings with development proponents and the content of those meetings was not minuted or made known to all stakeholders.

We wrote to the PAC and met with the former chair and PAC staff. They agreed the process needed to be more robust and engaged a consultant to review their policies and procedures. We met with the consultant during the review period.

After we had finished our inquiries, we made a number of suggestions to the PAC about their policies, practices and procedures. These included that:

- They develop and implement a policy for managing and dealing with conflicts of interests and investigating complaints about alleged conflicts relating to PAC appointees.
- Decisions relating to alleged conflicts of interests concerning PAC members, including reasons, should be published on the PAC website and included in their determination reports.
- They develop and implement a policy for holding meetings with various stakeholders, including development proponents.

The PAC has now developed and issued revised policies for dealing with conflicts of interests and for recording meetings with stakeholders in line with our suggestions. The revised policies will be available to the public on the PAC website.

Registry of Births, Deaths and Marriages

In July 2014, we noticed a sudden and significant increase in the number of complaints we were receiving about the Registry of Births, Deaths and Marriages. The complaints were about delays in processing certificates, inadequate record keeping, poor customer service and failure to respond to complaints within the advertised turnaround time despite customers repeatedly following up. We found out from the Registry and Service NSW – which deals with the public on behalf of the Registry – that a number of IT issues occurred as a result of the Registry's transition to a new business operating system. There was an initial large backlog of more than 35,000 applications and delays of up to 12 weeks. The two agencies worked together and implemented a number of strategies to start clearing the backlog.

We responded to individual complaints and also monitored the situation. The processing issues and delays led to an unprecedented increase in complaints to and about the Registry. By September, the Registry had over 400 email complaints that had not received a response. We were advised that by the end of October most of the processing backlog had been cleared and the majority of the IT issues were resolved.

We spoke with the Registrar and provided some practical strategies to help staff more effectively manage customer expectations and handle the large influx of complaints.

For example, we suggested:

- Placing a temporary message on the Registry's website and in emails to advise customers there may be delays in receiving a response to their complaints and what they could do if their matter was urgent.
- Instituting a triage process for complaints to separate urgent matters requiring immediate action, matters that could be dealt with quickly, and matters that needed to be allocated for later action.

We also provided feedback on the Registry's complaint procedure and made sure our inquiries about individual complaints had a minimal impact on the Registry's strained resources.

Legal Aid NSW

We received a complaint that Legal Aid NSW funded a case in the Supreme Court and an appeal in the Court of Appeal which, it was alleged, clearly lacked merit and caused the complainant significant financial detriment. The complainant also alleged that the matter, which started in late 2005 and was not finalised in the Supreme Court until August 2010, was unreasonably delayed. He claimed that the delay and deficiencies in Legal Aid processes exacerbated the financial detriment to him.

We have now started a formal investigation under the Ombudsman Act, and are looking at whether any serious delays and detriment to the complainant were caused or exacerbated by Legal Aid's policies, procedures and practices.

39 Case withdrawn

A woman complained that she was pulled over by the police and fined \$1,246 for driving an unregistered vehicle despite the fact she had already attended a motor registry and renewed her vehicle registration.

Before coming to us, the woman complained to the SDRO, Service NSW and the RMS. It was identified that RMS staff had entered an incorrect registration expiration date when the woman registered her car.

Although all three agencies acknowledged that an administrative error had been made and that the woman had been fined through no fault of her own, she was told that nothing could be done to help her. She was advised her only option was to elect to have the matter heard in court.

In the circumstances, we considered it was unreasonable for RMS to require the woman to go to court and suggested they should find a way to resolve the issue without further inconvenience to the complainant. As a result, RMS contacted the Police Prosecutor to explain the error on their part and – after this simple contact – the matter was withdrawn from court.

40 A right to reasons

An international student wanted a letter of release from the University of Technology. This request was denied, but no clear reasons were given for the decision. When we spoke with the university, we were told the student had been given reasons verbally. We pointed out that, under the National Code for International Students, students have a right to seek a review when there has been a problem in the application process. Information has to be given in writing – not just to be fair to the student, but to allow the review process to take into account the reasons the university was relying on.

41 Addressing mental health issues

A woman complained that WorkCover failed to ensure that her father was treated not just for his physical injuries but also for psychological issues while he was on workers compensation. The woman's father committed suicide. The Health Care Complaints Commission investigated the conduct of the doctor who had prescribed a large amount of painkillers that were used in the suicide.

We suggested that WorkCover review their policies and publications to increase awareness about how injured workers, employers, treating doctors and allied health professionals can address mental health issues that arise during a worker's compensation claim. They accepted our suggestion.

42 Making the process easier

We received a complaint from a man who was overseas and urgently needed to submit a rental bond refund application form to the Office of Fair Trading. The application could only be submitted by fax or post. After our inquiries, Fair Trading reviewed the forms available on their website and included an option for email lodgement.

43 Getting the same refund as others

The University of Western Sydney refunded 90% of course fees to several international students after concerns arose about the conduct of an agent who provided misleading advice to those students. Inquiries indicated the agent had forged students' signatures in documents he submitted to the university and incorrectly submitted their email addresses to prevent the university contacting them. One student, however – who said he had been affected by the conduct of the agent – had previously accepted a 50% refund when he withdrew from his studies. The university regarded the matter as finalised. After we made inquiries, the university agreed to refund this student the balance of the refund other students in his situation had received.

44 Unnecessary rental charges

Mission Australia Housing wrote to us after they had been attempting for over a year to finalise the tenancy of a 90-year-old woman whose affairs were managed by the NSW Trustee and Guardian. The woman was placed in care in March 2014, but Mission Australia had no success collecting her belongings and finalising the tenancy. This meant the woman was still being charged rent for the house. Also, the house – which was a community housing property – could have been used for someone else who desperately needed it.

NSW Trustee and Guardian acknowledged the delay was unacceptable and undertook to finalise the matter within a few weeks. They also said the delay would be discussed with the staff members and their managers. They paid the rent arrears and advised they would pay compensation of close to \$6,000 to the woman for the extra rent she incurred due to their delays.

45 Debt finally settled

We received a complaint from the Office of the Legal Services Commissioner alleging the NSW Trustee and Guardian failed to repay a debt from a loan in a timely fashion on behalf of a client whose finances they were managing. As a result, the client's debt more than doubled in four years and continued to accrue daily interest.

As a result of our inquiries, the debt was settled and the woman's estate was not charged for the extra interest on the loan accrued during the time the Trustee and Guardian failed to take action.

Reviewing manuals and guidelines

We have started to review our *Managing Unreasonable Complainant Conduct Practice Manual* (2nd edition), which has been one of our most popular publications. We are building in insights from motivational interviewing and trying to give our strategies a greater cultural context and relevance. We have consulted a psychologist and an anthropologist to gain a better understanding of the psychological and cultural implications of unreasonable conduct by complainants and its management. We are hoping to publish a third edition of the manual later in the year.

For many years, our Good Conduct and Administrative Practice Guidelines have been a popular resource for state and local government agencies. In 2014, we began a review of the guidelines in light of a number of significant changes to legislation, jurisdiction and government policies. Our review, which was finalised earlier this year, included a comprehensive assessment of the content of equivalent publications from Australia, New Zealand and internationally.

To improve accessibility, the updated version of the guidelines – now in their third edition – is presented in a more streamlined and user-friendly way. It has a number of topic-based modules and a detailed index. This will make it easier to adapt the guidelines for use by Ombudsman in other Australian jurisdictions as it allows for a staged process and the adoption of some modules but not others.

Complaint management framework and complaint-handling model policy

The revised Australian/New Zealand Standard *Guidelines for complaint management in organizations* (AS/NZS 10002:2014) was published in October 2014. After an extensive review of complaint-handling policies and guidance from around the world and consultation with a range of stakeholders in NSW, we have developed a complaint management framework and a model policy for complaint handling to help agencies comply with the revised standard. The framework and model policy can be downloaded from our website.

The new standard places increased emphasis on organisations developing a complaints management system that helps staff to deal with complaints promptly, fairly and comprehensively – rather than just focusing on complainant satisfaction as the only outcome.

Both the standard and our complaint management framework stress the importance of three levels of complaint handling:

Level 1 – Frontline complaint handling

Agencies should be encouraged to ensure frontline staff have appropriate training to be able to recognise and deal with complaints made to them and achieve, where possible, early intervention and resolution.

Level 2 – Internal review

This may include assessment, investigation and alternative dispute resolution. Generally such complaints are addressed to the head of the agency, who will usually delegate the matter to an appropriate person such as a complaints manager to deal with.

Level 3 – External review

If complainants are not happy with the outcome of their complaint or the way it was handled, there should be an avenue of external review available. In NSW, complaints about public sector agencies and officials can be made to external bodies such as the NSW Ombudsman, the Office of Local Government and other oversight agencies.

The framework provides guidance on the five essential components of a best practice complaint management system:

- Commitment – developing a culture that values complaints.
- Facilitation – making it easy for people to make complaints.
- Resourcing – training, empowering and resourcing complaint-handling staff.
- Learning – analysing complaints and their outcomes to improve systems and processes.
- Guidance – developing policies and procedures to guide staff.

We will use the framework and model policy to assess complaint management and complaint-handling policies, procedures and practices. This year, we completed an audit of complaint-handling in councils as the first in our proposed series of audits of complaint-handling systems and practices of organisations within our jurisdiction.

We have started offering half-day workshops on the changes in the standard and an introduction to the framework and model policy. The training has been very well received by agencies and councils.

Improvements in managing asbestos in NSW

In 2009, we began looking closely at how asbestos issues were being managed by state and local government agencies.

We conducted several investigations into issues raised in complaints about alleged exposure to asbestos. We saw that, despite the well-known dangers of asbestos, the level of government involvement and interagency cooperation in managing asbestos-related issues was minimal.

Approaches to dealing with asbestos across the whole of government were disjointed, ad hoc and confusing. Tens of thousands of fibro buildings constructed throughout the 20th century continued to deteriorate and be renovated or demolished. However there were no controls on – or adequate guidance cautioning home owners against – doing this work without first checking if there was asbestos present and, if it was, taking adequate safety precautions. Asbestos was being illegally dumped on public and private land and community awareness of the dangers of asbestos was minimal. We concluded that the systems for

46 Considering a student's further study

A man complained that Sydney University had acted unfairly in refusing him admission to the Sydney Medical School. He had previously studied at a European university and had a grade point average that fell short by a fraction of a percent from qualifying him to compete at the interview stage. The student did a further honours year study in Australia and improved his grade point average. However, the university refused to take this further study into account. We looked closely at the university's policy and felt they could consider his further study. The university agreed and, using a revised calculation, the man qualified to be interviewed. He was offered a place at Sydney Medical School after a successful interview. The university also checked to see if other students in the same circumstances had been denied an interview.

47 Delays in enforcing a warrant

A woman complained that she was experiencing difficulty enforcing a judgment debt due to delays by the Sheriff's Office. The defendant in her court case failed to attend court and a warrant was issued for his arrest. Delays by the Sheriff's Office in enforcing the warrant caused it to expire before the defendant was located. The Sheriff's Office did not respond to a complaint by the woman. We identified that the delay in enforcing the warrant was due to staffing issues and the failure to reply to the complaint was caused by poor procedures. After our inquiries, the Sheriff's Office acknowledged they had not responded to the woman's complaint and improved their complaint-handling procedures to ensure all complaints are monitored until they are resolved. They addressed the staffing issue through recruitment and agreed to reactivate the arrest warrant at no cost to the complainant. Enforcing the warrant was made a priority and the defendant was subsequently located and brought before the court.

48 Supporting a student with disability

A young woman complained to us about not receiving adequate support from her high school. She had a disability that affected her school attendance. She said the school had not properly advised her of the consequences of being awarded a non-completion determination award in Year 11, which meant she could not progress to Year 12. After making inquiries, we found that the school had provided adequate assistance to the young woman with undertaking exams and submitting assignments. The school acknowledged, however, that the proper process for administering the determination was not followed. Although it was too late for the student to appeal the determination, the school made changes to ensure the process would be strictly followed in the future. The student decided to pursue alternative study methods and we arranged a reference letter from the principal that would support her in future endeavours.

49 Support for a victim of crime

A woman told us she had relocated to another state with her disabled daughter after they had both been victims of assault and home invasion. She now needed money urgently to pay outstanding bills. She had contacted Victims Services seeking their assistance, but after a series of emails and phone calls no-one got back to her. To complicate matters, her phone had been cut off. Victims Services told us the woman had made two separate applications for assistance. One of these had been already determined, making her eligible for compensation as a victim of crime. Victims Services arranged for these funds to be deposited into the woman's bank account while they considered her application for emergency relocation expenses.

50 Waiting for a wheelchair

A woman with cerebral palsy complained about delays in getting a replacement power wheelchair from Enable NSW, the agency that provides equipment to people with disability or chronic health conditions. The person she spoke to did not explain the appeal process she could go through to have her priority changed, but simply told her she would have to wait. When we spoke with Enable, they acknowledged the woman had waited longer than she should have for the wheelchair. Staff apologised to her for the experience she had with the customer service representative. When Enable found out the woman had recently had surgery that could affect her mobility still further, they got in touch with the woman's doctors to monitor any changes to requirements. Enable told us she would be provided with her wheelchair within four-six weeks at her existing priority level. Entering into an appeal process could have slowed down the process, so we didn't advise her to appeal.

dealing with asbestos in NSW were ineffective. We also found that no one agency was responsible for asbestos issues – it was spread across many departments.

We also saw that the abandoned Woods Reef asbestos mine at Baraba had remained unremediated since 1983, leaving vast amounts of friable asbestos on site.

In the early stages of our inquiries we were concerned by the perceived lack of action by some government agencies. One notable quote came from a meeting where a senior government official told Ombudsman staff, 'People get way too emotional about asbestos.' We took a different view and considered asbestos to be a significant public safety issue that needed a whole-of-government approach.

In November 2010, we tabled a report to NSW Parliament called *Responding to the asbestos problem – the need for significant reform in NSW*. The report can be downloaded from our website. When we released our report the then Ombudsman, Bruce Barbour, said:

We've got campaigns to ensure people don't go out in the sun, expose themselves to the sun for fear that they might get melanoma or skin cancer. This is no different. We must inform the community about where asbestos is located, what it looks like, what the dangers are.

The government agreed with the majority of the recommendations in our report and the following initiatives have brought about important changes to the way asbestos is dealt with in NSW:

- The NSW Government established the Heads of Asbestos Coordination Authorities (HACA), governed by a charter which sets out the arrangements for coordinating the activities of statutory authorities in relation to all aspects of asbestos information, assistance, compliance and enforcement.
- NSW adopted a statewide asbestos plan.
- A wide range of Councils implemented a model asbestos policy.
- A comprehensive asbestos awareness campaign was rolled out.
- Betty, the Asbestos Disease Research Institute model house, toured regional and metropolitan areas and attended key events such as the Royal Easter Show.
- An asbestos and demolition web search facility was developed to help the community easily locate asbestos removal and demolition contractors.
- Consistent asbestos awareness training and safety procedures were implemented across the electrical supply industry.

A coordinated response to asbestos management is now provided after natural disasters such as bushfires, storms and cyclones, and NSW is represented on a national cross-jurisdictional working party to help develop a National Strategic Plan on Asbestos Awareness and Management 2013–2018.

Early in 2015, derelict buildings and infrastructure were also removed from the abandoned Woods Reef asbestos mine at Barraba.

We will continue to take an active interest in how asbestos is dealt with in NSW and look forward to the day when the environment is free from this insidious substance.

Local government

Complaint trends and outcomes

Our jurisdiction was extended to councils in 1976. In 1986, this jurisdiction was further expanded to include individual councillors and council staff. Since then, we estimate that we have handled at least 25,000 complaints about local government.

There has been a substantial increase in the numbers of complaints received this year, more than 8.5%. This has had a considerable impact upon our resources, however we have still managed to ensure that we finalise as many complaints as we receive, which has been a significant effort by staff. This increase has confirmed it is essential to review of our role to ensure we can focus on keeping systems under scrutiny and continue to provide the best value in the public interest.

Fig. 40: Action taken on formal complaints finalised – local government

Action	No.	actual %
Assessment only	711	74.2
Preliminary or informal investigation completed	237	24.7
Conduct outside our jurisdiction	10	1.0
Formal investigation completed	1	0.1
Total finalised	959	100

Fig. 41: What people complained about – local government

Action	Formal	Informal	Total
Community services	7	14	21
Customer service	173	404	577
Development	124	258	382
Enforcement	170	340	510
Engineering services	115	168	283
Environmental services	72	158	230
Management	2	9	11
Misconduct	38	56	94
Outside our jurisdiction	22	40	62
Object to decision	80	178	258
Public interest disclosure related	1	10	11
Rates, charges & fees	122	272	394
Strategic planning	20	20	40
Uncategorised	2	34	36
Total	948	1,961	2,909

Customer service and enforcement matters continue to be the dominating issues, as well as development and rates. The councils that attract the most complaints are predictably the larger, city councils. Case studies 51-57 are some examples of our work with council complaints this year.

Reconsidering our role in local government complaints

Last year, we reported on our submission to the Independent Local Government Review Panel and Local Government Acts Taskforce suggesting a significant change to the focus of our work in this area. As these suggestions were not addressed in the taskforce's report, we have now put our position to the Office of Local Government (OLG) for their comment.

The roles performed by the OLG and our office with local government complaints are largely the same. We have long-standing arrangements in place for referring certain types of complaints between our offices. The OLG has a statutory role in relation to financial management, meetings procedures, tendering, code of conduct issues and pecuniary interest matters, and we have usually referred all complaints about these areas to the OLG.

As discussed at page 70, we have been involved in preparing the revised Australian and New Zealand Standard, *Guidelines for Complaint Management in Organizations* [AS/NZS 10002:2014]. There are three levels of complaint handling in the standard:

- Level 1 – frontline complaint handling for immediate resolution.
- Level 2 – internal review for escalated complaints or serious matters not resolved at level 1.
- Level 3 – external review.

We believe the OLG should be the primary recipient of level three complaints about councils and councillors. As an independent watchdog body with jurisdiction over councils and the OLG, we are better placed to focus on keeping the overall system of complaint handling in local government under scrutiny. This would be similar to our role with public interest disclosures. We could provide appropriate guidelines and training, audit and monitor the quality of council systems and practices, and oversee the quality of council and OLG investigations. However, this change would not prevent us from handling individual complaints if there was no other reasonable alternative.

Fig. 42: Current local government investigations at 30 June 2015

Action	No.
Under preliminary or informal investigation	13
Under formal investigation	0
Total	13

51 Dealing properly with a complaint

We received a complaint about an inadequate investigation by council into allegations that showground staff had racially abused the complainant.

We made inquiries with council and decided they had not complied with their complaint-handling policy. We suggested that they conduct an internal review as required by the policy. Council agreed and gave us regular updates on their progress. They also provided complaint-handling training to their staff.

52 Providing access to drinking water

A man's contact with council was restricted under their unreasonable complainant conduct policy. He complained to us because when he went to council meetings security stopped him from using the drinking water dispenser. He felt he was being persecuted due to the restrictions that had been placed on his contact with council.

We made some inquiries and found out that the water dispenser was in a closed staff-only area. The dispenser usually available to the public was in an area that was closed during council meetings. Council explained this to the complainant – and also decided to install a drinking water dispenser in the foyer area near the council chambers for members of the public attending council meetings.

53 Water finally reconnected

A woman complained that council had disconnected the water to a property where she is a tenant. She had recently made an arrangement with her landlord to pay the council directly for water rates, but there was a large arrears owing because the land owner had not paid water charges for some time.

The *Local Government Act 1993* makes it clear that the liability to pay a rate or charge rests with the owner of the land. Section 569 of the Act provides the very limited circumstances where council can pursue a tenant for charges by issuing them with an order to pay their rent to the council, in lieu of payment from the owner. We consider disconnecting water to a tenant, who has no legal liability for the charges, to be unreasonable. It is, in effect, punishing them for someone else's debt.

We contacted the general manager to discuss the legislation and the OLG circular that had been distributed on this issue. The council was resistant, and said their policy was to disconnect water when water accounts are not paid. We said we thought this was unreasonable – and possibly a breach of the *Local Government Act* – when the land owner and not the occupier owed the debt.

The general manager decided that the water should be reconnected (after it had been disconnected for two and a half days), and pursued the debt in line with section 569 of the Act. We suggested to council that they change their debt recovery policy to be in line with legislation and best practice and they agreed to do this.

Updating our enforcement guidelines for councils

This year, we have completed a review of our *Enforcement Guidelines for Councils* and developed a new *Model Enforcement Policy*. To help prepare the revised guidelines, we conducted an extensive literature review and surveyed councils – receiving responses from over sixty councils. We also consulted a small number of councils on the model policy as well as other stakeholders such as the OLG.

We believe the updated guidelines will help councils develop better processes for their compliance officers and managers who engage with individuals and businesses who may be breaking the law.

In the guidelines, we recommend adopting two important regulatory principles first advanced by Professor Richard Macrory in 2005 as part of his review of regulation in the UK. These principles require compliance and enforcement actions to be:

- responsive and consider what is appropriate for the particular offender and the particular regulatory issue
- proportionate to the nature of the offence and the harm caused.

Choosing the most appropriate regulatory option in a particular circumstance is often not easy. It can involve a complex decision-making process and weighing up competing public interests and priorities. Compliance and enforcement officers are also increasingly expected to have varied skills. They have to have a working knowledge of multiple pieces of legislation, be able to investigate breaches, collect evidence and prepare briefs of evidence, communicate with alleged offenders in situations that can be challenging and even dangerous, and make complex decisions about what enforcement action to take. Community expectations around service provision, quality of information and timeliness have also increased over time.

In the guidelines, we give a brief overview of regulatory principles and current best practice and point councils to available resources to develop risk-based compliance strategies. Topics covered include:

- the preliminary assessment of allegations and information
- conducting investigations and collecting evidence
- choosing options after an investigation
- discretionary decision-making and relevant considerations in the enforcement context
- deciding on prosecution action
- the importance of fair procedures and record keeping.

In their responses to our survey, many councils said it would be useful to have easy access to tools and templates developed by other compliance staff. It is important there is increased collaboration between councils in sharing best practice and achieving consistency in regulation activities. The guidelines and the model enforcement policy are available on our website.

Manly Council and the Roads and Maritime Service

This year we started a formal investigation into Manly Council and the RMS about council's permit parking scheme.

We have had ongoing inquiries with both agencies about a permit parking scheme council has implemented that does not comply with the RMS guidelines. These guidelines require consideration of whether each household has off-street parking and how many street parking spaces are available.

At Manly, council allows all residents to obtain three permits per household – which is not consistent with the RMS guidelines. The result is that there is a surplus of permits over and above available parking spaces in the Ocean Beach area. This has a dramatic effect on parking in surrounding council areas, especially around the ocean frontage and popular tourist areas. Council decided to focus on the interests of their residents and the RMS did not take any action to ensure compliance with their guidelines.

The RMS advised us that councils can exercise discretion and this is done through local traffic committees (LTCs). Members of the LTCs include representatives of the RMS and NSW Police Force (NSWPF).

Council told us their parking scheme was developed long before the current guidelines and its requirements. However, we believe good policy (and guidelines) should be flexible so that any appropriate discretion is not limited and can be exercised properly.

The guidelines were due to be reviewed this year and RMS agreed that the mandatory and discretionary aspects of the guidelines – including the role of LTCs – could be clarified as part of this process. We have been told that this review will be completed and the revised guidelines published by 31 March 2016.

We have asked Manly Council to review their permit parking schemes in the light of the revised guidelines once they have been published.

Complaints about water

Problems with or restrictions on access to essential utilities and services have a very immediate impact on people's lives. Each year, we receive a large number of complaints relating to water supply issues. In some cases, these are about restrictions on supply because of a debt owed by either the occupant or the landowner (case studies 53 and 57). In other cases, people complained to us about large, unexpected water bills from councils that they either didn't expect or are unable to pay (case study 54).

Auditing the complaint-handling systems of local government

To help us identify examples of good practice and areas where improvements are needed, we periodically audit the complaint-handling systems of state and local government agencies. This year, we commenced a new series of audits to review the quality of agencies' complaint-handling systems, benchmarked against the revised Australian and New Zealand Standard on complaint management. Our first audit focused on complaint handling in local councils.

54 Developing a new policy

A ratepayer noticed a decrease in pressure in a tap and a plumber identified an undetected leak. The next water account the woman received was for \$15,747.70.

Council were asked for a discount because the woman was 88 and unwell. She had been admitted to a nursing home, so council offered to postpone payment of the account until the property was sold.

Consistent with advice we have given other councils, we suggested that they consider developing and introducing a policy for one-off excessive water charges. This would allow council staff to consider the circumstances leading to the charge and provide more options than just a payment arrangement. We asked council to review the water usage charge in these circumstances.

Council resolved to prepare a draft policy for consideration and endorsed the new policy. They also agreed to review the woman's outstanding water charges based on their new policy.

55 No need to modify a void condition of consent

A complainant had development consent to demolish and build a new house and swimming pool. A condition of the consent was that a Lilly Pilly tree on her property had to be retained.

After the consent was granted, legislative changes were made to allow certain trees and vegetation to be removed from eligible properties. This is known as the 10/50 Code. Under the code, certain trees can be removed without council approval and despite any existing consent condition. The complainant removed the tree in line with the code.

Council advised the complainant that she must make an application to modify her consent. They refused to issue a construction certificate and threatened legal action if she obtained a construction certificate through a private certifier.

When we raised the issue with them, council confirmed the tree was removed lawfully – but now the complainant could not comply with the original consent. They said a modification would need to be made under the *Environmental Planning and Assessment Act 1979* before they would issue a construction certificate.

We felt that once the consent condition could not be complied with, it was void. We advised council that modifying a void consent condition was pointless, and the complainant should be able to obtain a construction certificate and proceed with her development. We asked them to change their view, or obtain legal advice to support their view that the modification was legally required and reasonable in the circumstances.

After some initial resistance, council agreed to allow the complainant to proceed with the development – conceding that she had acted lawfully.

56 Explaining a decision

We received a complaint that council refused to investigate a noise complaint. The complainant's neighbours had frequent loud parties, and the relationship with them had become strained to the point of alleged threats of violence.

Council's enforcement policy is risk based. This is a good policy – and our revised enforcement guidelines will confirm that risk-based enforcement is the best approach to take. Council's policy lists domestic noise as low risk and that no action will be taken, so the ranger repeatedly told the complainants that council would not investigate their complaint.

We wrote to council and advised that – although the policy is useful in providing a framework to guide decision-making – it should not be used as a substitute for decisions on the merits of each individual case. We suggested that rather than saying 'no action' will be taken in a range of circumstances described in the 'minor' category, it may be better to say that those breaches are considered minor and may not usually attract enforcement action.

We advised the complainant that, although we did not agree with the inflexible application of the policy, the noise issues that they were experiencing would be better dealt with by the NSWPF. Councils and the police share powers in this area, but late night party noise should be reported to the police because council staff would not usually be available after hours. Also, the potential threat of violence means that police are more suitably trained, equipped and empowered to deal with such behaviour.

Council responded to our concerns and agreed that their ranger could have provided better information to the complainant about why the decision was made not to take enforcement action. They also agreed to review their policy once our revised enforcement guidelines were released.

57 Unfair water restrictions

An elderly man with disability called to say that his landlord had failed to pay rates for so long that his water had been restricted to a flow of two litres each minute. This only gave him limited access to activities such as brushing his teeth and flushing the toilet, but he was unable to have a shower.

The council policy referred to section 569 of the Local Government Act, which allows a council to require rent for a property to be paid to council to cover the landlord's debt. In this case, the council chose to restrict the tenant's water supply and leave him to take action against the landlord.

After discussing our concerns with council staff, they agreed to remove the restriction and follow their policy.

In March 2015 we distributed an online survey to all 152 councils across NSW. Pleasingly, 95% of the 130 councils that responded indicated they have a documented complaint-handling policy and/or procedure. However, the audit results indicate that there is considerable scope for councils to improve the quality of their complaint-handling systems – for example, by making it easier for people to make complaints and better analysing complaints to identify trends or possible systemic issues.

We have used the findings of the audit to develop a factsheet for councils containing good practice tips for complaint-handling. The findings will also help us to better target our proactive work with councils across the state to improve the systems they have in place for receiving and responding to complaints.

The 10th National Investigations Symposium

The 10th National Investigations Symposium (NIS) was held from 5-7 November 2014. The symposium was held in the Sydney CBD for the first time, at the Four Seasons Hotel at the Rocks in Sydney.

The NIS is held every two years. It is coordinated and hosted by the NSW branch of the Institute of Public Administration Australia, the Independent Commission Against Corruption and our office.

The symposium is designed to provide investigators and staff involved in complaint handling in the public sector with the chance to hear from an interesting and diverse range of speakers, including investigation professionals, forensic experts and academics. The symposium is also an excellent opportunity for investigators and complaint handlers from across Australia and overseas to meet one another, share their experiences and hopefully develop new skills and useful professional relationships.

The keynote speaker was Mr Paul Barry, a well-respected and award-winning journalist as well as a best-selling author. Paul is also currently the host of the ABC's Media Watch. He provided an entertaining and informative start to the symposium, speaking about preparing for his latest book, *Breaking News: Sex, Lies and the Murdoch Succession*.

The symposium featured a wide range of interesting and engaging speakers from diverse disciplines and fields. The topics covered included:

- Getting results in complaint handling
- Investigating staff misconduct
- Risks for investigation agencies
- Investigating bullying and harassment
- Getting value from big data in an investigation
- Privacy and access to government information in complaints and investigations, and
- Investigating entrenched practices.

Attendees provided very useful and positive feedback on the event, which will help the organising committee to plan for the 11th NIS in November 2016.

Human Services



This section of the report outlines our work under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, and Parts 3A and 3C of the *Ombudsman Act 1974*. This work is performed by various business units within our human services branch.

Our main focus is finding a way to achieve good outcomes for those receiving a wide range of community services. We try to do this as quickly and informally as we can, while also identifying possible areas for systemic reform.

We have two areas where we are responsible for monitoring the way in which serious allegations of abuse and other categories of conduct are dealt with. The first is our employment-related child protection work. This involves scrutinising the systems government agencies and certain non-government organisations have in place to respond to allegations of any sexual offence or sexual misconduct, assault, ill-treatment, neglect or any conduct that can cause psychological harm to a child. The second requires us to oversee investigations undertaken into reportable incidents in disability supported accommodation and to determine whether appropriate action has been taken as a result of the investigation.

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Highlights

In 2014-2015, we:

- Worked to encourage more effective information exchange between the Department of Family and Community Services and non-government service providers (see page 81)
- Investigated the support provided to a young person with disability to access education (see page 93)
- Stressed the importance of ensuring prospective employers are aware of possible child protection risks (see page 87)
- Established a working group to begin working through some known issues relating to identifying and responding to allegations of abuse, neglect and exploitation of people with disability (see page 96).
- Continued to work with national bodies towards a national disability safeguards framework (see page 98).

In the last 40 years, we have:

- Had our jurisdiction expanded with the addition of Part 3A and more recently Part 3C of the *Ombudsman Act 1974*.
- Successfully amalgamated the Community Services Commission into our office in 2002.
- Reported to Parliament on important public interest issues, including critical issues facing the then Department of Community Services; the need to improve accommodation and support for people with psychiatric disability; and improving probity standards for funded organisations.
- Reviewed the deaths of certain children and people with disability, making recommendations for systemic change and improvement.
- Taken on the responsibility for convening and supporting the Child Death Review Team, including implementing an updated database.



Children and families

Handling complaints about child and family services

Under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA), we are responsible for handling complaints about certain agencies that provide community services. These include:

- Community Services – in relation to child protection, out-of-home care (OOHC), prevention and early intervention services.
- Ageing, Disability and Home Care (ADHC) – in relation to disability accommodation and support services, and home care services.
- Other organisations that are licensed or funded by the Minister for Family and Community Services or the Minister for Ageing and Disability Services.

Our main focus when resolving complaints is to improve outcomes. We do this in a range of ways, including:

- making inquiries to obtain more information about the complaint and the conduct of the agency
- meeting with agencies to collect relevant information and negotiate outcomes
- formally referring complaints to agencies to resolve or investigate themselves
- providing information and advice to help complainants deal with their own complaint.

This year, we received 1,147 complaints about child and family services – a 10% increase compared to the 1,043 received in 2013-2014 and a very similar number to the 1,143 received in 2012-2013. Of these, 458 were formal complaints, a 19% increase from the 385 received last year, and 689 were informal complaints – a 4% increase from the 658 received last year.

We finalised 409 complaints about child and family services, a slight increase of 3% from the 396 complaints finalised in 2013-2014 and a 13% increase from 2012-2013.

Fig. 43: **Outcomes of formal complaints finalised in 2014-2015 – child and family services**

Outcome	No.
Complaints resolved after inquiries	165
Complaints declined at outset	143
Complaints resolved by an agency prior to contact	66
Complaints referred to an agency for local resolution	17
Complaints consolidated into another complaint	11
Direct investigation	3
Service improvement comments or suggestions to agency	2
Complaints conciliated/mediated	1
Referred to agency concerned or other body for investigation	1
Total	409

Complaints about Community Services relating to OOHC made up 38% of all complaints we received (159 formal complaints and 277 informal complaints). As with last year, the most frequent issues raised related to the quality of casework and problems with how services were meeting the needs of children and young people in care.

Complaints about child protection services made up 35% of the total complaints. We received 49 complaints about inadequate child protection casework – these related to casework by Family and Community Services (FACS) and early intervention practices by non-government organisations (NGOs) with children at risk.

Fig. 44: **Matters received about agencies providing child and family services**

	Formal	Informal	Total
Community Services			
Adoption	1	2	3
Child protection	165	231	396
Children's services	2	8	10
Family support	3	11	14
Out-of-home care	159	277	436
Subtotal	330	529	859
ADHC			
Child protection	0	0	0
Children's services	0	0	0
Family support	0	0	0
Out-of-home care	0	1	1
Subtotal	0	1	1
Other government agencies			
Adoption	1	0	1
Child protection	17	23	40
Children's services	0	1	1
Family support	1	2	3
Out-of-home care	4	7	11
Subtotal	23	33	56
Non-government-funded or licensed services			
Adoption	0	0	0
Child protection	4	11	15
Children's services	2	6	8
Family support	6	4	10
Out-of-home care	86	81	167
Subtotal	98	102	200
Other			
Other (general inquiries)	1	8	9
Agency unknown	2	10	12
Outside our jurisdiction	4	6	10
Subtotal	7	24	31
Total	458	689	1,147

60 Delays in counselling and medical examinations

A woman complained to us about a Joint Investigation Response Team (JIRT) Health response to the sexual assault of her grandchildren. She said there had been a significant delay in providing sexual assault counselling to the children and JIRT Health refused to conduct wellbeing medical examinations – despite numerous requests from her, the children's mother and police – because it was outside the timeframes for collecting forensic evidence. Seven months after the children's initial disclosures, the family had the children examined by a GP. One of the children and their mother tested positive for chlamydia. We made comments about the delay in providing sexual assault services and the failure to provide medical examinations. We also made suggestions to stop this happening again and make sure sexual assault services and wellbeing medical services were provided to children and families.

The Health districts involved made a commitment to review their procedures and practice. They also agreed on ways to ensure that sexual assault services are provided in a timely manner, and will develop guidelines on when wellbeing medical examinations can be conducted.

61 Providing a young person with the support and help they need

An agency complained to us about the circumstances of a young woman with an intellectual disability who was living with her father. She was not attending school, had little community contact, and was acting out in response to social isolation. She was also caring for her father who had a sight impairment, cognitive delay and medical issues.

We looked at relevant KiDS records and identified existing concerns about a risk of sexual harm from an adult she and her father had been living with, difficulties getting the father to engage with services, and domestic violence between the young woman and her father. Due to competing priorities, FACS would be closing the matter. We wrote to FACS about the circumstances of this young woman, the safety and risk assessment that had been conducted, and the supports they were providing. They told us that the young woman and her father were being supported through the enrolment process at a local school, the Public Guardian had been appointed to support her, a support person was helping with household and personal tasks, and the young woman was receiving a disability support pension.

Both the young woman and her father were now engaging effectively with the agency who complained to us, and the young woman was receiving NDIS funding while undergoing an eligibility review.

In contrast with previous years, we received only 34 complaints about FACS's assessments of risk of harm to vulnerable children. Of those, 23 related to the Helpline's assessment of the risk to children, and 11 related to FACS's assessment after the Helpline had referred the concerns to the relevant community service centre.

Complaints about non-government-funded or licensed OOHC services made up 17% of the total number of complaints we received.

Monitoring child protection

This year, FACS published their first public progress report in response to our April 2014 report to Parliament on our review of the child protection system. The FACS report not only addresses policy and practice concerns that we identified in our report, but also takes account of more recent changes introduced through the Safe Home for Life reforms.

FACS reported that they are:

- Developing a new child protection database designed to collect and share key data with other agencies.
- Applying the concept of 'co-design' on the Central Coast and in two Sydney districts to develop local integrated service systems to meet the unique needs of local communities.
- Working with the NSW Advocate for Children and Young People to develop a whole-of-government plan to deliver more effective services to vulnerable adolescents.

As the child protection system relies increasingly on the non-government sector for services, a key challenge for government will be ensuring the quality of service delivery. Because no single agency or service can meet the complex challenges of high risk families, it will be equally important to be able to enhance the effectiveness of interagency efforts to improve family functioning and reduce or prevent risks to children. As the role of the non-government sector expands, the quality of interagency practice will need to be increasingly examined to ensure government agencies and non-government service providers are working together effectively.

This year, an important part of our child protection work has been linked to our work with Aboriginal communities. This is largely because of the ongoing monitoring of the recommendations from our audit of the interagency response to Aboriginal child sexual assault. See page 103 for more information about this work.

Developing an effective governance framework

Each year, we report on the progress made by FACS in implementing the recommendations from our reviews and investigative work.

Over the past twelve months, we have been working with FACS to develop an integrated governance framework to improve how we monitor any significant outstanding

recommendations. The framework is designed to ensure that FACS's leaders take responsibility for driving reform and developing solutions to the systemic issues that have been identified. It also allows FACS and our office to efficiently review the progress of a wide range of key issues in one place.

The Auditor-General noted the importance of developing this governance framework in his 2014 audit report to Parliament. We are currently working with FACS to consider a range of options for making a version of the framework publicly available.

Some of the important systems issues we have progressed this year with FACS are discussed in the following sections.

Encouraging better information exchange

For a number of years, we have raised concerns with FACS about:

- the failure to routinely refer criminal allegations of child abuse to police
- inconsistent practice when responding to information that suggests a particular individual may pose a risk to a child or children, and that individual is known or believed to be working with children.

In September 2013, we began investigating FACS's response to information they received about a teacher who had initiated a lengthy text exchange of a sexual nature with an adolescent boy. FACS had not referred the allegations to police or released enough information to allow the school to take effective risk management action. In response, we facilitated an information exchange between police and the school relating to the allegations about the teacher.

When investigating this matter, we concluded that the practice failings in this case reflected wider systemic problems in FACS's management of risk-related information. We therefore decided to examine this issue more broadly. We used several case studies that showed how children were placed at risk due to poor information management and sharing – including the following examples:

- A foster child was placed at risk because FACS had failed to identify information on their own system that showed the foster carer had previously been criminally investigated for the sexual abuse of a child.
- Foster carers were not told that a child in their care had a history of sexualised behaviours towards other children, resulting in sexual harm to another foster child and to other children who visited the home.
- Non-custodial parents were not told of child protection risks in the child's other home, in circumstances where there was no clear reason for withholding this information.
- FACS did not check and consider their own holdings when assessing a foster carer, and these records showed that the carer's biological children had been reported at risk of significant harm (ROSH) from the carer over a number of years.

62 Ensuring confidentiality

We received a complaint from a person who had contacted a FACS caseworker directly to raise concerns about the welfare of three children. The FACS caseworker had spoken with the mother of the children about the concerns and, in doing so, revealed the identity of the complainant. The mother then contacted and threatened the complainant's family. After we asked for more information, FACS conducted an internal investigation into the handling of the information provided by the complainant. They then sent all the field staff from that district to training focused on the importance of protecting the identities of people who provide information to FACS.

63 Making sure an AVO is not breached

We received a complaint from a woman who had successfully applied for an apprehended violence order (AVO) against her former partner. The AVO protected her and her children and prevented the former partner from having any contact with them. The Minister for Community Services had parental responsibility for the children, and the former partner approached FACS and requested to have contact with the children. FACS arranged the contact, despite having a copy of the AVO in their database. The contact visit was cancelled only after the mother alerted FACS staff to the AVO. We suggested to the agency that they should amend their procedures to ensure that staff check whether AVOs are in place before arranging contact. In response, FACS apologised to the complainant and inserted the following additional information into their procedure.

Determining when contact is not in the best interests of the child:

Direct contact is not to occur where there are substantial concerns for the safety of the child such as violence or kidnapping. This would include any Apprehended Violence Orders (AVOs) currently in place preventing a person from having contact with the child/ren, young persons and other family members. When contact is being considered, a check should be made on KiDS for a current AVO, relatives should be asked about the existence of an AVO and contact should be made with the NSW Police for information about existing and previous AVOs

- Children were placed at risk by FACS's failure to identify information that indicated a foster carer with a non-government OOHC agency posed a significant risk to children, and to report serious criminal allegations to police. FACS also did not provide information to interstate agencies when they discovered that the person had moved to another jurisdiction.

We also looked at cases where children had been placed at risk because non-government agencies had not asked FACS for information when assessing certain foster carers. Since 15 June 2015, agencies are now required to seek this information before authorising a person as a carer.

We then analysed the policy and practice failings and identified a need for improvement in the following areas:

- Consistent practices for providing information to police about criminal allegations of child abuse.
- FACS's practice in assessing and providing stakeholder agencies with relevant holdings on KiDS about both existing carers and potential carers – as part of the carer assessment process.
- General provision of information to other agencies about people who may pose a risk to children and young people.
- Improved engagement with parents and other family members to enhance a child protection response in relevant cases.
- Providing information to carers that is relevant to managing risks to children.
- Identifying individuals as 'persons of interest' and 'persons causing harm'.

FACS has indicated that they are addressing these issues and, through the integrated governance framework, will track progress in implementing strategies to improve related policy and practice. We will monitor their progress.

Involving police more in child protection

Around 60% of ROSH reports to the FACS Helpline indicate possible criminal behaviour, including domestic violence and physical abuse. This means police are well placed to gather information that is relevant to assessing a child's safety and to pass this on to FACS.

We recently commissioned research that has shown that Victoria, Queensland, various parts of the United Kingdom, and Canada have all recently trialled or piloted initiatives that involved child protection services working more closely with police. Most of these initiatives included efforts to bring together data held by child protection agencies and police to improve intake assessment and triage decisions.

For some time now we have been working with the NSW Police Force (NSWPF) and FACS to see how they can strengthen collaboration on the most high risk cases, including better and swifter exchange of information from the police database at various points in the risk assessment process.

In our report of reviewable child deaths in 2012-2013 that was released in June this year, we recommended that FACS and the NSWPF explore how police officers could play a role in:

- providing advice to inform FACS's assessment of, and response to, relevant ROSH reports about children
- assessing whether allegations in reports warrant a police response
- where appropriate, playing an active role in improving the effectiveness of responses to welfare checks and other requests for assistance.

Senior representatives from the NSWPF and FACS agreed to prepare a business case for improving the exchange of policing information to inform child protection risk assessments and responses. We have worked with both agencies to identify and review a sample of ROSH reports to determine whether:

- the initial assessment of the report would have been enhanced by additional information from police
- the additional police information would be likely to result in more substantial action being taken to protect the child or children involved.

The joint review identified a number of 'trigger points' in the child protection system where better and more efficient exchange of information in certain situations would add value to the risk assessment process. There are a number of options currently being explored by the NSWPF and FACS, including:

- Creating an automatic flag on the KiDS system when reports are received that involve individuals who are recorded as serious violent offenders on the COPS system.
- Implementing a priority process for police responses to information requests from FACS. Improved police response times for high priority information requests will help to ensure that policing information informs the triage process at weekly case allocation meetings at local FACS community service centres.

We are currently working with FACS and the NSWPF to prepare a paper on the observations and recommendations from our joint research.

Examining prenatal reporting

Last year, we began work to examine prenatal and birth alert reporting systems. We analysed FACS data for 2012-2013, which showed that 2,312 unborn children were the subject of prenatal reports and were assessed as at risk of significant harm. About one third of these unborn children were Aboriginal.

The aim of prenatal reporting is to allow help to be given to expectant parents to reduce the likelihood that their child, when born, will need to be placed in OOHC. Our analysis indicated that FACS places a relatively higher priority on responding to prenatal reports. We found that 39% of prenatal reports received a face-to-face assessment, compared with 28% of all ROSH reports. Unborn Aboriginal children were given priority for comprehensive assessment at a still higher rate, with almost 46% of these reports receiving face-to-face

assessment. We also found that the rate of case closure due to competing priorities was lower for prenatal reports – at 30% – than the rate for all ROSH reports at almost 39%.

Our analysis showed that children subject to prenatal reports were taken into care at a higher rate than children who were first reported after birth. The statewide removal rate for all children and young people reported in 2012-2013 was just under 5% of those reported. For children reported prenatally but not after birth, the removal rate was almost 12%.

We also identified variations in rates of response to prenatal reports in FACS districts. For example, rates of face-to-face assessment for prenatal reports ranged between 50% (Sydney district) to 27% (Western Sydney). Rates of removal of children subject to prenatal reports only also varied, from 30% (Sydney) to less than 4% (Western NSW).

Our analysis did not consider the nature or adequacy of service system responses and assistance to expectant parents through prenatal reporting. However, FACS has advised us that variations in responses across their districts may be affected by factors including the availability of a range of support services.

FACS has also advised us that they are working with NSW Health to update agency policies and practices on prenatal reporting. We will continue to monitor the prenatal reporting system through our other functions – primarily child death reviews and complaints.

Responding to educational neglect

Children at risk of chronic school non-attendance may also be at significant risk in other ways. In a number of past reports, we have emphasised the need for a systemic and collaborative response to address the strong link between educational neglect and other child protection risks.

The Department of Education have advised us that a pilot project conducted in 2013-2014 confirmed the value of schools working with local service providers to respond to poor school attendance. They said that the pilot – involving government and non-government agencies – aimed to identify issues underlying poor school attendance. For some participating students, the project contributed to improved family functioning and school attendance. FACS has also conducted pilot work on improving multi-agency responses to children at ROSH due to educational neglect. They are reviewing their policy on neglect and plan to include a focus on educational neglect.

More broadly, FACS has advised that Safe Home for Life will not seek to establish a specific strategy or response to educational neglect. Instead, they have pointed to initiatives in districts under a 'co-design' process that will support the development of local service responses to educational neglect.

In our view, developing responses that reflect local needs is vital – but addressing such a significant issue will also require overarching statewide arrangements.

The challenge for FACS and the Department of Education – and their other government and NGO partners – will be to translate their work into an interagency operational framework that delivers a more effective and integrated response to children and young people at risk of educational neglect. We will continue to examine progress in this critical area primarily through our work with Aboriginal communities.

As we discuss on page 106, for several years we have emphasised the need for a place-based approach to service delivery in high need communities, and the pivotal role that schools can and should play in helping to identify and respond to the most vulnerable children and young people in their communities. We discuss our role in monitoring and assessing the implementation of *Connected Communities* strategy which aims to make schools the centre of service delivery in high-need locations.

Keeping young people in residential OOH out of the criminal justice system

Last year we started working with stakeholder agencies to develop a joint protocol to reduce the contact young people in residential care have with the criminal justice system. We initiated this work after Legal Aid NSW approached us with their concerns that the most frequent users of the Children's Legal Service had a history of being in residential care. After extensive consultation with a wide group of stakeholders, we released a draft of the protocol for comment at the end of 2014.

The protocol aims to:

- Reduce police involvement in responding to behaviour by young people living in residential services, particularly behaviour that can be better managed within the service.
- Improve relationships, communication and information sharing between residential services and police.
- Facilitate a shared commitment by police and residential services to a collaborative early intervention approach to challenging behaviour by certain young people in these services.
- Enhance police efforts to divert young people from the criminal justice system by providing them with better information to inform the exercise of their discretion.
- Ensure that appropriate responses are given to young people living in residential services who are victims.

The implementation of the protocol will be supported by procedures for residential workers and a document outlining policing responses to incidents in residential care services.

After incorporating feedback from the draft protocol – and then conducting a second round of consultations that included frontline residential care workers and senior

police personnel – the proposed protocol was endorsed at a roundtable meeting in August this year. The roundtable brought together over 50 representatives from across the human service and justice sector and focused on working through issues associated with the protocol's implementation – such as establishing a governance structure to oversee the rollout of the protocol, preparing a strategy for promoting awareness of the protocol and related training, and identifying the key components of an evaluation process.

As a result of the roundtable, participants agreed to the statewide rollout of the protocol and the formation of a Statewide Steering Committee (SSC) to oversee its implementation. The SSC includes representatives from the NSWPF, FACS, the Association of Children's Welfare Agencies, AbSec, Department of Justice, Legal Aid NSW, Youth Action, Office of the Children's Guardian, Aboriginal Legal Service and a residential service provider representative.

We agreed to host the first meeting of the SSC in the final quarter of 2015. To support the work of the SCC, two working groups will also be established to focus on priority issues such as:

- the involvement of young people
- identifying the type of data needed to inform the ongoing implementation and evaluation of the protocol
- processes for identifying and sharing good practice and
- developing a training strategy.

Reviewing Going Home, Staying Home

Last year we reported that we would be overseeing FACS's post-implementation review of the Going Home, Staying Home (GSHS) reforms affecting the specialist homelessness service sector. Children and young people are among the most vulnerable users of these services.

Our decision to oversee the review was in response to a request from the peak bodies – Homelessness NSW, the Council of Social Service of NSW, Domestic Violence NSW, and YFoundations – in August 2014.

In carrying out our oversight role, we adopted a resolution-focused approach. Our aim was to identify lessons that might inform future reforms across the human services sector and provide independent advice on any areas where there might be scope for remedial action.

Between August and October 2014, we received feedback about the implementation of GSHS from more than 70 service providers, consumer representatives, peak bodies and various other stakeholders. We gave FACS a schedule outlining the issues that had been identified through our consultation and asked them to provide us with a response to each. We planned to host a stakeholder forum in November 2014 to discuss some of the key concerns that had been raised with our office.

On 23 October 2014, a motion was passed in the Legislative Council ordering that certain documentation relating to the GSHS reforms be provided to Parliament.

Given the significant scope of the documentation requested, it was apparent that the parliamentary process was akin to a forensic investigative approach. As a result, we decided that it would not be appropriate for us to continue to simultaneously undertake a resolution-focused approach to examining the GSHS reforms. Although we did not proceed with our stakeholder forum in November, we asked FACS to provide our schedule of issues (along with their response) to Parliament. A copy was also given to the peak bodies. The documents sought by the Legislative Council were tabled in May this year.

We have continued to attend and observe the meetings of the GSHS Monitoring and Evaluation Advisory Group and have had ongoing discussions with peak bodies and other stakeholders about the progress of the post-implementation review and the GSHS reforms more broadly.

Unaccompanied children in homelessness services

In 2014, FACS approved a policy for meeting the needs of unaccompanied children in homelessness services. This policy outlined the roles and responsibilities of FACS and specialist homelessness services and requires district-level protocols to be developed that will 'make the most of the locally available resources and pool efforts to protect vulnerable homeless under 16s'. We are waiting for advice from FACS about the progress of work to implement these protocols. Our monitoring in this area will also take account of progress towards a whole-of-government framework for responding to vulnerable adolescents.

Employment-related child protection

The heads of all government and some non-government agencies – including non-government schools, approved children's services providing substitute residential care and out-of-school hours (OOSH) services – are required to notify us of any reportable allegations or convictions involving their employees as soon as practicable, and no later than within 30 days of becoming aware of them.

These reportable allegations may involve:

- sexual offences and sexual misconduct
- physical assault
- neglect and ill-treatment
- behaviour causing psychological harm to a child.

We oversee how agencies investigate and respond to these allegations. We also scrutinise the systems they have for preventing this type of conduct and for responding to allegations against their employees. We also handle complaints about how reportable allegations have been managed and can, if necessary, initiate our own-motion inquiries.

The scheme remains unique because of the oversight it brings to both government and non-government organisations in their handling of child protection concerns and the conduct of their employees and volunteers.

Early in 2014, the Solicitor General clarified the reach of the scheme's jurisdiction and advised that organisations providing certain types of camps for children are included within the definition of 'designated agency'. This advice has greatly increased the number of agencies and individuals deemed to fall within our employment-related child protection jurisdiction. We have commenced engaging with this new 'sector'.

This year we received 1,425 new matters – 1,305 notifications of reportable allegations and 120 complaints. Over the last two years, the number of matters we have had to deal with has increased by 33%. We finalised 1,298 matters in 2014-2015, including 1,183 notifications.

Handling notifications

When we receive a notification, we assess the level of scrutiny required and whether the agency needs our help. We consider:

- the seriousness of the allegation
- the vulnerability of the alleged victim and other children
- our knowledge of the agency's systems
- the complexity of the case
- whether any other agencies are – or should be – involved.

When we monitor an individual matter, we may offer advice about developing an investigation plan and provide guidance about the investigation process. Often, concerns about individual matters may be indicators of broader system shortcomings.

Fig. 45: Formal notifications received and finalised

Subject	10/11	11/12	12/13	13/14	14/15
Received	804	1,157	995	1,189	1,305
Finalised	1,251	931	929	972	1,183

Fig. 46: Formal notifications received by agency – a two year comparison

Agency	13/14	14/15
Ageing, Disability and Home Care	8	13
Agency providing substitute residential care	0	24
Approved children's service	76	135
Community Services	276	223
Corrective Services	3	7
Designated agency under the Children and Young Persons (Care and Protection) Act*	255	373
Education and Communities	330	226
Family Day Care	13	14
Health	6	27
Juvenile Justice	24	24
Non-government school – Catholic	63	81
Non-government school – Independent	97	105
Other public authority	23	32
Out-of-school hours care	11	19
Outside our jurisdiction	4	2
Total	1,189	1,305

* Reported under substitute residential care in 2013-2014

Nearly a third of the allegations we received involved allegations of physical assault and over a third involved alleged sexual offences or sexual misconduct. The next largest category was allegations of neglect.

Figure 48 outlines the action we took on formal child protection agency notifications that were finalised. Most of these notifications were ultimately satisfactorily handled, although some required intervention from us before we were satisfied that they could be finalised. In some cases, we:

- requested additional information (149 matters),
- asked the agency to make further inquiries (25 matters), or
- formally request the agency to review their findings (25 matters).

Fig. 47: What notifications were about – breakdown by gender of the alleged offender

Issue	Female	Male	Unknown	Total
Ill-treatment	55	23	0	78
Neglect	177	53	3	233
Outside our jurisdiction	60	25	1	86
Physical assault	190	166	1	356
Psychological harm	18	11	0	29
Sexual misconduct	83	240	0	323
Sexual offence	2	74	1	77
Total	585	592	6	1,183

In many cases, we identified problems with the way an agency handled an investigation and provided feedback and made suggestions for handling similar matters better in the future.

Fig. 48: Action taken on formal child protection notifications finalised in 2014-2015

Action	No.	%
Agency investigation monitored	467	40
Agency investigation oversighted	571	48
No ongoing oversight	62	5
Outside our jurisdiction	83	7
Total	1,183	100

Fig. 49: What were the notifications about – breakdown by allegation

Issue	No.	%
Ill-treatment	91	7
Neglect	257	20
Outside our jurisdiction	75	6
Physical assault	397	30
Psychological harm	26	2
Reportable conviction	2	0
Sexual misconduct	330	25
Sexual offence	127	10
Total	1,305	100

Responding to inquiries and calls

This year, we received 780 inquiry calls – an 11% increase on the number we received the previous year, and reflecting an increase of 48% over the last two years.

Most of the inquiries were from agencies asking about our jurisdiction, how to assess or respond appropriately to risk, or how to manage investigations. The highest proportion of inquiries from a single sector came from child care centres (30.6%). However, notifications from this sector make up only 13% of all notifications, and only 4% of the matters that we are currently monitoring.

We also received inquiries from employees who were the subject of allegations and from alleged victims and their families and representatives. Employees most commonly asked questions about procedural fairness. Victims wanted to know about the processes associated with investigating allegations. In the past year we have worked on our systems for following up inquiries about jurisdiction to ensure that we receive notifications promptly. We continue to work on the quality of our advice and on the support that we provide to our inquiries staff.

Assessing risks to children

When we first receive an allegation about a person who works with children, we spend time and resources on gathering and analysing relevant risk-related information.

Our staff have direct access to key databases held by the NSWPF and FACS, as well as access to the NSW Carers Register – held by the Office of the Children’s Guardian (OCG). Currently, no other agency in NSW has the same breadth of access to external databases – together with our own information holdings. This gives us a unique ‘bird’s eye’ view of information relevant to assessing risks in the critical early stages of a case.

Once we have reviewed relevant information sources, if we need to do so we will release information to other agencies with responsibilities for children or encourage agencies to exchange information with each other – using relevant provisions in the *Children and Young People (Care and Protection) Act 1998*.

In a significant number of cases, we have referred a detailed briefing to the Commander of the Child Abuse Squad within the NSWPF or to other senior police. These referrals generally result in the start or enhancement of police investigations and/or criminal charges.

Cases involving serious criminal allegations now make up a significant proportion of our work. At the time of writing, we have 129 notifications in which an individual has been charged with a criminal offence against children. We also have a further 238 open notifications that either are, or have been, the subject of a police investigation but where charges were not, or have not yet, been laid.

In other cases, we make own motion inquiries in response to notifications from employers. We do this when we become aware of risks to children that may not be addressed through the reportable conduct investigation alone (case study 68).

Working with the OCG

In June 2013, we were given an additional legislative function to support the new working with children check (WWCC). Under this function, we release information to the OCG about an individual who may pose a risk to children. When this release of information is by a notification of concern (NOC), it triggers a formal risk assessment by the OCG of the person’s suitability to work with children. This has led to individuals of concern coming under the scrutiny of the OCG, in circumstances where the OCG may not otherwise have known of the risks.

Over the past year, we have made a total of 352 referrals of information to the OCG – 239 of our own initiative and 113 in response to notices issued by the OCG under section 31 of the *Child Protection (Working With Children) Act 2013*.

This year we also received 55 inquiries and complaints about the administration of the WWCC – an increase of eight complaints from last year. It is important to bear in mind that this is a relatively low number given that the OCG processed more than 350,000 WWCC applications in the same period. The majority of complaints continue to relate to the time taken to process applications.

As well as liaising with the OCG to quickly resolve individual complaints, we recently provided training to their frontline staff on better managing complaints.

Further training is scheduled to take place in 2015-2016. We also provided feedback to the OCG about common themes from complaints to refine their business practices. We will continue to work proactively with the OCG during the phase-in period of the WWCC to improve their complaint-handling policies and procedures.

Alerting prospective employers to possible child protection risks

The new WWCC scheme – administered by the OCG – started in NSW in June 2013. The scheme has a number of strong features which have resulted in a more robust screening process for people who work with children. In our view, NSW now has the most rigorous WWCC in Australia.

Despite this, we have concerns that – because the new WWCC scheme is based on issuing either a blanket 'bar' or 'clearance' to work with children – an employer cannot be confident that a person who has been cleared to work with children does not have any past known conduct issues which indicate that they 'may pose a risk to the safety of children'. The legal threshold for issuing a bar means that a person who has had, for example, a finding of sexual misconduct made against them in the past will not necessarily be barred from child-related work.

We have therefore argued that the OCG should develop a system for using the information exchange provisions in Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* to ensure that, in administering the WWCC scheme, they provide the most comprehensive possible responses to employment screening.

As a result, in February 2015, the OCG facilitated a working group with representatives from five government agencies – Education, FACS, Police, Health and Justice – and the Information and Privacy Commission, to consider the potential operational and resourcing implications. However, we were advised by the OCG in August 2015 that the overall view of the attendees was a "reluctance to receive 'below the bar' information". We note that this position is at odds with the information made available under the Carers' Register. We intend to continue exploring this issue with stakeholders.

Finally, we wish to stress that our advocacy on this issue does not mean we believe addressing it will, in and of itself, provide all the necessary safeguards. It is critical that the mechanism we have proposed is complemented by a much more sophisticated understanding across the child-related employment sector in relation to pre-employment screening processes and child safe practices more generally.

Case study 66 illustrates the value of risk-related information being provided to prospective employers.

64 Helping young residents to have their say

A 14 year old in a residential service contacted us to complain that the service had made changes to staff and this had a significant impact on all the residents, who were close to the staff members who were leaving. We learnt that the service had restructured, resulting in redundancies. We spoke to the young residents and they said they wanted to have representation on the board, so they could be consulted about decisions that affected them. In response, the board arranged for its members to attend regular house meetings so that residents could raise concerns directly with them.

65 Avoiding risks when information is not exchanged

In December 2013, we initiated an inquiry into the former Commission for Children and Young People's (CCYP) handling of an application for a WWCC (under the old scheme) by a young man wanting to be a foster carer. When he was a teenager, the man was charged with sexually assaulting a young boy. The charges were withdrawn a year later, before the matter was heard in court, because the victim's mother decided that it was not in her son's best interests to proceed.

In light of the earlier charges, the CCYP engaged in an estimate of risk process. At the end of this process, they advised the prospective employer that the man carried 'some risk' and recommended that the foster care agency speak with him about his 'relevant record'. It transpired that the man provided false information to the agency when they questioned him about the nature of the risk that had been identified by the CCYP. The man and his partner were subsequently authorised as foster carers.

After the start of the new scheme, the man was required to apply for a new WWCC and the earlier charges triggered a risk assessment. Various circumstances led to the foster care agency asking for information about him from the OCG and our office under Chapter 16A and, as a result of the information they obtained, the man was de-authorised as a carer.

Our contact with the agency led to us making inquiries about the original handling of the man's application under the old scheme. Our review of earlier records revealed that the foster care agency had not been made aware by the CCYP of the sexual assault charges at the time they engaged the man as a carer or the reasons for their withdrawal. Although in this case the foster carer was de-authorised (and the OCG subsequently issued him with an interim bar), we remained concerned that – if the foster care agency had not made contact with our office and requested information directly from the OCG – the OCG may not have told the agency about the charge against the carer and the circumstances in which that charge was withdrawn, as this was not routine practice.

66 Encouraging information sharing

We received a reportable allegation about a teacher at a school, who had allegedly indecently assaulted a child. This was referred to a JIRT, who conducted a criminal investigation that did not result in a charge. At that point, the reportable conduct investigation began. The investigator decided, after seeking advice from us, to get the police interview transcripts rather than re-interview the alleged victim and witnesses. This was intended to minimise the impact on the alleged victim and witnesses. However, JIRT said they would only release transcripts to us and the investigator needed to go through the 'proper channels'. We contacted JIRT staff to explain that Chapter 16A allowed them to share information directly with other prescribed bodies. As a result of our intervention, the investigator received a copy of the interview transcripts soon afterwards.

67 The need for a national scheme

Recent legislation allows the Ombudsman to issue a 'notification of concern' (NOC) to the OCG. A NOC is one of several 'assessment requirement triggers' that mean the OCG must assess whether a person is suitable to work with children. After assessment, the OCG may or may not decide to bar the person from working with children. Our first NOC in this case, issued in June 2013, related to a person self-employed in a role that involved counselling and supporting very vulnerable children.

We had significant concerns about the risks the man posed to children, based on a history of sustained sexual misconduct against numerous boys in a range of different employment contexts. As part of our NOC, we suggested that the OCG issue a notice to the man – requiring him to apply for a new WWCC or stop working with children in NSW. The OCG then did so. When the man applied for a new WWCC, the OCG immediately interim-banned him pending a full assessment.

Earlier this year, the bar was made final – meaning the man can no longer work with children in NSW. We recently became aware of a further historical child sexual assault allegation against the man. Police were investigating the matter when the alleged victim committed suicide. We also learnt that the man has been working with children in Western Australia and other states. This is one of many cases that illustrate the need for streamlined and aligned information exchange provisions between states. High risk employees sometimes move interstate to a new location once local employers and state authorities are alerted to the risks they pose.

Providing information to the Royal Commission

During 2014-2015 we continued to provide information and support to the Royal Commission into Institutional Responses to Child Sexual Abuse. Since January 2013, the Commission has been examining a range of systemic issues and practices of individual institutions, many of which we hold critical information about as a result of our reportable conduct jurisdiction.

In July this year the Deputy Ombudsman and Community and Disability Services Commissioner, Steve Kinmond, gave evidence at the Commission's hearing into preventing and responding to allegations of child sexual abuse in OOHC – as part of a panel of Ombudsman offices from across Australia. Earlier in the year, we also provided the Commission with information for its hearing into how government and non-government OOHC providers operate and handle allegations of child sexual abuse. This information complemented our 2014 submission on preventing and responding to sexual abuse in OOHC.

Throughout the year we also:

- Prepared a detailed submission to the Commission on the reportable conduct scheme and how it intersects with our broader child protection functions (and the WWCC), our current operational practices, and how our approach has evolved since our jurisdiction started 16 years ago.
- Made a detailed submission in response to the Commission's issue papers on police and prosecutorial responses to child sexual abuse.
- Prepared a response to the Commission's issue paper on statutory victims of crime compensation schemes.
- Provided detailed information at the request of the Commission to inform its hearings into Knox Grammar School and child sexual abuse in the entertainment industry.
- Referred to the Commission details of our work on a number of systemic issues we have been pursuing with FACS and the NSWPF of relevance to evidence heard by the Commission in relation to its case study examining the response to allegations of child sexual abuse in private medical practices and public hospitals.
- Provided a submission in response to the Department of Justice's discussion paper on limitation periods in civil claims for child sexual abuse. The evidence gathered to date by the Royal Commission suggests that many victims of child sexual abuse have been unable to pursue civil compensation because of the application of statutory limitation periods to child sexual abuse claims.
- Responded to a range of requests for information about particular case studies being examined by the Commission, and provided briefings on our role in both handling specific cases and on key components of the reportable conduct scheme more generally.

Preventing and responding to reportable conduct conference

The Royal Commission into Institutional Responses to Child Sexual Abuse has repeatedly highlighted the risk to children when reportable allegations are not handled effectively and agencies fail to have good systems in place for preventing and responding to abuse.

Our employment-related child protection jurisdiction has evolved considerably since it was first introduced. The last six years in particular have seen significant practice changes – largely brought about by the introduction of Chapter 16A – that have facilitated the exchange of information between agencies and closer collaboration between employers and police when there are possible criminal allegations. These changes have occurred against the background of structural changes such as the transfer of OOHC to the non-government sector, the overhaul of the WWCC scheme, and a considerable expansion of our jurisdiction as a result of the Solicitor-General's advice on the meaning of 'substitute residential care'.

We therefore felt it was timely for us to join with other stakeholders in taking stock and looking to the future. We are currently planning a one day conference on employment-related child protection on 26 February 2016. The aim is to bring together representatives from the education, OOHC, early childhood, religious and sport and recreational sectors to examine the lessons learnt by stakeholders over the 16 years of the scheme's operation. The conference will allow participants to hear about the scheme's strengths, acknowledge the challenges that need to be met, and collectively identify future directions. We look forward to working with stakeholder agencies in planning this important event.

Developing the NSW Carers Register

The NSW Carers Register came into operation on 15 June 2015. It was set up to improve the process of authorising prospective carers and their household members, and to improve information sharing between OOHC providers. The register is administered by the OCG and OOHC providers and the Ombudsman can access it directly.

The register records information about:

- a person's application and authorisation history – including application refusals, cancellations and suspensions of authorisation
- associations between carer households
- the composition of carer households – including whether any household members over the age of 16 have been cleared to work with children
- prospective carers' relationships (past and present) with other designated agencies
- carers' addresses, dates of birth and cultural background
- reportable allegations against prospective or authorised carers.

68 Improving the outcome for an employee

A preschool worker was alleged to have smacked a child on the leg. The preschool had investigated the allegation and made a sustained finding of physical assault. They had also notified the OCG about this finding and dismissed the worker, who had started industrial action.

We received complaints about the handling of the case. The complainants argued that the preschool should not have made a sustained finding because the worker had denied the allegation and there was a lack of supporting evidence. The report to the OCG did not appear valid – in that only 'serious physical assaults' should be reported to them.

We suggested to the preschool that the evidence did not appear to support a sustained finding of assault, and asked them to reconsider their finding.

As a result of their review, the preschool withdrew their finding of misconduct report to the OCG, amended their finding to 'not reportable conduct', and informed the worker about this outcome. They also decided to provide training for all their staff and engage an independent investigator in the future.

The preschool ultimately reinstated the worker. They also thanked us for our time, which was 'of huge significance to our preschool and staff'. The Director commented 'we have learnt a great deal from this and will take this experience and knowledge into the future'.

We played an active early role in demonstrating the need for this important initiative. In 2010, we began investigating the adequacy of FACS's actions to promote information exchange with other designated OOHC agencies for the purposes of authorising carers. We did so because we knew of cases in which FACS had not shared relevant risk information about foster carers with the foster carer's employer agency at the time of assessment. This failure to share information had resulted in harm to children later placed with those carers. From 2011 onwards, we took part in an interagency working group set up by the OCG to develop the register.

The register will play an important role in the NSW child protection system, and is designed to complement the existing WWCC and reportable conduct schemes. Foster caring is a high-risk form of child-related employment – in that it occurs in a residential setting and much of the work takes place without supervision. The children who receive statutory OOHC are particularly vulnerable. The register will protect these children by helping to identify at the outset applicants whose past history contains information that might indicate a risk to children. We will play an ongoing role in flagging critical matters on the register to facilitate and ensure effective interagency exchange of information.

Streamlining reporting processes for police

If an allegation is made against a police officer that involves an allegation of child abuse, the NSWPF is required to take a number of steps. Under Part 8A of the *Police Act 1990*, they are required to notify our office of certain types of complaints about the conduct of police officers. They are also required to notify us – under Part 3A of the *Ombudsman Act* – of allegations of employment-related reportable conduct by their employees, including sworn and unsworn staff. In limited circumstances, these allegations might include complaints that would not otherwise be notifiable to us under the police complaints system. The NSWPF must also notify the OCG if they make a sustained finding of sexual misconduct against, with or in the presence of a child (including grooming of a child) or any serious physical assault of a child involving one of their employees.

Recognising the complexity of this reporting framework, we agreed to develop a complaint practice note to help police complaint managers navigate their legislative reporting obligations. We worked closely with the NSWPF Professional Standards Command and the OCG to ensure that the practice note was user friendly. To further simplify the reporting process, we are currently liaising with the Police Integrity Commission (PIC) to adjust the agreed guidelines between our office and the PIC – which outline the type of matters that the NSWPF must notify to us.

Liaising with Catholic schools

We hold quarterly liaison meetings with representatives from the Catholic systemic schools sector. These meetings have proved to be a productive way of engaging with the

sector in their responses to child protection matters. We have also helped them to handle various individual cases through teleconferences and meetings.

Over the past year, we have worked with Catholic systemic schools by:

- Facilitating engagement between the sector and third-party agencies – such as the OCG, FACS and the NSWPF – about the use of the Chapter 16A information exchange provisions during reportable conduct investigations.
- Sharing relevant information with the OCG and the NSWPF, both in response to requests for information and of our own motion.
- Reporting criminal allegations to police, particularly historical allegations where the alleged victim's wishes may either be unknown (when allegations are received through third parties) or when the alleged victim does not wish to proceed criminally – but risks remain because the subject of the allegations has child-related employment.
- Reflecting on lessons from the ongoing Royal Commission into Institutional Responses to Child Sexual Abuse, including ways to improve child protection practice in the future.

Improving child protection practices in the transport area

In December 2013, we received information that a school bus driver was alleged to have developed inappropriate relationships with two students. The allegations were considered by police, but no charges were laid.

In June 2014, we made enquiries with the OCG about whether the bus driver had a valid WWCC. We were told that he did not have a valid check, under either the old or new WWCC scheme. In July 2014, we issued a NOC to the OCG, providing further details about the bus driver's child-related employment and the allegations against him. We were subsequently advised by the OCG that they had contacted the bus driver and required him to apply for a WWCC.

Meanwhile, in response to this and another matter involving a bus driver, we made inquiries with Transport for NSW (TfNSW) about their role and responsibilities in contracting accredited bus operators to provide public bus services. As a result of these inquiries, in November 2014 we started an investigation into the conduct of TfNSW in responding to child protection issues relating to the provision of passenger transport services.

In October 2014, we also initiated inquiries with Roads and Maritime Services (RMS) after we received a complaint about their response to allegations of a child protection nature against a licensed driving instructor.

The response to date from both agencies, and particularly TfNSW, has been positive. Given the significant changes occurring in this sector – particularly the requirement that people providing transport services for children had to comply with the new WWCC scheme by 31 March 2015, and the start of the new *Passenger Transport Act 2014* – these matters have provided a timely opportunity for

TfNSW and RMS to consider the adequacy of the child protection safeguards that are in place for contracted and/or licensed transport services.

TfNSW have now introduced a comprehensive program to ensure that contracted bus operators comply with the new WWCC scheme requirements. They have also drafted a specific clause, which will be added to their contracts with bus operators, that will require reporting to TfNSW on compliance with WWCC obligations.

More broadly, TfNSW have confirmed that – as the lead agency in the transport cluster – they have a role in coordinating policy and legislative reforms across the cluster. They have therefore agreed to work with RMS to address some of the remaining legal and procedural issues that we have identified through our investigation and, where appropriate, consider working with all agencies in the transport cluster to ensure that child protection issues are being comprehensively and consistently addressed.

Reviewing the deaths of children

Supporting the NSW Child Death Review Team

The NSW Child Death Review Team (CDRT) reviews and reports on the deaths of all children in NSW, with the aim of preventing and reducing the likelihood of child deaths. The Ombudsman is the convenor of the team and our staff support and assist the team in their work.

This year the CDRT:

- Commissioned a report from the Centre for Health Service Development about current injury and disease prevention infrastructure in NSW.
- Contracted an expert review of child deaths from infectious diseases in NSW from 2005-2014, with a focus on vaccine-preventable diseases.
- Released their annual report about the deaths of 567 children whose deaths were registered in NSW in 2013 – this report also included a review of the deaths of 20 children due to asthma in the 10 years to 2013.

The CDRT report is available on our website and includes details of the team's activities for the past year.

Legislation requires the CDRT to report their work annually. Last year, the members of the team agreed that the Ombudsman should seek a legislative amendment to permit reporting on a biennial basis. The benefits of this change would include the ability to focus CDRT resources on specific strategies to prevent child deaths, and provide a more realistic timeframe for agencies to implement – and demonstrate progress in achieving – their recommendations. The change would also bring CDRT reporting into alignment with the Ombudsman's reports on reviewable child deaths.

Relevant stakeholders in government have supported the proposed change, but the legislative amendment was not able to be progressed before June 2015. The Ombudsman has asked for this matter to be expedited.

Reporting on reviewable child deaths

Under CS-CRAMA, the Ombudsman has a statutory obligation to review the deaths of children who die as a result of abuse or neglect or in suspicious circumstances, and children who die while they are in care or detention. In June this year we reported to Parliament on reviewable child deaths in 2012 and 2013. As well as reporting on the deaths of 41 children in the two-year period, we also reviewed the deaths of 83 children who were killed in circumstances of familial abuse in the decade to 2013.

Our review work showed a clear link between familial fatal abuse of children and perpetrators who were already known to police as serious violent offenders. This link demonstrates the need for the NSWPF and FACS to strengthen collaboration on high risk cases, including better and swifter exchange of information from police and FACS databases.

Through our report, we recommended that FACS and police work to enhance their child protection responses in areas including identifying children at risk, police welfare checks, and FACS's referral to police of allegations of criminal child abuse. We also made recommendations to NSW Health and NSW KiDS and Families about improved practices relating to parental and carer drug and alcohol abuse, children of parents with a mental illness, and children with suspicious physical injuries.

The report is available on our website.

People with disability

Our Community Services Division works under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA), with specific functions relating to people using community services, people with disability, and disability services. Some of our functions under CS-CRAMA include:

- handling and investigating complaints about disability services, including any supports funded under a National Disability Insurance Scheme (NDIS) participant's plan
- inquiring into major issues affecting people with disability and disability services
- reviewing the care, circumstances and deaths of people with disability in residential care
- monitoring, reviewing and setting standards for the delivery of disability services
- coordinating official community visitors (OCVs) in their visits to people with disability in supported accommodation and assisted boarding houses.

This year we began a new function – overseeing the actions of disability services to prevent, and effectively respond to, serious incidents involving people with disability living in supported group accommodation in NSW.

This chapter outlines the work we have done in relation to these functions during the past year.

Complaints about disability services and supports

Our responsibilities in relation to complaints about disability services and supports include resolving and investigating complaints, reviewing the causes and patterns of complaints, and providing information and training to improve how services handle complaints.

CS-CRAMA has a strong focus on resolving complaints locally and informally. An important part of our work is helping people with disability, their supporters, and disability services to work together to resolve issues as early as possible.

The information below provides more detail about our complaints-related work with people with disability this year. For more information about our complaints training for the disability sector, please see page 97.

This year, we received 493 complaints (inquiries and formal complaints) about disability services, a 30% increase on the previous year (380). There has been a steady increase in the number of complaints about disability services over the last five years, with the total number of complaints increasing by 54%.

Most of this increase has been in formal complaints. For example:

- Over the past year – inquiries increased by 16%, while formal complaints increased by 42%.
- In the five years between 2010-2011 and 2014-2015 – inquiries increased by 22%, while formal complaints increased by 88%.

We also finalised more formal complaints than last year. In 2014-2015, we finalised 237 formal complaints about disability services – 56% more than in 2013-2014 (152).

Complaints about disability accommodation services

This year, we received 277 complaints about disability accommodation providers. This is accommodation operated, funded or licensed in NSW by the Department of Family and Community Services (FACS), or funded as part of an NDIS participant's plan.

In 2014-2015, complaints about disability accommodation services increased by 47%, and made up over half (56%) of all disability complaints. Over the past five years, there has been a 66% increase in complaints relating to disability accommodation services. Case studies 70 and 71 are examples of some of the complaints we have handled about disability accommodation services this year.

Fig. 50: Complaints received about disability services and supports

	10/11	11/12	12/13	13/14	14/15
Formal complaints	154	158	133	204	289
Informal complaints	167	193	172	176	204
Total	321	351	305	380	493

Fig. 51: Complaints received about disability accommodation providers

	10/11	11/12	12/13	13/14	14/15
% of disability complaints	52	45	49	50	56
Total	167	157	150	189	277

Top 5 issues raised in complaints about disability accommodation services in 2014-2015

- Actions to meet individual needs (45) – including not providing adequate accommodation, not providing adequate access to medical care, and not meeting nutritional needs.
- Allegations of staff to client abuse (29) – including neglect, physical assault, ill-treatment and sexual offences.
- Allegations of client-to-client abuse (20) – including physical abuse and patterns of abuse.
- Inadequate case management (13) – including not facilitating access to necessary specialist assistance such as behaviour support.
- Unprofessional conduct of staff (12) – including staff not following policies and procedures or misusing funds.

Complaints about disability support services

Disability support services provide community-based support for people with disability. These can be services operated and funded by Ageing, Disability and Home Care (ADHC) or NDIS-funded supports and services in NSW – including Home and Community Care (HACC) services, community participation and day programs, respite care, case management services and drop-in accommodation support.

This year, we received 215 complaints about disability support services. This represents just under half (43%) of all the disability complaints we received. Case studies 72 and 73 provide examples of complaints about disability support services.

Top 5 issues raised in complaints about disability support services in 2014-2015

- Actions to meet individual needs (17) – including not meeting the person's health care or hygiene needs.
- Unprofessional conduct of staff (14) – including staff not following requirements or guidelines and agencies misusing funding.
- Inadequate case management (13) – including inappropriate support plans and lack of access to specialist services and supports.
- Poor customer service (8) – including staff being rude or not turning up for in-home support.
- Access to services (7) – including not providing a service or exiting clients from the service.

Investigating support for a young person with disability to access education

This year, we investigated the conduct of the Department of Education in helping a young man with disability attend school, and the actions of FACS in relation to the health and welfare of both the young man and a woman with

disability. Our investigation arose from information we received through a reportable conduct notification about a foster carer. It indicated the young man was seriously undernourished and had not attended school for significant periods of time over the previous six years. When FACS removed the young man, they found an adult woman with disability also living in the foster carer's house. She was barricaded in her bedroom and living in conditions that raised questions about potential neglect by the carer.

The agencies worked well together to identify and meet the young man's needs after his removal from the foster carer. However, we found substantial problems with the actions of the agencies – separately and collectively – to provide appropriate support to him before that time. Among other things, we found that:

- FACS's casework and overall practice in relation to the young man's health and education needs was inadequate, and the key risks and associated factors that led to his removal had been known to the agency for a significant period of time.
- Both agencies knew that the young man was not attending school due to issues associated with his disability and health concerns, but failed to take action in response.
- The young man was prevented from participating in education for years because of the reported need to administer health care procedures, and the Department of Education did not appear to take all reasonable steps to help him attend school.
- Both agencies appeared to accept without question that the young man would not be able to be supported at school, even though there was no assessment or medical review to support this assertion.

We also identified problems with FACS's actions concerning the health and welfare of the woman with disability – particularly with ADHC's initial response to the information they had received from Community Services about issues of neglect. An application to the Guardianship Tribunal should also have been made at an earlier point in time.

FACS and the Department of Education have undertaken significant work in response to the recommendations in our final investigation report. This work includes:

- Convening an interagency workshop to discuss a de-identified case study based on the young person's experience and identify strategies to prevent the situation happening again.
- Taking action on the identified strategies from the workshop – including developing and trialling a joint case planning tool.
- Amending the Department of Education policies to strengthen requirements relating to frequent absences that are explained as being due to illness, and improve guidance on what constitutes unsatisfactory attendance.
- Developing a tool to help principals understand health care planning in school settings.
- Working on a joint project with a health service to develop a new tracheostomy training and assessment module that can be delivered in schools.

We are continuing to monitor the actions of both agencies to address the issues we identified.

69 Addressing critical health and welfare concerns

We received a complaint about the circumstances of a man with an intellectual disability and limited mobility living in supported accommodation, alleging that:

- he did not have any access to the community
- the service was not providing adequate support to help him to heal an open wound he had had for over a year
- his support staff and family were not following his eating and drinking requirements, placing him at risk of choking and aspiration
- his family was refusing to agree to the use of his funds to pay for aids or community outings
- the service was providing inadequate management and training of staff, and did not understand guardianship.

In response to the complaint we referred the issues to the service to resolve as soon as possible, met with senior staff on three occasions to discuss the issues and the steps they needed to take, and monitored the work of the service to address them. The service made changes to improve the man's health and circumstances and his quality of life. This included increasing his access to the community, developing a communication system to help him to make choices, and facilitating multidisciplinary health and disability support. The service also developed a plan of action for the group home overall, which included training for staff.

70 Improving service issues and relationships

A parent complained that his son – who relies on non-verbal communication – had sustained a severe unexplained burn in supported accommodation. The service employed an independent investigator to look into the unexplained injury. The investigation identified a range of issues with the service's actions and response, and made recommendations.

We assessed the investigation and identified a range of systemic issues – including inadequate incident and risk management, behaviour support and medication administration practices as well as staff development and related training needs. In our response to the service, we identified the key practice and systems improvements required. We met with the service and FACS to discuss these issues, formally referred the matters to FACS to oversee, and are continuing to monitor the work that is being done as a result of the complaint.

We also held a conciliation meeting to help deal with the complainant's concerns, focusing on the resident's current and future care and support. The conciliation resulted in an agreement to ensure that the man would receive improved individual and clinical support, and identified measures to improve communication and relationships between the parent and the service.

Disability reportable incidents

On 3 December 2014, the Disability Reportable Incidents scheme was established under Part 3C of the *Ombudsman Act 1974*. FACS and funded disability services are now required to notify us of any allegations of serious incidents involving people with disability living in supported group accommodation.

The Disability Reportable Incidents scheme in NSW is the first – and only – legislated scheme in Australia for the reporting and independent oversight of serious incidents involving people with disability in supported accommodation. Under the scheme, we oversee the actions and systems of FACS and funded providers to prevent, handle and respond to the following types of reportable incidents.

Employee-to-client incidents

An incident involving any of the following in connection with an employee of FACS or a funded provider and a person with disability living in supported group accommodation:

- any sexual offence committed against, with or in the presence of the person with disability
- sexual misconduct committed against, with or in the presence of the person with disability – including grooming the person for sexual activity
- an assault of the person with disability, not including the use of physical force that, in all the circumstances, is trivial or negligible (but only if the matter is to be investigated under workplace employment procedures)
- an offence under Part 4AA of the *Crimes Act 1900* committed against the person with disability (fraud)
- ill-treatment or neglect of the person with disability.

Client-to-client incidents

An incident involving the assault of a person with disability living in supported group accommodation by another person with disability living in the same accommodation that:

- is a sexual offence
- causes serious injury – including for example a fracture, burns, deep cuts, extensive bruising or concussion
- involves the use of a weapon
- is part of a pattern of abuse of the person with disability by the other person.

Contravention of an apprehended violence order (AVO)

An incident occurring in supported group accommodation and involving a contravention of an AVO made to protect a person with disability – regardless of whether the order is contravened by an employee of FACS or a funded provider, a person with disability living in the supported group accommodation or another person.

Unexplained serious injury

An incident involving an unexplained serious injury to a person with disability living in supported group accommodation.

Notifications of reportable incidents

Between 3 December 2014 and 30 June 2015, we received 350 notifications of reportable incidents. As figure 52 shows, most of the notifications (207 or 59%) involved allegations of employee to client incidents. Almost one-third of notifications (107 or 31%) involved allegations of client-to-client incidents, and 10% (34) involved allegations relating to unexplained serious injuries – including fractures, extensive bruising and burns. Two notifications involved allegations of the contravention of an AVO.

Fig. 52: Notifications of reportable incidents in 2014-2015

	Notifications
Employee-to-Client incidents	207
Client-to-Client incidents	107
Unexplained serious injury	34
Breach of an AVO	2
Total	350

Notifications about employee-to-client matters

Of the 207 notifications we received about employee-to-client reportable incidents, most involved allegations of physical assault (81 or 39%), neglect (38 or 18%), sexual offences (25 or 12%) or ill-treatment (23 or 11%). Less than 10% of the employee-to-client incidents reported to us involved allegations of sexual misconduct (10 or 5%) and fraud (9 or 4%). Two notifications were assessed as being outside the jurisdiction of the disability reportable incidents scheme.

Fig. 53: Employee-to-client reportable incidents in 2014-2015

Issue	Total
Fraud	10
Ill-treatment	24
Neglect	38
Physical assault	83
Sexual misconduct	13
Sexual offences	27
Not in jurisdiction	21
Total	216

71 Facilitating better communication and support

We received a complaint from the carer of a woman with intellectual and physical disability about a disability support service that was not meeting her individual needs. The carer was concerned about a lack of communication, that the woman did not have a current individual plan, and that the service had been slow to respond to problems and to changes in the woman's needs. Communication between the service and the carer had become strained.

We worked separately with the carer and the service. We referred the carer to a specialist disability service for advice about suitable activities that could be included in the woman's plan. We spoke with the service about developing an individual plan for the woman and a communication protocol between the carer and the service about contact, notifications and providing information. The carer agreed to participate in a meeting about developing both the plan and the protocol.

We referred the matter to the service to resolve directly with the carer and her advocate. As a result of the complaint, the parties agreed on both a communication protocol and to working together on a new individual plan. We also provided feedback to the service about ways to enhance the communication protocol.

72 Resolving issues with a support service

A woman with disability complained to us that a disability support service had stopped supporting her and, as a result, she did not have any access to the community. We made inquiries with the service, and then spoke to both the service and the complainant to resolve the issues that had led to the service stopping their support for her. We also had discussions with FACS to ensure that the complainant had support to access the community.

After extensive communication with all parties over several months, the complainant received additional funding and a new program with the service provider. We also monitored these new support arrangements.

73 Providing full details to the police

We received a notification from a disability service about a support worker allegedly engaging in sexual misconduct with an adult client with disability. The information provided suggested that the alleged conduct may have constituted a criminal offence. We worked closely with the disability service to ensure they made a timely and detailed report to the police, and worked with police to ensure they had all the relevant information they needed to investigate the allegations.

Notifications about client-to-client matters

Of the 114 notifications we received about client-to-client reportable incidents, the majority involved allegations of physical assault – including assault causing serious injury (28 or 27%), assault involving a pattern of abuse (28 or 27%), and assault involving the use of a weapon (23 or 22%). Just under one-quarter of the notifications of client to client incidents involved allegations of sexual offences (23 or 22%). Five notifications were assessed as being outside the jurisdiction of the disability reportable incidents scheme.

An important part of our work is to promote best practice across the disability sector in preventing, handling and responding to serious incidents. During the year, we reviewed a number of matters in which we identified a need for improvements in the way services respond to serious incidents. These included:

- identifying criminal offences and reporting these incidents to the NSWPF
- timely engagement and ongoing communication with police
- identifying and managing risks to prevent serious incidents
- timely provision of medical assistance to alleged victims
- comprehensively assessing the cause/s of the serious incident and providing a coordinated response.

Fig. 54: Client-to-client reportable incidents in 2014-2015

Issue	Total
Assault causing serious injury	34
Assault involving the use of a weapon	23
Assault involving a pattern of abuse	29
Sexual offences	23
Not in jurisdiction	5
Total	114

Complaints about disability reportable incidents

Between 3 December 2014 and 30 June 2015, we received 21 complaints relating to disability reportable incidents. Of these 21 complaints:

- nine related to employee-to-client incidents – mainly allegations of sexual misconduct (3), sexual offences (2) or physical assault (2)
- seven related to client-to-client incidents – mainly allegations of assault causing serious injury (6)
- five related to unexplained serious injuries.

The complaints about serious incidents that have been reported earlier in this chapter relate to incidents that pre-date the start of the disability reportable incidents scheme or incidents that did not meet the threshold of a reportable incident. We handle complaints, investigate and make inquiries about a range of incidents affecting

people with disability – irrespective of whether or not they come within the scope of the disability reportable incidents scheme.

The complaints raised a range of different issues, but there were four that were the most common:

- poor communication with family members – including services not providing information about the incident/s
- delay in providing, or failing to provide, medical assistance in response to an incident and/or injury
- inadequate action by service providers to prevent incidents and manage risks
- failing to report or take action in response to unexplained serious injuries.

Improving practices in preventing and responding to serious incidents

A significant amount of our work in this area is focused on preventative and developmental strategies, including training disability support staff. Disability reportable incidents, and the related issues and trends we identify through the scheme, help to inform improvements in the disability sector and the practice of service providers. Some examples of this work over the past year are provided below.

Establishing a working group

Many of the issues in complaints relating to alleged abuse, neglect and exploitation of people with disability are challenging, complex and not easily or quickly resolved. We recognised soon after we were given this function that addressing these issues – and achieving tangible and sector-wide improvement and cultural change – would have to be done in partnership with disability leaders and key subject-matter experts within and outside the disability sector.

We decided to establish a Best Practice Working Group before the scheme started to begin working through some known issues – including complex legal, policy and practice challenges. As part of the discussions of this group, we have developed a schedule of the key issues, current and planned strategies, and areas of responsibility. This schedule includes issues relating to:

- the need for a comprehensive policy and practice framework for preventing and effectively responding to abuse, neglect and exploitation of people with disability
- pre-placement planning, assessing risk, client matching and compatibility
- staff screening and recruitment practices
- the availability of, and access to, relevant clinicians and expert advisors (including psychologists, behaviour support clinicians and mental health clinicians)
- assessing the capacity of individuals to consent to sexual activity
- reducing the use of restrictive and restricted practices, and improving practice in relation to their use, consent and authorisation
- support for victims with disability
- the response of the criminal justice system to people with cognitive impairment.

Providing education and training

Since 2012, we have run workshops with disability services staff on responding to serious incidents in a disability service setting. The training provides practical advice to enable staff to understand:

- how to identify and respond to abuse, neglect and other serious incidents
- the systems and processes that contribute to a 'client-safe' environment
- the fundamental principles and strategies for conducting an investigation
- the responsibilities of key agencies – including the NSWPF, FACS and NSW Ombudsman.

This year, we have delivered 35 workshops to approximately 720 staff of disability services. Since the start of the disability reportable incidents scheme, we have also provided a modified version of the workshop for direct care staff. This has focused on identifying, responding to and reporting incidents and the broader requirements relating to supporting people with disability in supported accommodation.

We have also given a large number of presentations to disability services, advocates, peak agencies and justice agencies to promote the disability reportable incidents scheme and its objectives.

A sample of 150 evaluations completed by participants in 2014 showed that:

- 100% would recommend the workshop to others
- 99.3% rated the workshop overall as good/excellent
- 99.3% rated the presenter as good/excellent
- 97.9% rated the content as good/excellent
- 90.3% rated the resources as good/excellent
- 96.5% agree/strongly agree that they feel confident they can implement what they have learnt in the workplace.

See page 120 for more information about our community education and training activities.

Developing guidance for direct care staff

Direct care staff are critical in the initial stages of responding to a serious incident – and their initial response can either assist or adversely affect any subsequent investigation. We have been working this year on a project to provide clear guidance for disability support workers on the early action they need to take in response to a serious incident. This work will result in:

- best practice guidelines for an initial and early response and a shorter practice guide on this topic
- a quick reference document for disability support workers who are responding to a serious incident
- a staff education package for use in team meetings
- additional information to be included in our 'Handling serious incidents in disability services' training for disability support workers.

The project has benefited from consultation with a range of key stakeholders – including police, disability services and support workers, advocates and practitioners. We aim to complete this project in the second half of 2015.

Working with the NSWPF to improve responses to serious incidents

Our work has highlighted the importance of building capacity in the NSWPF to effectively respond to serious incidents involving people with disability – whether victim, offender or witness. The recent matters we have handled have pointed to the need to work collaboratively with police and disability services staff to ensure that:

- appropriate action is taken to support people with disability (particularly intellectual disability) to give evidence
- people with disability in contact with police have access to a support person
- the police response is timely and appropriate to reports of serious incidents involving people with disability in supported accommodation
- work is done within the NSWPF to develop the skills to conduct appropriate interviews with people with intellectual disability
- people with disability are not unnecessarily brought into contact with the criminal justice system due to inadequate risk management or behaviour support and inappropriate policy requirements.

Improving practice and guidance in this area is one of the priorities of the best practice working group. This year, to promote a partnership approach to this work, we seconded a Detective Inspector from the NSWPF to the role of Director of our Disability Reportable Incidents Division for a two-year period.

Collecting, analysing and reporting on data

There is a lack of accurate and comprehensive data about serious incidents – including abuse, neglect and exploitation – involving people with disability in institutional and residential care settings. It is important to have an accurate picture of the incidence and nature of the matters that need to be reported under the disability reportable incidents scheme and the responses to them. This will help to inform the nature and scope of the safeguards necessary under the NDIS and guide broader policy and practice responses.

This year, we have done substantial work to ensure that the data system for the disability reportable incidents scheme enables us to accurately record, track and report on pertinent factors – including demographic information, disability and support needs, support provided to residents, the nature and adequacy of risk management and other actions taken in response to serious incidents, and issues arising from individual matters.

We are also looking at ways to streamline and simplify the notification process for disability services, including having electronic notifications. One option could be to build on the existing online complaint reporting system developed by Orima for the Office of the Disability Services Commissioner in Victoria, and adapted by FACS for use in NSW.

Making a submission to the Senate inquiry into the abuse and neglect of people with disability

In April 2015, we made a submission to the federal Senate inquiry into violence, abuse and neglect against people with disability in institutional and residential settings. The submission included detailed advice about the hands-on, active nature of our role in relation to the operation of the disability reportable incidents scheme, and the employment-related child protection reportable conduct scheme – and is available on our website.

Identifying emerging issues in disability reportable incidents

- **Personal care** – the importance of staff having clear written directions about the personal care each client needs.
- **Respite** – the need for proactive steps by services to minimise known risks in respite environments, including challenges in achieving staff familiarity with clients, client compatibility, and consistent client routines
- **Labour hire agency staff** – the importance of services taking action to reduce risks associated with the use of agency staff, such as using the same agency and the same staff from that agency wherever possible.
- **Behaviour supports** – the need to ensure that the whole team, including the person with disability, is engaged in behaviour support planning and reviews – not just the ‘experts’.
- **Preventing staff retribution** – the critical importance of services promoting and upholding a positive culture of preventing abuse and reporting all serious incidents

Developing a national safeguards framework

We have been working with other disability complaints commissioners across Australia and New Zealand, as well as with Commonwealth and NSW government representatives and other key stakeholders, to develop a quality and safeguarding framework for the NDIS.

In March, we participated in the NSW Council for Intellectual Disability’s (NSWCID) national roundtable on ‘Quality and safeguarding and people with intellectual disability’. In April, we attended the National Disability Complaints Commissioners’ roundtable meeting on NDIS safeguards. In May, after consulting with a range of disability representatives, we made a submission – which is available on our website – to the Australian Government Department of Social Services (DSS) on the proposal for an NDIS Quality and Safeguarding framework. In our submission, we emphasised the need for:

- individual advocacy for people with disability
- a strong and well-considered framework for providing timely, accessible and ongoing decision-making support for participants and other people with disability

- an independent, national oversight body with responsibilities that include:
 - o complaint handling
 - o overseeing the handling of reportable incidents
 - o conducting ongoing reviews into the effectiveness of aspects of the NDIS
 - o community education and training
 - o promoting access to advocacy and supported decision-making
 - o monitoring the implementation of the national disability strategy
- a national community visitor scheme
- a reporting and independent oversight system for serious incidents (including deaths)
- significant findings from any legislated reportable incident scheme to be fed into any legislative system for screening people who are applying to work with people with disability
- effective and efficient online reporting systems for complaints, serious incidents and restrictive practices.

We have also had discussions with, and provided feedback to, the Commonwealth Ombudsman and the Victorian Ombudsman in relation to their submissions, and have provided more detailed advice to the DSS on potential options for employee screening systems.

In July 2015, we made a submission to DSS on their review of the National Disability Advocacy Framework. We emphasised the need for a strong disability advocacy framework, and highlighted the vital role advocates play in providing timely, accessible, independent and ongoing decision making and other support for NDIS participants and other people with disability – particularly those without family or close friends.

Working with the NDIS in NSW

This year we have promoted our complaint-handling role to NDIS participants, their supporters, service providers and advocacy organisations in the Hunter launch site, and developed an easy English information sheet. We have attended conferences, public and stakeholder information sessions and other forums in Sydney, the Hunter, and the Nepean Blue Mountains region to explain our role in relation to the NDIS.

We have spoken with NDIS participants, their supporters and service providers in the Hunter trial site, discussing their experiences of the NDIS and our role in relation to the scheme. We held a community education and complaints outreach session, together with the Commonwealth Ombudsman, to discuss our respective complaint-handling roles for the National Disability Insurance Agency (NDIA) and NDIS-funded supports. We also held separate focus groups with mental health providers, participants and carers to discuss their experiences with the NDIS.

Issues we are exploring in relation to the NDIS

- Access to decision-making supports.
- Gaps associated with mainstream services in NSW, such as health and transport services.

- Supporting people with disability with complex needs.
- Coordinating supports across disability and mainstream services.
- Identifying and effectively responding to risks for participants, including abuse and neglect.
- Providing a coordinated and timely response to crisis situations.

Empowering people with disability

In the transition to the NDIS, it is important that early action is taken to work intensively with people with disability on:

- identifying when things are not all right and they need help
- speaking up to make complaints and report abuse, neglect or ill-treatment
- making decisions
- where to get help.

There is substantial work needed to help NDIS participants and other people with disability develop the skills they need to meaningfully exercise choice and control over their own supports, and take steps towards becoming savvy consumers. However, it would be a serious injustice to people with disability to provide information about how to exercise their rights without ensuring that appropriate supports are in place to help them to do so. This requires a comprehensive, multifaceted and proactive approach. This year we have started discussions with key parties in NSW about undertaking significant rights-based work with people with disability over the next year – involving partnerships between people with disability, advocates, complaint bodies and other key agencies.

To make our complaints-related information more accessible, we also recently produced easy English versions of three of our main fact sheets for people with disability:

- The Ombudsman's role in community services
- Handling complaints
- The NSW Ombudsman and the NDIS.

These fact sheets are available on our website.

Monitoring our recommendations

The closure of large residential centres

We are continuing to monitor the implementation of the recommendations in our 2010 special report to Parliament on *People with disabilities and the closure of residential centres*. The report emphasised the need for significant action to be taken as a matter of priority to close residential centres to enable people with disability to exercise and uphold their rights, including the opportunity to have choice and control over their lives. These recommendations included that FACS should report to us each year on:

- their progress in closing the remaining residential centres
- their actions to ensure that residents and their supporters have meaningful and direct involvement in planning for the closure of those centres.

Last year, we established a Community Living Consultation Group – made up of representatives from key agencies, academia and advocacy bodies. A key focus of the group is promoting person-centred approaches in devolution, and the meaningful engagement of residents in decision-making. This year, the group met on three occasions and discussed devolution progress and specific activities aimed at improving the involvement of residents – including pilot projects relating to supported decision-making and planning.

Improving accommodation and support for people with psychosocial disability

In November 2012, we tabled a special report to Parliament on the need to improve accommodation and support for people with psychosocial disability, known as the *Denial of rights* report. The report followed our inquiry into issues preventing the transition of people with psychosocial disability in mental health facilities back into the community – including the paucity of appropriate community-based accommodation and support options, and barriers affecting their ability to access services and support through the disability system. Our report highlighted the significant number of people who were staying in mental health facilities beyond the point at which they clinically needed to be there, and recommended urgent action by Health and FACS to address the situation.

This year we met with Health, FACS and the NSW Mental Health Commission on two occasions to obtain detailed advice on progress, and received a separate briefing from Health on key developments. We have noted substantial progress in the last 12 months, including:

- Actions by Health to progress the transition of 380 patients in existing long-term care to more appropriate community-based care – including the commitment by the NSW Government to transition up to 100 patients over the next two years.
- Actions by FACS to revise their policy about access to disability-supported accommodation, and remove its exclusion of people with disability who have a primary diagnosis of mental illness from this support.

Preventing deaths of people with disability in care

Under CS-CRAMA, we review the death of any person living in, or temporarily absent from, residential care provided by a service provider or an assisted boarding house. We focus on identifying issues that may contribute to deaths or that may affect the safety and wellbeing of people with disability in residential care, and we make recommendations aimed at helping to reduce preventable deaths.

On 29 June 2015, we tabled in Parliament our *Report of Reviewable Deaths in 2012 and 2013, Volume 2: Deaths of people with disability in residential care*. The report covers the deaths of 239 people with disability in the two-year period, including the deaths of:

- 121 people who lived in FACS accommodation
- 101 people in non-government accommodation
- 14 people in assisted boarding houses
- 3 people who lived in private or community housing with FACS (ADHC) or NGO support.

The report includes 10 recommendations – directed to FACS, Health, National Disability Services (NDS), the Department of Premier and Cabinet, and the NDIA – aimed at improving health outcomes for people with disability. Some of the key issues identified in the report relate to:

- recognising and responding to critical situations – such as identifying illness and taking action
- effectively managing individual risks – including choking, respiratory and fracture risks
- providing support to access medical treatment and support in hospital
- ensuring access to preventative health support.

Meeting the health needs of people with disability transitioning to the NDIS

Our reviewable death work over the past 12 years has highlighted significant problems in the mainstream health system (and the interface between disability and health services) that adversely affect the health outcomes of people with disability. For example we have found substantial gaps in health care coordination, poor transfer of care from hospital to home, and poor access to community-based health care and programs. Our work has underscored the considerable risks that exist for people with disability – in residential care and more broadly – if mainstream services are not ready at the point of transition to the NDIS and the associated withdrawal of NSW Government-funded specialist disability supports.

Our most recent reviewable disability deaths report includes a focus on the vital work that needs to be done as a matter of priority to address this situation and to close the gap and improve health outcomes for people with disability – ahead of the full rollout of the NDIS in July 2018. We will actively monitor the work of Health, FACS, DPC and the NDIA in relation to our recommendations.

Accessing preventative health programs

Our reviews have consistently identified the significant health risks faced by people with disability in residential care associated with smoking, obesity and other lifestyle factors such as poor diet and lack of physical activity. We have emphasised the need for people with disability to be identified as a priority group in population health strategies aimed at helping people to make healthy choices – including reducing smoking rates and obesity.

This year, we met with the NSW Office of Preventative Health and the Centre for Population Health in relation to the NSW Healthy Eating and Active Living (HEAL) Strategy. This is a NSW Health initiative aimed at reducing overweight and obesity rates across adults, young people and children in NSW through healthy eating and active living. Our discussions with Health have focused on opportunities for making preventative health programs, such as HEAL, accessible and workable for people with disability – particularly people with intellectual disability and/or mental illness living in residential care. Some of the areas we have discussed include the need for appropriate training for NSW Health staff delivering the strategies, an understanding of the role of disability support workers in helping people with disability to access the programs, and targeted resources.

We have stressed the need for input from disability support services and peak bodies including FACS, NDS, NSWCID, the NSW Mental Health Commission and Mental Health Coordinating Council. In coming months, we will be organising another meeting with the NSW Office of Preventative Health and representatives from the disability sector to progress these issues.

Working with Aboriginal communities



This section of the report outlines our work with Aboriginal communities to tackle major issues that affect the health and wellbeing of Aboriginal people. It also outlines the work of our office, led by the Deputy Ombudsman (Aboriginal Programs) to monitor the implementation of OCHRE, the NSW Government's plan for Aboriginal affairs. This work is done by staff from our Aboriginal unit, alongside staff from our strategic project division. They handle direct inquiries and complaints from communities, often received during visits and meetings. They also review the efficiency and effectiveness of service delivery, and recommend ways government and service providers can work with communities to deliver tangible improvements.

In this section

Working with Aboriginal communities103

Highlights

In 2014-2015, we:

- Monitored the implementation of recommendations to respond to child sexual assault in Aboriginal communities (see page 103-105).
- Worked with the Department of Family and Community Service (FACS), the Grandmothers Against Removal group and others to develop a set of guiding principles for communities to use in establishing working relationships with FACS districts (see page 109).
- Began to monitor and assess the implementation of OCHRE, the NSW government plan for Aboriginal affairs (see page 110).
- Continued to meet regularly with a wide range of key agencies, service providers and community groups (see page 103).

In the last 40 years, we have:

- Established the NSW Ombudsman Aboriginal unit in 1995, the first of its kind in an Ombudsman office.
- Developed and maintained strong and enduring links with Aboriginal communities across NSW, working to achieve real results and service improvements.
- Reported to Parliament on a wide range of issues impacting directly on Aboriginal communities, including: the results of our audit of the NSW Police Force Aboriginal Strategic Direction; the impact of criminal infringement notices on Aboriginal communities; improving service delivery to Aboriginal people with disability; how best to support carers looking after Aboriginal children, and responding to child sexual assault in Aboriginal communities.
- Seen the creation of the position of Deputy Ombudsman (Aboriginal Programs), and the introduction of Part 3B of the *Ombudsman Act 1974*.



Working with Aboriginal communities

Raising awareness of our work

This year, most of the activities to raise awareness of our work among Aboriginal communities have taken place as part of our role in monitoring and assessing designated Aboriginal programs – the first being OCHRE, the NSW Government's plan for Aboriginal Affairs. Our first formal report on this role begins on page 110 of this chapter.

In addition to those activities, we also gave presentations about our work with Aboriginal communities to:

- the NSW Police Force (NSWPF) Aboriginal Community Liaison Officer Conference
- the Aboriginal Disability Network Conference
- the Aboriginal Legal Service Annual Conference
- the Central Coast Aboriginal Interagency Network
- participants in the Strong Aboriginal Women community development program, delivered by the Education Centre Against Violence in the Riverina region
- Home and Community Care workers in Engadine, as part of a National Sorry Day event.

We also had information stalls at the annual Aboriginal Rugby League Knockout Carnival in October and the PCYC NSW Nations of Origin Tournament in July. During both events, we had the opportunity to promote our role to thousands of Aboriginal people and personally speak with many participants.

In March, we were proud to be invited to participate in the celebrations held by the University of Sydney, the Charlie Perkins Trust and the NSW Aboriginal Land Council to celebrate the 50th anniversary of the Freedom Ride. The Manager of our Aboriginal unit was also pleased to accept an invitation to deliver the first official 'Acknowledgement to Country' at Queenwood School for Girls in May this year.

During 2014-2015, we attended:

- The launch of the Family and Community Services (FACS) Aboriginal Cultural Inclusion Framework, and the signing of their statement of commitment to Aboriginal people and staff by the Secretary of FACS.
- A workshop on co-designing the future of Aboriginal out-of-home care (OOHC), hosted by FACS. This workshop focused on exploring ways to integrate the concept of 'home' and traditional family and cultural connections within the context of modern legal boundaries. The group will meet again later this year to further progress the initiatives identified.
- An Apology Day event hosted by the National Centre for Indigenous Excellence.
- Graduation ceremonies in Bomaderry and Dubbo for participants of IPROWD – the NSWPF's highly successful Aboriginal recruitment program.
- The graduation dinner hosted by NSW Kids and Families and the Education Centre Against Violence (ECAV) for graduates of the Certificate IV in Aboriginal Family Health.

We continue to have regular liaison meetings with key stakeholders – including the Aboriginal Housing Office (AHO), Aboriginal Affairs (AA), the Aboriginal OOHC agency accreditation team within the Office of the Children's Guardian (OCG), the Aboriginal Child, Family and Community Care State Secretariat (AbSec), the Aboriginal Disability Network, the Aboriginal Education Consultative Group, and the NSW Aboriginal Land Council – to discuss issues that affect Aboriginal people.

Responding to complaints

Each year we receive inquiries and complaints from Aboriginal people across NSW about a broad range of issues – such as education, policing, housing, community services and fines. Many of these issues are raised with us when we visit local communities, run training sessions, or go to juvenile justice and correctional centres. Our strong relationships with a number of Aboriginal organisations, peak bodies and community leaders are critical to people's confidence in approaching us about their concerns. Case studies 74, 76-80 and 82-83 illustrate some of the outcomes we have been able to achieve this year in response to complaints from Aboriginal people.

As Aboriginal young people continue to be significantly over-represented in the criminal justice system, our Aboriginal unit staff regularly join our custodial services unit staff on their visits to juvenile justice centres to provide detainees with the opportunity to speak to an Aboriginal person. This year our Aboriginal staff visited the Reiby, Orana, Cobham, Juniperina and Acmena juvenile justice centres.

Child sexual assault in Aboriginal communities

In our last annual report, we noted that although the NSW Government had indicated support for most of the recommendations in our 2012 report *Responding to Child Sexual Assault in Aboriginal Communities*, we had not been formally given detailed information about the specific actions that had been completed or were proposed in response.

In late 2014, we were advised that responsibility for coordinating the NSW Government's response to our report had been transferred from the Department of Premier and Cabinet (DPC) to FACS. In March this year, FACS advised us that agencies had made significant progress in responding to our recommendations. In June, the Minister for Family and Community Services provided us with the NSW Government's *Progress Report – Responding to Child Sexual Assault in Aboriginal Communities*. The Minister told us the progress report would be publicly released on the FACS website. This was one of the recommendations in our report.

The government's progress report outlines a range of initiatives – proposed or in the process of being implemented – that will go some way to addressing the

74 Responding to a grandmother's concerns

In late 2013, an Aboriginal grandmother contacted us to complain about the actions of Community Services in response to concerns that her young teenage granddaughter was at risk of sexual harm from a much older man she had formed a sexual relationship with. The girl was in the care of the Minister and was living with her grandmother in a kinship care placement at the time.

The Joint Investigation Response Team (JIRT) had investigated the allegation, but the investigation was suspended because the girl was not willing to make a disclosure or cooperate with police. The girl's grandmother remained concerned about the ongoing contact her granddaughter was having with the man – who had previously been the subject of an AVO that had since lapsed. We referred the complaint to Community Services and suggested they approach police about whether a fresh AVO should be sought to protect the young girl.

During the course of our inquiries, we also facilitated collaboration between police and Community Services to ensure that critical evidence was obtained that would support a prosecution. We continued to liaise with the police about the progress of the investigation, and early this year they advised us that the man had been charged with multiple child sexual assault offences.

75 Supporting the Dhiyaan Aboriginal Centre

The Dhiyaan collection was established in 1995 as part of the Moree Plains Shire Council (MPSC) Library. It has grown to become one of the largest Aboriginal culture and history collections in Australia. Last year, we reported on our role in helping to support the transition of the Dhiyaan collection to an independent Aboriginal-controlled organisation.

This year we have continued to work with Aboriginal community stakeholders, the State Library and the MPSC to progress the transition. It has been agreed by all parties that – given the current lack of funding opportunities available to the Dhiyaan Aboriginal Centre – the MPSC will continue to provide funding and administrative support to Dhiyaan until they can secure enough recurrent funding to become an independent community-controlled organisation.

A governance framework that best suits the local communities who have contributed to, and are represented by, the Dhiyaan collection will be implemented to guide its management. To facilitate this, we developed draft terms of reference to guide consultations with these communities by the Director of Dhiyaan. As a result of unforeseen developments, MPSC has had to undertake a second round of recruitment to fill the position of Director. Once this is completed, consultations will start again before the official opening of the collection.

significant issues highlighted in our report and improving the response to all victims of child sexual assault, as well as to Aboriginal victims more specifically. These initiatives include:

- releasing the OCHRE strategy
- establishing a Deputy Ombudsman (Aboriginal Programs)
- strengthening the operation of the JIRT – including the significantly increased arrest rates for child sexual assault offences as a result of an additional 30 police officers being appointed to the Child Abuse Squad
- considering a range of law reforms to better protect victims of child sexual abuse.

Enhancing JIRTs

Recurrent funding has now been provided for the permanent establishment of the JIRT Referral Unit and Bourke JIRT. The capacity of the Child Abuse Squad has also been further enhanced, with the announcement in March 2015 that an additional 50 investigators and four specialist intelligence and support staff will join the squad.

Providing better access to sexual assault services

The response to our recommendations about improving access to forensic medical examinations and other sexual assault services has been very positive, with NSW Health now providing targeted funding to enable rural and regional Local Health Districts (LHDs) to implement integrated sexual assault service models for children and adults that are tailored to local conditions. Targeted funding totalled \$334,603 in 2013-2014 and \$1,867,105 in 2014-2015, with provision made for recurrent funding of \$1,789,605 from 2015-2016. Several rural LHDs have received funds specifically for flights and vehicle costs to transport victims and medical and counselling staff.

We are also pleased that an additional New Street service is being established this year to expand the availability of specialist help for children and young people aged 10-17 who have engaged in sexually abusive behaviour. We recommended that the service be expanded and that modelling around demand be undertaken to guide this process. The modelling has now been completed and NSW Health is developing service standards to support the expansion of New Street.

Managing child protection risks

Last year we reported that FACS had acknowledged that there had been an unacceptable delay in responding to our recommendation that they should – together with the NSWPF and Corrective Services NSW (CSNSW) – develop interagency guidelines for frontline Community Services, NSWPF and CSNSW staff about their roles and responsibilities in managing child protection risks involving offenders who are on the Child Protection Register.

In August 2014, an instrument was signed by the Commissioner of Police enabling relevant Community Services staff to disclose (or approve the disclosure of) information about the criminal record of a registered offender to ensure the safety or protection of children. In

light of this positive development, we sought confirmation from FACS about whether they had finalised – in partnership with NSWPF and CSNSW – interagency guidelines clarifying the roles of frontline staff in each of the agencies and a strategy to promote awareness of these guidelines.

In early July this year, FACS gave us a copy of the interagency guidelines on information exchange relating to offenders on the register – together with a copy of the procedures they have developed for their frontline staff about responding to child protection risks and disclosing information on registered offenders. FACS also advised us that a collaborative information session for staff from all three agencies would be held in September.

Implementing criminal justice reforms

The NSW Government has announced that they will pilot the appointment of specialist judges to deal with sexual assault cases across the state. They will also trial a 'Children's Champions' program that will have qualified experts to support child witnesses through the trial process, and provide for a child's cross-examination to be pre-recorded. These are welcome and overdue initiatives that reflect recommendations in our 2012 report.

Improving data collection

Last year, we reported that the JIRT agencies were implementing a cross-agency database to improve data collection and performance monitoring. Since then, the Joint Investigation Response Tracking System (JIRTS) has been successfully implemented at the JRU and piloted in two JIRT units. It is anticipated that JIRTS will be in use statewide by the end of this year. NSW Health is also developing a statewide data collection solution for sexual assault services. A minimum data set and report specifications have been developed to address the requirements recommended in our report. Statewide implementation of the database is due to start in the second half of 2015. Also, as part of the government's *Safe Home for Life* reforms, FACS is developing 'ChildStory' – a new, more user-friendly database that helps facilitate interagency case management of children and their families – which is expected to be phased in during 2016.

Addressing Aboriginal disadvantage

Our 2012 report emphasised that preventing and reducing child sexual assault in Aboriginal communities can only be achieved in a sustainable and significant way if the underlying causes of disadvantage are addressed. We stressed the need for a stronger focus on improving educational outcomes, building economic capacity and strengthening accountability in relation to the delivery of services to Aboriginal communities – OCHRE is the main vehicle through which the government is pursuing these objectives.

Given the critical importance of preventing and effectively responding to child sexual assault, and the significant public interest in this issue, we will continue to take a

76 Improving relationships between Aboriginal community members and local police

In June 2014, we received a complaint from a group of Aboriginal Elders alleging that police in a regional town had inappropriately taken photographs of members of the local Aboriginal community involved in a mining protest, and subsequently displayed the photographs in a public area of the police station. The community members raised 11 separate areas of concern with local police and we agreed to conciliate the complaint.

During this conciliation – which resulted in a range of positive outcomes and helped build a greater level of understanding between police and the community – the police:

- Explained that the information gathered about the complainants was for a legitimate policing purpose because it was in connection with concerns raised about a potential civil disturbance.
- Confirmed that the photos had not been on display in a public area of the police station but were inside a store room that would normally be locked off. The complainants were shown the room and were able to see that the photos had been taken down and could not be seen from the public area of the station. The police acknowledged that the photos should not have been placed inside the store room.
- Confirmed that there was no entry in the COPS system relating to any of the complainants in connection with the incident.
- Agreed to make an entry on the COPS system to reflect that – rather than being opposed to the mining activity – the complainants were simply upholding their rights for cultural and spiritual sites to be protected and accessed by the custodians of the land, and were entitled to access sacred sites and conduct cultural and spiritual business within the closed forest area.

The Police Inspector involved in the conciliation said he learnt a great deal about the nature of the complainants' concerns after meeting with them, and has since been active in explaining their position to other police within the command. Relationships between the community and local police have reportedly improved considerably since the conciliation.

77 Sharing details with a family

We received a complaint from an Aboriginal OOHC agency that was responsible for managing the placements of the siblings of a child who had died several years earlier in kinship care. The siblings were subsequently removed from the placement because of concerns about the quality of their care.

The agency complained that Community Services had not provided any information about the circumstances of the boy's death to either the children's father or the agency. This lack of information had reportedly contributed to significant unresolved grief on the part of the boy's father and siblings. It was also preventing the agency from providing the siblings with appropriate assistance and support.

After we referred the complaint for local resolution, Community Services had a meeting with the OOHC agency and the children's father. At this meeting, they provided details about the circumstances surrounding the child's death and information about how the father could request a copy of the Coroner's report. They also said that they had some photographs on their files of the father and his children, taken around the time of the youngest child's death, and they gave these to the father. We understand that the OOHC agency and the father were both satisfied with the information shared with them at this meeting, and the agency is continuing to work constructively with Community Services to support the family.

78 Meeting an inmate's support needs

The relative of an inmate contacted us to find out whether arrangements could be made to allow the inmate to visit his dying mother. During the call, the relative expressed concern about how the inmate – who was not yet aware of his mother's condition – would react to the news. We explained that, for security reasons, it was unlikely that a visit could be arranged. However we said we would contact the correctional centre to ensure the inmate received appropriate support when informed about his mother's prognosis. As a result of doing this, we were authorised to provide the centre manager's direct phone number to the inmate's relative so that she could contact the manager about her concerns and discuss options for providing the inmate with support. The relative was very satisfied with this outcome.

strong interest in further progress towards achieving the reforms we recommended in *Responding to Child Sexual Abuse in Aboriginal Communities*.

Supporting place-based service delivery

In response to our 2012 report, the NSW Government is committed to developing and implementing place-based service delivery reforms in Aboriginal communities, and have launched a number of initiatives to better identify and meet local needs. The DPC has the lead in developing and implementing these through their service delivery reform initiative.

For example, the Far West Initiative (FWI) aims to develop a new whole-of-government model for service delivery and governance in Far West NSW. In February this year, DPC invited us to address a forum they convened on the FWI. They asked us to talk about the findings from our reports into service delivery to Aboriginal communities and why it is critical to develop a place-based service delivery strategy that is underpinned by a robust governance structure. We will continue to liaise with DPC in order to support this important work.

Given the extent and reach of the services they fund and provide, FACS also has a critical role in place-based service delivery. This year they have launched 'co-design projects' in a number of their districts, including Western Sydney, Nepean Blue Mountains and Central Coast. These projects are designed to bring together local stakeholders to work on developing solutions that respond to the needs of local communities, with a particular focus on improving outcomes for vulnerable children and their families. In April this year we were invited by FACS to participate in a co-design workshop in the Central Coast district. We are closely monitoring developments in this district and others. It will be particularly important to ensure that co-design is linked with the FWI.

In the Illawarra region, FACS and other agencies are working in partnership with the local community in Nowra on improving wellbeing outcomes for Aboriginal families – with a current focus on educational engagement for Aboriginal children under the age of nine. The initiative is aimed at identifying new ways of funding and delivering services, such as a multi-agency response to pooling resources. Authority will be given to local community leaders to test governance models and strategies that improve service delivery for Aboriginal children and families.

In Western NSW, FACS is working closely with several Aboriginal communities to identify how they can operate more effectively and in partnership with community leadership – see page 108 for recent developments in Bourke. The implementation of the Department of Education's *Connected Communities* strategy in 11 locations across NSW also provides a strong platform to pursue a place-based approach to service delivery in high-need communities. For our observations on the rollout of Connected Communities so far, see page 112.

Positive progress has been made by government agencies that have shown a genuine willingness to explore new ways of engaging with the communities they service. It will be important to ensure that any successes and failures are informing work unfolding elsewhere and are appropriately integrated within an overarching interagency governance structure. For example, the governance models being examined through co-design and the FWI should involve the local decision-making governance bodies in relevant locations – the Murdi Paaki Regional Assembly in Far Western NSW and Barang on the Central Coast being established via OCHRE. Without strong and rationalised governance arrangements, there is a risk that the weaknesses which place-based service delivery approaches are intended to remedy will instead be reinforced.

Strengthening relationships between FACS and Aboriginal communities

An Aboriginal Cultural Inclusion Framework

One of the most significant changes made by ADHC in response to our 2010 report about improving service delivery to Aboriginal people with disability was the creation of an accountability and monitoring framework for ADHC's work with Aboriginal communities, including establishing an Aboriginal Advisory Council.

Last year we reported that FACS intended to expand the accountability and monitoring framework established by ADHC, and in December 2014 they released the *FACS Aboriginal Cultural Inclusion Framework 2015-2018 (ACIF)*.

The ACIF aims to measure success over four years by:

- Increasing the participation rate of Aboriginal people receiving individualised and community care support packages, investment in viable Aboriginal non-government organisations and businesses, and the proportion of Aboriginal employment in FACS.
- Decreasing over-representation of Aboriginal people who are homeless and/or experiencing repeat homelessness, Aboriginal children and young people who are at risk of significant harm, and Aboriginal children in OOHC.

These indicators will be integrated into FACS business planning and reporting, and evaluation will occur annually. We will closely monitor the outcomes achieved by the ACIF. It will be important for FACS to publicly report data on service usage by type and district.

The discussion of our work with Grandmothers Against Removals below illustrates how the objectives of the ACIF can be realised on the ground.

79 Helping a young person to access information

A young Aboriginal woman in an informal OOHC arrangement contacted us with a range of questions and concerns about her care arrangements and those of her siblings, who were placed with different carers. In particular, she wanted to discuss her lack of contact with her siblings and the proposed care arrangements for her youngest siblings. The young woman felt that, because she was Aboriginal and not an adult, her questions to various agencies were not being taken seriously and she was not being treated fairly.

After we made inquiries with Community Services and the relevant OOHC agency, the young woman received an apology and responses to each of her questions from Community Services. The OOHC agency caring for the young woman's siblings also developed a comprehensive contact plan to make sure that the children had regular contact with their sister.

80 Making progress with a carer assessment

An Aboriginal woman who wished to become the authorised carer of her grandchildren complained about Community Services' delay in completing her carer assessment. The woman was concerned that her grandchildren, who were living with a non-Aboriginal carer, were missing out on cultural experiences. We contacted the manager of the relevant Community Services Centre (CSC) and within three days the manager had spoken to the woman, explained the reasons for the delay, and provided advice about the further steps that needed to be taken to progress the carer assessment. The manager also undertook to ensure that a cultural care plan was developed for the children.

81 Increasing school readiness in Bourke

The Early Years Transition Centre at Bourke Public School was initially funded under the Connected Communities Infrastructure initiative and continues to be funded from the school budget to employ teachers and an Aboriginal Education Officer to provide services to the children of Bourke. The centre provides four-year-old children with exposure to school and educational routines before starting kindergarten. It has a strong focus on early intervention – with vision and hearing checks, occupational therapy and speech pathology services available. Since the centre's establishment, enrolments at both the school and Early Years Transition Centre have significantly increased. The Senior Leader, Community Engagement has played an instrumental role in achieving this by 'door knocking' local families to promote the centre and its benefits. Members of the Aboriginal Local School Reference Group have reported that children accessing the service have displayed significant progress and increased school readiness.

Making progress in Bourke

In 2010 we undertook an inquiry into service delivery to the Bourke and Brewarrina communities after community representatives approached us with a range of concerns. Our report to Parliament made several recommendations and since its release, we have carefully monitored developments.

Since our last annual report, significant progress has been made in Bourke to implement a different approach to delivering services to vulnerable children and families. At the end of May, the Maranguka Community Hub officially opened. The hub is a multi-purpose centre where families can come as a first point of contact to discuss issues or problems they may be experiencing, and to seek help in accessing appropriate assistance for their needs. It is intended to simplify referral pathways and access points.

The Western NSW Family Referral Service (FRS) will have two staff at the hub. FACS Western NSW District provided the premises and will also place a caseworker and an administration assistant there. Western NSW Local Health District will also contribute to the hub. More recently, a federal agency has agreed to look at providing financial support to Maranguka to enable it to employ a senior operations manager. The leadership of the FACS Western NSW District Director and CEO of NSW Kids and Families in establishing the state's first joint community and agency family referral service should be commended.

In addition to helping agencies and community leaders to get the Maranguka Community Hub off the ground, we have provided advice and feedback on a range of implementation issues. For example, we gave feedback to the Chair of the Bourke Aboriginal Community Working Party (ACWP) and the CEO of NSW Kids and Families on the Community Hub Interagency memorandum of understanding (MOU). Our feedback on the draft MOU emphasised that the role of Bourke primary and high schools should be explicitly included – as both are participating in the Connected Communities strategy, which envisages schools being at the centre of local service delivery. A FRS worker will be based at Bourke High School which is a positive development.

We have also been supporting the Bourke ACWP and the Bourke Just Reinvest Committee to develop a community report card for Bourke. A proposal has recently been developed to establish a strategic data action group – under the auspices of Maranguka – to have ongoing responsibility at the local community level for informing and enacting the Bourke ACWP's community action plan (CAP) in accordance with the Australian Government's Community Development Program (CDP), which has recently replaced the Remote Jobs and Communities Program.

The proposed data action group will collect, collate, analyse and report on education, employment and economic development data relevant to the objectives of the CDP – as these objectives relate to Bourke and its surrounds. We have provided feedback and advice to the

committee to support various data requests to government agencies. It is encouraging that the Premier has recently appointed the Minister for FACS as a cross-portfolio Government Champion for the Justice Reinvestment Initiative in Bourke and has asked that, as part of this role, he oversee the resolution of difficulties in accessing critical data.

More recently, we have helped to develop two new strategies for improving discrete areas of service delivery in Bourke. We have engaged with the Chair of the ACWP, the AHO and AA about establishing an 'Appropriate and affordable housing sector strategy'. This strategy is intended to produce a sustainable housing model that provides Aboriginal people with choice, reduces overcrowding and homelessness, and generates local economic development. It will also include measures aimed at strengthening local governance and operational capacity to deliver on the strategy's overarching objectives. The AHO has agreed to be the lead government agency responsible for working with the community to develop the strategy, with a detailed environmental scan being the first step. The Accord between the NSW Government and the Murdi Paaki Regional Assembly – developed under the OCHRE local decision-making model – will be used as the key accountability mechanism for driving the strategy, which is planned for release in March 2016. An annual community report card is proposed to keep the community informed about progress.



We have also been providing support to the Energy & Water Ombudsman (EWON) to establish a strategy to help Aboriginal households in Bourke to reduce and manage their energy costs. We have provided advice about developing the strategy and helped EWON to form a partnership with the Maranguka Community Hub, NSW Aboriginal Land Council, AHO and Good Shepherd Microfinance. This strategy will include an education campaign targeted at existing and new Aboriginal housing tenants, as well as Aboriginal communities more broadly, about ways to reduce and manage energy costs. These include using efficient sources of energy and appliances, using payment plan options, promoting energy provider assistance programs and government rebates, and accessing no or low interest loans schemes such as NILS and StepUP.

Working with GMAR

In early 2014, the Grandmothers Against Removals (GMAR) group formed in Gunnedah to provide an avenue for concerned grandmothers to have a say about the implementation of child protection practices in the Gunnedah community. In particular, the group wanted to improve the level and manner of communication between Aboriginal families and FACS.

Over the last 12 months, we have worked with FACS and GMAR to establish a working group and develop a set of guiding principles. The process to date has required hard work and goodwill from all parties and has involved negotiating complex and sensitive issues. As a result of our ongoing discussions, the group's structure and objectives have evolved. They now see themselves as an advisory group for communities and individuals needing assistance, and have changed their original terms of reference to a set of guiding principles for individual communities to use in establishing working relationships with FACS districts. The principles also provide for the establishment of a statewide advisory group – which includes the GMAR and other community leaders – to oversee the implementation of the principles across the state.

The guiding principles envisage Aboriginal communities forming their own local advisory groups to:

- Ensure Aboriginal communities participate in decision making about the care and protection of Aboriginal children, as required under the Act and the FACS ACIF.
- Support Aboriginal families and reduce the number of forced removals of Aboriginal children from their immediate and extended families.
- Improve the access of Aboriginal people to local services and supports.
- Develop pathways of family restoration for Aboriginal children currently in OOHC.

We are working with FACS, AbSec and GMAR to plan an event to formally launch the guiding principles later this year.

Supporting Aboriginal out-of-home care agencies

The transfer of statutory OOHC responsibilities to the non-government sector has led to a significant expansion in the number of Aboriginal OOHC agencies. This means it is critical to develop the sector's capacity to identify and adequately respond to allegations of child abuse. We continue to undertake a range of activities to help Aboriginal OOHC agencies to meet their child protection legislative obligations.

We have visited a number of Aboriginal OOHC agencies over the last two years to promote awareness of the reportable conduct scheme, our role and agency responsibilities. We deliver tailored employment-related child protection workshops for providers, and arrange for local police crime managers to attend the workshop to discuss how the agencies can work with police when handling serious allegations.

Aboriginal agencies have participated in our training courses on handling reportable conduct more so than mainstream OOHC agencies. It is important to recognise the pivotal role AbSec has played in funding and promoting this training. We also provide the AbSec Board with figures relating to notification rates for employment-related child abuse allegations by their member agencies to reinforce reporting obligations and the need to promptly address risks.

Our Aboriginal unit works closely with staff from our employment-related child protection division to provide advice and support to Aboriginal agencies about making notifications to our office, handling investigations, liaising with police and ensuring they manage risks appropriately. Many of the agencies – particularly those who have attended our training courses – feel comfortable calling our staff for advice and a number of them have benefited from our hands-on support. By not taking a punitive approach, agencies are more likely to contact us and let us know if they may have failed to report notifications to us within the required timeframe. We also collaborate closely with the Aboriginal agency accreditation team at the OCG to ensure our work is complementary.

Developing the capacity and expertise to conduct reportable conduct investigations – particularly those that involve criminal conduct – is a significant challenge for the sector. Increasingly, Aboriginal OOHC agencies will need to work alongside police in investigating and responding to allegations of reportable conduct against carers that may involve criminal offences.

In December 2014, we hosted a forum in partnership with AbSec to strengthen understanding of the respective responsibilities of Aboriginal OOHC agencies and the NSWPF in responding to reportable allegations under Part 3A of the Ombudsman Act and build closer relationships between police and Aboriginal communities.

The forum was attended by 160 participants from Aboriginal OOHC agencies, police, FACS, the OCG, and the Association of Children's Welfare Agencies. A range of presenters provided participants with information about key components of the reportable conduct scheme and agency responsibilities. The forum also gave local police and Aboriginal OOHC agencies an opportunity to develop relationships, share information, and discuss ways of working together in the future.

To keep the momentum generated by the forum going, a number of the outcomes and commitments will be built into the monitoring and accountability framework for the NSWPF's *Aboriginal Strategic Direction* (ASD). For example, police will invite their local Aboriginal OOHC agencies to participate in their Police Aboriginal Consultative Committees across the state (PACC). In addition, 'strengthening the relationship between Aboriginal OOHC agencies and police commands' will be a standing agenda item for the Police Aboriginal Strategic Advisory Committee (PASAC) forum for 12 months, so that good practice and systemic concerns continue to be identified and acted upon. Both our office and AbSec are members of the PASAC.

Diverting young offenders

For many years, we have worked with police and other agencies to ensure that young Aboriginal offenders have appropriate access to the diversionary measures available under the *Young Offenders Act 1997*.

Earlier this year, the NSWPF updated their *Aboriginal Strategic Direction 2012-2017* to include 'Aboriginal Youth Offending' as a new, standalone priority aimed at delivering a number of outcomes. These outcomes include reducing drug and substance abuse, diversion from the criminal justice system by applying the Young

Offenders Act, reducing the incidence of youth homelessness and school truancy, and increasing health and safety for gay, lesbian, bisexual, transgender, queer and intersex (GLBTQI) Aboriginal young people.

We are pleased that police have responded positively to our suggestion to include additional outcomes and that the updated ASD incorporates most of the feedback we provided on an earlier draft. The robust accountability framework underpinning the ASD will help to ensure a more strategic and effective approach to police efforts to engage positively with young offenders – and enable these efforts to be measured.



Danny Lester (Deputy Ombudsman, Aboriginal Programs) (far right), Steve Kinmond (Deputy Ombudsman/Community and Disability Services Commissioner) (second from right), Julianna Demetrius (Assistant Ombudsman, Strategic Projects) (seven from left) and Laurel Russ (Manager, Aboriginal unit) (six from left) at the meeting of the Police Aboriginal Strategic Advisory Committee (PASAC) in Nowra on 21 November 2014.

Monitoring Aboriginal programs

Since July 2014, we have had legislative responsibility under Part 3B of the Ombudsman Act for monitoring and assessing designated Aboriginal programs. Daniel Lester was appointed in October last year as the inaugural Deputy Ombudsman (Aboriginal Programs) to lead this function, and improve transparency and accountability for the provision of services to Aboriginal communities and the outcomes they deliver.

Our strategic projects division – which is headed up by an Assistant Ombudsman and houses our Aboriginal unit – supports the Deputy Ombudsman to implement the Part 3B function and ensure that it is integrated with our broader role monitoring the delivery of community services and handling complaints about police and other public authorities.

The first program we are responsible for monitoring is OCHRE – the NSW Government's plan for Aboriginal Affairs, which was launched in April 2013. It has a strong focus on education, economic development, language and culture, Aboriginal participation in the design and delivery of services, and strengthening governance and accountability.

OCHRE includes six key initiatives: Local Decision Making (LDM); Connected Communities; Opportunity Hubs; Industry-based Agreements (IBAs) and other Aboriginal economic development initiatives; and Aboriginal Language and Culture Nests (Nests).

Another important area we monitor is the extent to which OCHRE is delivering on its commitment to advance the dialogue in NSW about trauma and healing, and ensure

that the government adequately responds to these issues by making ongoing changes to the way it works with Aboriginal communities.

Through Aboriginal Affairs (AA), the Department of Education is responsible for coordinating the implementation of OCHRE. AA also leads the LDM, healing and Aboriginal economic development initiatives (including IBAs). The School Operations and Performance directorate of the Department of Education leads the delivery of Connected Communities and Aboriginal Language and Culture Nests (the latter in partnership with the Aboriginal Education Consultative Group or AECG), while State Training Services within the Department of Industry are responsible for implementing Opportunity Hubs in partnership with contracted service providers. Aboriginal communities are key partners to all of the initiatives.

The focus of our monitoring and assessment role is to provide strategic and timely feedback to agencies to enable them to address any shortcomings or gaps that may affect the capacity of OCHRE to meet its objectives. For example, we have provided comprehensive feedback to inform the Aboriginal Economic Development Framework (see page 115) and the Aboriginal Participation in Construction policy (see page 115). Both documents aim to increase the economic capacity of Aboriginal communities.

We have also provided substantial feedback to AA on their approach to evaluating OCHRE, including providing advice on the ongoing development of the evaluation plans for individual OCHRE initiatives. We commend AA for their commitment to ensuring that high quality participatory practice is the centrepiece of the OCHRE evaluation framework, and appreciate that genuine

community involvement in its development takes time. However, we are concerned that it took almost two and a half years after the release of OCHRE for the Monitoring Evaluation Reporting and Improvement (MERI) framework to be completed.

The MERI framework was released for tender on 18 August 2015 to identify an organisation to conduct an independent evaluation of the Aboriginal Language and Culture Nests, Industry-based Agreements, Opportunity Hubs and Local Decision Making. An early priority will be confirming with local Aboriginal communities and other key stakeholders that the outcomes being sought from each initiative remain relevant and appropriate. The Centre for Education Statistics and Evaluation in the Department of Education is separately evaluating the Connected Communities initiative.

AA also publishes an annual report about progress in implementing OCHRE, which can be found on their website.

Our observations about OCHRE are informed by regular engagement with Aboriginal peak bodies and leaders, together with the agencies and partners responsible for implementing and coordinating the various initiatives. We can also formally require agencies to provide us with information we need to carry out our role. For example, this year we issued a comprehensive information requirement to the Department of Education to obtain relevant details to help us assess the implementation of OCHRE to date.

A key priority for us is directly observing progress in locations where OCHRE initiatives are being implemented. During the first year of our new function, we visited 16 communities – Brewarrina, Boggabilla, Bourke, Campbelltown, Cobar, Coffs Harbour, Condobolin, Coonamble, Dubbo, Lightning Ridge, Lismore, Moree, Tamworth, Toomelah, the Upper Hunter and Walgett – to explain our monitoring function and the role of the Deputy Ombudsman (Aboriginal Programs), and to hear directly from community members and other stakeholders about how OCHRE is being implemented 'on the ground'. Further visits will take place in the second half of 2015.

We also try to facilitate solutions before problems escalate to formal complaints. We do this by acting as an 'honest broker' between parties to identify practical ways of resolving concerns, complementing AA's formal 'solution broker' role under OCHRE. Examining the outcomes achieved by AA, together with the effectiveness of the whole-of-government governance arrangements for OCHRE and related initiatives, will be a key focus for us as we enter our second year of monitoring.

Another important aspect of our role is identifying, supporting and bringing forward information about good or promising practices – whether in OCHRE locations or elsewhere across the state or country – that could be considered for wider implementation. Our ongoing work with the Bourke community is a good example of this approach and case study 86 provides another. Regular, ongoing feedback is particularly important given that OCHRE involves unprecedented approaches to doing business with Aboriginal communities and envisages gradual progress occurring over the long term.

The rest of this chapter documents our key observations about the implementation of OCHRE over the past year.

82 Transferring case management arrangements

An Aboriginal woman who was the authorised carer for a young child told us she had received excellent support from her local CSC. When the woman subsequently began caring for the child's sibling, responsibility for the sibling's case management remained with another CSC some distance away. The woman was not happy with the support she received from this CSC and applied to have case management of the child transferred to her local centre. She also requested reimbursement for the child's medical costs. The woman contacted us after failing to receive a response to her requests. After our inquiries with Community Services, the child's case management was transferred and the woman was reimbursed for the medical costs.

83 Assisting a mother to obtain carer support

An Aboriginal woman asked for our help in obtaining support to help her care for her daughter, who has an intellectual disability and had been recently returned to the woman's care. The woman was also caring for her mother. Although she had taken steps to obtain support from a number of medical, child protection and legal organisations, her efforts to date had been unsuccessful.

After we provided the woman with information and advice, she expressed confidence in contacting the OOHC agency previously responsible for her daughter's care to follow up several issues. We also referred the woman to a disability advocacy service. After contacting her to ensure she had received the necessary assistance, the woman told us that – although she was satisfied with the OOHC agency's response – she had not heard from the advocacy service. We then liaised with the service to ensure they contacted the woman.

84 Addressing student wellbeing in Coonamble

Coonamble Public School has formed a family wellbeing team to focus on addressing all aspects of student wellbeing, from uniform compliance and class attendance to identifying children at risk or experiencing complex needs. The team's work is helped by the prevailing school culture that encourages every teacher to focus on wellbeing – for example, teachers are released from face-to-face teaching for four hours a week to do positive activities with the community.

The Executive Principal has also taken the initiative to engage in-school psychologist services to address the significant emotional needs of students at the school that were previously unable to be met by a part-time school counsellor. In addition, referral teams link students to learning support teams within the school and other services outside the school as required – including local NGOs, the hospital and the Aboriginal Medical Service.

85 Improving outcomes for Aboriginal people in Condobolin

In 2014, we became aware that Aboriginal leaders from Condobolin had established a partnership between the community and a mining company – resulting in the creation of the Wiradjuri Condobolin Corporation (WCC). The partnership has delivered a range of positive outcomes, including encouraging significantly more Aboriginal young people to finish school and access training and employment opportunities provided by the mine. In light of this, and the similarities between the partnership's key focus areas and many of the objectives being pursued by OCHRE, we helped bring Condobolin to the attention of the then Minister for Aboriginal Affairs. We wanted him to examine the ingredients of its success and to explore how government could leverage off the strong community leadership to further improve outcomes for at-risk children and their families.

Rather than pursue royalties from the mine, the WCC sought resources for employment, education and training in the community and to benefit the wider Wiradjuri region. They have since built a beautiful community centre and garden and have established a business hub. This hub has created a number of spin-off businesses/ community development projects – including cleaning, composting, compressed bricks, Wiradjuri designs, furniture and postal services. The hub has also previously pursued an eco-housing project and held a contract for transport and logistics services, and intends to renew these businesses again in the future.

Another component of the WCC is the Wiradjuri Skills Development Centre (WSDC). The WSDC aims to attract 1,000 students a year from the Wiradjuri region to participate in a range of nationally recognised vocational courses. With the aim of creating a skilled workforce targeted to mining job opportunities, WSDC is partnering with Indigenous Training and Careers Australia to explore providing training operations for a number of communities across NSW. WSDC has also recently partnered with the Vincent Fairfax Foundation to employ an engagement officer to increase retention rates and help high school students to transition into training and vocational courses. In 2014, 18 Aboriginal students completed year 12. Through the Wiradjuri Scholarship Program, 31 young Aboriginal people have been supported to attend university to study in diverse fields including nursing, teaching, human movement and exercise, community service, media and communication, and aged care.

The WCC also established the Wiradjuri Study Centre (WSC) in 2011 to promote the study and understanding of Wiradjuri culture. The WSC has worked closely with the local schools in Condobolin to implement a school based

Connected Communities

In our 2011 report to Parliament about addressing Aboriginal disadvantage, we identified the urgent need for more to be done to improve school attendance and more effectively engage Aboriginal children in the education system. In a range of other reports since 2010, we have also emphasised the need for a place-based approach to service delivery in high need communities, and the pivotal role that schools can and should play in helping to identify and respond to the most vulnerable children and young people in their communities.

When the Connected Communities strategy was launched in March 2012, we recognised it was a promising initiative with the potential to address many of the concerns we had identified. The strategy aims to build genuine partnerships between schools and their local Aboriginal communities, and gives executive principals unprecedented authority to tailor education responses to the needs of those communities. Participating schools are intended to operate as 'service hubs', playing a lead role in identifying the most vulnerable Aboriginal families and ensuring they are connected with the necessary supports.

Promising progress

During 2014-2015 we visited seven of the 15 schools participating in the Connected Communities strategy. In many cases, it was clear that the schools are the 'heart and soul' of their communities – providing a safe and positive place for students, many of whom are highly vulnerable. This observation was particularly true of the primary schools we visited. We have been impressed with the level of dedication of staff and local communities, and have seen a range of innovative practices aimed at re-engaging children and young people (and their families) with education by making school a positive and meaningful experience. A strong theme emerging from our consultations has been the valuable role that local businesses, particularly those in the agricultural/ farming sector, are playing in a number of locations such as Coonamble.

In almost all the locations we have visited, we have received extremely positive feedback about the value of the Leader, Community Engagement role. In some places such as Bourke (see case study 81), the position has been instrumental in the capacity of schools to effectively reach out to vulnerable families and increase their engagement with the education system. We have also identified some very robust Aboriginal School Reference Groups that are providing valuable advice to schools – demonstrating the value for schools in developing strong relationships with community leaders and identifying practical ways to use their skills, experience and feedback.

Ongoing challenges

The extent of the significant challenges facing many of the communities in which Connected Communities schools are located has also been clear to us from our visits and consultations. In some instances, particularly in the case of Walgett, these difficulties have received significant media attention. We have welcomed the commitment shown by the Department of Education's Secretary and Executive Director, Connected

Communities, to working directly with Walgett Community College and other community stakeholders such as the NSW Police Force, Walgett Shire Council, Walgett Aboriginal Medical Service, the local School Reference Group and others to address a range of problems. For example, the Police-Citizens Youth Club has relocated onto school premises to strengthen its capacity to positively engage with students. Renewed effort has been directed towards recruiting key positions at the school, major capital works are being undertaken, and the federal Remote Schools Attendance Strategy is being implemented.

Other strategies are being pursued to improve in-school behaviour and the quality of teaching and learning offered. For example, a Healing and Wellbeing program has begun being rolled out at Walgett Community College, with a focus on enhancing staff wellbeing as well as opening opportunities for Aboriginal students and/or community members to engage in further study options in the areas of counselling and youth work. It will be critical for these commitments and efforts to translate into real improvements for students, including regular school attendance and better educational outcomes.

We have emphasised that, for this to happen, it will be crucial for the Department of Education to make ongoing engagement with a broader cross-section of the local community a priority. We will continue to closely monitor the situation in Walgett to assess progress. It is important to stress that – although schools have a critical role to play in addressing entrenched disadvantage in vulnerable communities – they (and the Connected Communities strategy itself) cannot on their own successfully resolve a range of complex issues. These require a holistic, long-term, whole-of-government and community approach. The need to implement a place-based service delivery strategy in high need locations has been a consistent theme of our reports, and an ‘intelligence driven’ approach to child protection should be a core feature of that strategy. Systematic identification of children at risk and proactive information sharing between schools and other agencies is vital to linking vulnerable young people and their families with early intervention, child protection and other services.

In our visits to Connected Communities locations, we have seen examples of positive interagency cooperation to identify and coordinate a response for certain children at risk. For example in some places, the Executive Principal attends regular case conferences with other agencies including NSW Police Force, Juvenile Justice, FACS and NSW Health. In Bourke, a proposal to co-locate a worker from the new Maranguka Community Hub – which provides an Aboriginal family referral service – on high school grounds is also being considered. In other locations, such as Toomelah (see case study 86), schools are using their own resources to take direct responsibility for case managing children and their families.

Although these and other place-based initiatives are valuable, there is still significant work to be done to embed a genuine place-based service delivery strategy in high need communities. Regardless of the level of commitment shown by individual schools to implement Connected Communities, they will struggle to effectively function as the ‘service hubs’ envisaged by the strategy without a broader commitment by government agencies to substantially reform the way services are planned, funded and delivered to vulnerable communities and to implement

language and culture program. This has included developing appropriate teaching aides – such as a Wiradjuri language application or ‘app’ that students and teachers can access on their mobile phones – and engaging recognised language experts to compile the first Wiradjuri-English dictionary. Recently the Commonwealth Attorney-General’s Department announced it will continue funding the WSC’s language project for another four years, which will allow the centre to work with other language groups across the state, including by sharing the WSC’s app. The WSC plans to establish an arts centre to promote local Aboriginal artists and provide cultural appreciation training to public, private and community sector organisations in the region.

In May this year we were invited to visit Condobolin to observe at first hand this impressive work. During our visit several Aboriginal leaders told us that, despite the very positive outcomes achieved from establishing the WCC, they were concerned that funding for a community-driven youth engagement program – which helped keep students engaged in school and linked in with school-based traineeships – had dried up, and had contributed to a drop in school attendance and retention rates. We learnt that a recent decision to sell the mine also had the potential to put at risk what has so far been a strong and productive partnership between the community and the private sector. The leaders observed that, although they had been able to achieve a great deal so far without government assistance, they were becoming increasingly concerned about the growing number of children and young people at risk in the community and were now in need of government support.

They have been exploring options, and recently established a partnership with the Back Track youth program in Armidale, and are looking at ways to implement a similar youth program to engage young people in Condobolin. The WCC is also working to establish a support network for young people in Years 10-12 in conjunction with the schools.

We helped to arrange for a non-government organisation (NGO) – that employs senior Aboriginal staff with a strong record in capacity building and delivering child and family programs – to meet with the community and see what support they could provide. As a first step, the NGO agreed to help the leaders develop their plan for addressing the needs of children and young people in Condobolin. We have also agreed to facilitate a meeting between the community and local agencies/service providers to develop an integrated approach to responding to the needs of vulnerable children and families in Condobolin.

86 Providing case management at Toomelah

Toomelah Public School has been making innovative use of its Learning and Support Teacher (LaST) to intensively case manage students and their families. Recently the position has been renamed LaST and Wellbeing Teacher to better reflect the role and new wellbeing funding allocated for a component of it. Beyond supporting classroom learning and behaviour management, the LaST and Wellbeing Teacher organises referrals, sources relevant supports, and accompanies students and family members to medical and other appointments. This ensures that vital learning assessments and referrals to necessary services are occurring. As a result, the school has experienced increased enrolments and attendance and significant improvements in the behaviour and learning capacities of many students. Parents and carers have also reportedly gained increased confidence engaging with the support services they and their children need. The capacity of families to support their children's learning has also been strengthened as a result of direct engagement with the LaST and Wellbeing Teacher, observing the learning support techniques she applies.

87 Tamworth Opportunity Hub

In Tamworth, the Opportunity Hub is delivered by the Local Aboriginal Land Council (LALC). Seven partner community organisations came together to help the LALC develop the initial funding proposal for the Hub, and have subsequently formed its advisory and governance structure. We understand that this partnership approach has provided significant ongoing benefits for the Hub. Since the Hub was established, the partners have been meeting bi-monthly and MOUs have been negotiated between the Hub and each of the consortium partner organisations – AECG, Joblink Plus, Centacare/Headspace, Tamworth Regional Council through the Tamworth Youth Centre, Careers Network Inc, Aboriginal Employment Strategy and Tamworth Family Support Services. The consortium approach has clearly enabled the Hub to draw and build on existing networks and programs servicing the local community. For example, Hub staff have identified students to take part in school based apprenticeships and traineeships run by the Aboriginal Employment Strategy and the Hub has a satellite presence at the new youth centre.

robust governance arrangements to facilitate this. In turn, it will be difficult for Connected Communities to demonstrate the sustainable, systemic gains envisaged at the outset of the strategy. Its effectiveness will also be undermined unless considerable progress occurs in other key service areas. For example, in 2012 we recommended the need to develop a whole-of-government response to vulnerable adolescents – but to date this has not yet occurred.

Responding to mental health needs

A related area requiring urgent action is access to adequate child and adolescent mental health services in rural and remote locations. This was repeatedly identified as a priority by all the executive principals of Connected Communities schools that we met with this year. A high proportion of students attending these schools have experienced significant trauma or present with considerable mental health needs. Although some schools have had the benefit of access to mental health assessments for students, limited or no access to ongoing treatment services has been reported as a significant problem. It is abundantly clear that the existing availability of school counselling services is inadequate to meet the needs of young people, particularly adolescents. Greater access to more counsellors as well as other mental health professionals, including psychiatrists and psychologists, is required to ensure appropriate diagnosis and treatment and facilitate ongoing educational engagement and achievement. Case study 84 shows how Coonamble Public School is attempting to fill the current gap.

Making sure there are adequate numbers of counsellors and other mental health supports for schools is essential if they are to play a role in improving the wellbeing of, and educational outcomes for, many of their students. We have raised this issue with the Mental Health Commissioner and the Children's Advocate. We have agreed to work with the Mental Health Commissioner to advocate for changes to job classifications which require school counsellors to hold both teaching and psychology degrees (the equivalent of eight years study), as this appears to be a key barrier to increasing the number of Aboriginal people qualifying for school counsellor roles. We will also continue to jointly press that the resources promised under Education's Wellbeing Framework - an additional 236 FTE school counsellors across the state, and an additional \$8 million over four years for healing and wellbeing in Connected Communities schools – must reach schools in high need locations as soon as possible.

The new funding for the Connected Communities Healing and Wellbeing Model will be used over four years to improve student wellbeing, provide additional counselling support and build the capacity of students and communities to deal with challenging situations and distressing events. The investment will complement the existing Connected Communities schools program by incorporating three components:

- Student wellbeing – including increased counselling support
- Staff wellbeing – consisting of a tailored program to build staff resilience and skills
- Community wellbeing – building the capacity of community members through a tailored training program.

The program will be introduced in phases, with the staff wellbeing program currently being introduced into the Connected Communities schools and the student and community wellbeing programs following. The Connected Communities Healing and Wellbeing Model recognises the important role that schools can play in positively influencing communities.

Economic development

In our 2011 report to Parliament, *Addressing Aboriginal disadvantage – the need to do things differently*, we argued that substantial progress to build the economic capacity of Aboriginal communities was needed, and that to achieve this, a coordinated statewide approach should be implemented. OCHRE includes a number of initiatives that seek to improve economic development outcomes for Aboriginal people – including the development of an Aboriginal Economic Development Framework (AEDF) to coordinate whole-of-government actions, IBAs between the government and peak industry bodies to lift Aboriginal employment and business opportunities, and Opportunity Hubs to better coordinate employment and training opportunities between schools, local businesses and communities.

We have provided detailed feedback to AA in response to an early draft of the AEDF, including suggesting that:

- A single agency be given responsibility for identifying and facilitating partnerships between the private sector, government and Aboriginal entities to create successful commercial enterprises and, in partnership with AA, deliver on the framework's commitments.
- The AEDF be aligned with key federal and NSW Government economic frameworks, particularly the NSW Economic Development Framework – the NSW Government's current roadmap for driving growth in key industries and the state economy to 2021.
- The governance arrangements for the AEDF include more representatives from the private sector.
- The AEDF incorporate a focus on capacity building for Aboriginal businesses to achieve efficiency, innovation and growth, as well as commitments on Aboriginal home ownership.

We also provided feedback to the Office of Finance and Services on a draft of the renewed Aboriginal Participation in Construction (APIC) policy, which aims to increase Aboriginal participation in NSW Government construction projects. Among other things, we suggested that:

- The targeted project spend (a percentage of the total estimated value of the contract that is spent to support Aboriginal participation) should be increased when the project is taking place in a location where the Aboriginal community is the predominant beneficiary.
- The targeted project spend include some form of capacity building with Aboriginal businesses.

There was scope to extend the APIC policy to include asset and facility management services (i.e. post-construction opportunities). Our feedback was welcomed by Finance and Services.

We also facilitated engagement between government, private sector, NGO and community representatives on practical steps to enhance Aboriginal economic

88 Campbelltown Opportunity Hub

In the first year of its operation the Campbelltown Opportunity Hub, run by MTC Australia, approached 66 schools in their local area to promote the Hub, ran group programs at a number of schools, and provided individual casework to over 90 senior students. The schools responded positively to this engagement and now routinely refer Aboriginal students to the Hub for mentoring and, with the student's consent, share their PLPs. This has enabled the Hub to help students develop career plans that align with their PLPs and to track progress. The Hub reports that this has led to some students selecting different study subjects to better facilitate their career aspirations. The Hub has also reportedly been instrumental in organising school-based apprenticeships for previously disengaged students. Schools consulted said that the Hub had had a positive impact on student aspirations and helped to re-engage students with poor attendance records.

The Campbelltown Hub has strong partnerships with local organisations that provide job and educational opportunities. For example, working with Tharawal Aboriginal Corporation has enabled Hub staff to engage with families of Aboriginal students via community events, a weekly youth group, and regular 'work-readiness' drop in sessions. They have also collaborated with Campbelltown City Council to develop a careers expo and have signed an MOU with the Australian Defence Force Academy.

There is scope to further explore ways that Opportunity Hubs can work with Aboriginal young people in juvenile detention to support their learning and training needs and foster greater access to post-release employment opportunities. For this purpose we facilitated contact between the Opportunity Hub in Campbelltown and Education's Senior Pathways Unit to pro-actively support the Hub's existing relationship with the Dorchester School located at Reiby Juvenile Justice Centre.

development. For example, we met with the NSW Minerals Council on the Mining IBA and encouraged them to collaborate with Local Decision Making alliances in regional areas with industry growth. We assisted Westpac Bank and the Murdi Paaki Regional Assembly (MPRA) to reach an in-principle agreement to consider a future working partnership strategy under the MPRA LDM Accord. As outlined earlier in this chapter, we also brought together the Energy & Water Ombudsman, NSW Aboriginal Land Council, NSW Aboriginal Housing Office and Good Shepherd Microfinance to consider ways in which they could better assist Aboriginal households to reduce and manage energy costs.

On 13 August 2015 an inquiry into economic development in Aboriginal communities was referred to the NSW Parliamentary Standing Committee on State Development. The terms of reference focus attention on options for building the capacity of NSW Aboriginal communities, leveraging economic development support (including from the Commonwealth Government and private sector) and establishing and sustaining Aboriginal owned enterprises. We intend to provide a submission to inform the inquiry, and will continue to maintain a strong focus on this important area of reform.

Opportunity Hubs

The Opportunity Hubs initiative funds service providers in four locations to provide Aboriginal students in years five to 12 with programs to raise career aspirations and understandings, individualised career planning and mentoring, and connections with opportunities for tertiary education, training and employment. During the year, we met with all four of the Hub providers and established an ongoing dialogue with State Training Services (STS) – the agency with lead responsibility for implementing the initiative. We liaised closely with STS about concerns that were raised with us about the effectiveness of a particular Hub. After considering these and other concerns as part of their annual provider performance review, STS decided they would not renew the operator's contract.

In a positive development, tenders for the Hubs have been awarded to a variety of different providers – a TAFE college (Dubbo), an Aboriginal community organisation (Tamworth), a registered training organisation and employment service (Campbelltown) and an NGO (Upper Hunter). The evaluation of each model should provide valuable evidence for future rollouts about 'what works'. In the meantime, we are closely examining the strengths and weaknesses of the different models and the role that the government (through STS) is playing to ensure good practice is shared between providers.

An early implementation challenge faced by the Hubs has been ensuring that local schools sufficiently understand the initiative and the benefits of engaging with them. The recent relocation of STS from the Department of Education to the Department of Industry means it will now be even more important to closely monitor how Hubs are being supported to connect with schools and vice versa.

A useful tool for promoting the critical connection between schools and Hubs are personalised learning pathways (formerly 'plans') or PLPs. PLPs are developed between students, their parents/carers and teachers. They focus on the student's learning goals – in the

context of their cultural, social and academic aspirations – and strategies to achieve these. Case study 88 is a good example of how Opportunity Hubs can proactively engage with schools and add value to the PLP process. There is further scope for STS and the Department of Education to work together to promote PLPs as a useful way to align learning and career planning for students.

Aboriginal Language and Culture Nests

Aboriginal Language and Culture Nests (Nests) are intended to be a vehicle for Aboriginal people and communities to reclaim, revitalise and maintain their traditional Aboriginal languages. The Nests are expected to:

- link communities with schools, TAFE, universities and other community language programs
- facilitate the training of community members as language tutors and teachers
- guide the development of curricula for teaching Aboriginal languages in schools, and
- maintain a 'keeping place' where language resources and materials will be accessible through community consultation.

This initiative is being led jointly by the Department of Education and the Aboriginal Education Consultative Group (AECG) at local, regional and state levels.

During the year we visited four of the five Nests. It was evident from our consultations that Aboriginal community members highly value the creation of the Nests to support local efforts to preserve and revitalise language and culture. Positive progress towards implementing the initiative has included recruiting qualified teachers and skilled tutors at the Nest sites, having significant numbers of schools and students learning languages, and engaging with and seeking guidance from local Elders – including establishing interim advisory groups and keeping places.

However, a critical barrier has been the significant delay in recruiting Nest coordinators due to tendering issues. The coordinator position is pivotal – it is responsible for stakeholder engagement, the establishment and operation of local advisory groups, assistance in the development of a permanent keeping place, resource development and administrative support to teachers and tutors. The delay in making appointments to the position has had several negative consequences. These include:

- increasing the workload of some Nest teachers, who assumed coordinator duties to help get the Nest set up
- contributing to disquiet in some communities due to a perception of insufficient consultation before language initiatives commenced, and
- deferring the settling of permanent Nest reference groups and keeping places.

We have emphasised with the Department of Education the need to resolve this issue and understand they are now taking a 'direct negotiation' approach to identify a suitable organisation to manage the coordinator positions. We will continue to monitor progress closely.

During the year, we have also helped to identify and resolve a range of other issues. In response to concerns raised with us by some communities who expressed dissatisfaction at 'missing out' on the opportunity to host

a Nest site, we asked AA to discuss the decision-making process and explore other options with relevant community members. In Lismore, our engagement with TAFE North Coast led to an agreement that they will assess Elders and other Bundjalung speakers against the Certificate II in Aboriginal Languages course and, where appropriate, provide recognition of prior learning. This should help Elders and other speakers gain formal qualifications, which may strengthen their claim to Nest tutor positions and other teaching roles in the community.

In response to community concerns, we have also raised with the Department of Education the issue of protecting intellectual property rights in relation to language and cultural resources. We are pleased that they have clarified this issue following advice from Aboriginal intellectual property lawyers – with the aim that all future resource development and ownership of language will be determined at a local level by the Elders, knowledge holders and language speakers.

Local Decision Making

The Local Decision Making (LDM) initiative aims to empower Aboriginal regional governance bodies (LDM alliances) to make informed decisions about funding and service delivery for the local communities they represent. The model aims to progressively delegate powers to LDM alliances through agreements with government (accords) as capacity is proven and once pre-determined conditions are met. Ultimately, the intention is that alliances will direct the allocation of specified funding, manage the delivery of services, and report formally to government.

A March 2015 Premier's memorandum directing NSW Government agencies to work respectfully, constructively and cooperatively with LDM alliances was a very positive development, and we have been pleased to see this commitment being translated into action. For example, NSW Treasury are leading a process to estimate the Aboriginal-specific government spend at a regional level to inform LDM alliances about existing services/programs within their regions, and a range of agencies have made a commitment to progress the Bourke Housing Strategy (see page 108). An evaluation of the first accord negotiation – published by AA in July 2015 – highlights the lessons learned in establishing this new relationship between government and alliances, which should usefully guide future engagement.

During the year, we consulted with four of the six LDM alliances as well as the LDM Regional Chairs forum. We have helped alliances by providing them with feedback on their draft accords, sharing information about best practice in governance and service delivery, and working with them on accord implementation.

Supporting local governance bodies and strengthening links with regional alliances

Although the LDM alliances are regional, they are made up of representatives from a number of local communities and community organisations. There are several benefits to this model. It enables local communities to leverage off regional workforce and industries, take advantage of economies of scale to minimise the cost of services –

such as through shared service arrangements and service coordination – and test varied approaches in different sites before committing to those that prove most effective.

However a key challenge with the regional model is ensuring that the work and priorities of the LDM alliances are informed by effective engagement with, and reflect the needs of, the local communities they represent. It is equally important that local level strategies and initiatives align with or complement regional priorities. AA has recognised that, although service coordination can be most effectively driven at the regional level, effective linkages to strong local governance structures are vital. It provides funding to regional alliances which may be used to purchase advice and support that helps build their governance and leadership capacity at both the regional and local levels.

We have been working with the Murdi Paaki Regional Assembly LDM – the first LDM to enter into an accord with government – and the Bourke Aboriginal Community Working Party to support effective linkages between their work (see page 108). Effective interaction between regional and local Aboriginal governance structures will be a critical factor in the success of LDM, so we will continue to focus closely on this aspect of the initiative's implementation.

Building a strong foundation for LDM alliances

An issue that has regularly arisen in our consultations with LDM alliances is their need to be better equipped to represent their communities and engage with government agencies. This involves agencies ensuring that alliances have access to sufficiently senior government representatives with the knowledge and authority to make decisions and share meaningful information about service outcomes. Without access to the right people and information, alliances are poorly placed to make decisions about the services and programs being delivered in their communities and what their priorities should be.

We understand that the process of preliminary service mapping is undertaken before accord negotiations and is therefore at different stages in each LDM region. AA has published Community Portraits which provide demographic, education and income data to assist alliances to identify their priorities. NSW Government agencies are required to provide relevant information to alliances based on the priorities identified in their Statement of Claim as part of the accord negotiation. Accords will also outline what data and other information needs to be provided to regional alliances to assist with their ongoing decision making once accords are finalised.

While we have not reviewed related material to date, we encourage the government and alliances to look at both government and non-government-funded services at the regional and local levels through this staged mapping process.

As LDM alliances must demonstrate compliance with principles of good governance to gain greater autonomy and decision-making powers, it is also critical that they receive support to strengthen their capacity in this area. We note that AA has developed governance resources (such as the Good Governance Guidelines) and established a panel of service providers (PSP) which

deliver services, supports or products to strengthen community governance and leadership capacity. We understand that regional alliances may choose to use part of their funding to purchase advice and support from these (or other) service providers.

A specific governance issue that we have raised with LDM chairs, AA and the Secretary of the Department of Education concerns probity standards – as LDMs have not been given clear guidance on this issue.

Failing to develop and implement appropriate probity standards can damage an organisation's credibility and undermine community willingness to engage with the services it provides. It can also damage public confidence in the government agencies that fund such services. To minimise these risks, the government must have their own set of requirements for organisations and individuals they fund to deliver a service or engage with to receive advice on behalf of communities.

It is entirely a matter for Aboriginal communities to determine which individuals they choose to perform representative leadership roles. However, government is also responsible and accountable to the wider public for

the decisions it makes – including entering into business arrangements with particular organisations. It is important that the government's expectations in relation to probity are clearly defined and that support is available to help LDM alliances meet these requirements. We have therefore suggested to AA that they should develop clear guidance on probity in consultation and partnership with LDM alliances and incorporate this into their Good Governance Guidelines.

Strengthened guidance on probity standards would provide alliances with clarity and greater certainty, and allow them to be in a strong position when the time comes for accord negotiations. Probity checking also provides assurance to the broader community that public money is only directed to organisations run by credible and reputable individuals. The Aboriginal community has a right to no less a commitment. Probity checking requirements have been a standard part of government funding arrangements in the health and human service sectors for some time. The implementation of the LDM initiative is still at an early stage. Before it proceeds further, it makes sense to ensure a similarly robust approach to good governance and accountability is in place.

Community education and training



This section of the report outlines our community education and training work. This work is supported and driven by our strategic projects division. We design our training to help agencies and other service providers to improve their administrative conduct, decision making and service delivery. We also provide training and awareness courses to consumers of community and disability services, their families, carers and advocates. We use our office's forty years of experience to make sure these training and education activities are relevant, useful and informative.

In this section

Community education and training 124

Highlights

In 2014-2015, we:

- Provided 317 training workshops for 7,187 people (see page 121).
- Delivered 45 Handling serious incidents in the disability sector and 32 Responding to Serious Incidents training workshops – we developed the second workshop this year to provide frontline Ageing, Disability and Home Care (ADHC) staff with training about our new role in overseeing reportable disability incidents (see page 124).
- Developed and delivered training on the new revised Australian/New Zealand Standard Guidelines for complaint management in organisations (AS/NZS ISO 10002:2014) (see page 124).
- Updated our *Investigating misconduct in the public sector* course (see page 124-125).

In the last 40 years, we have:



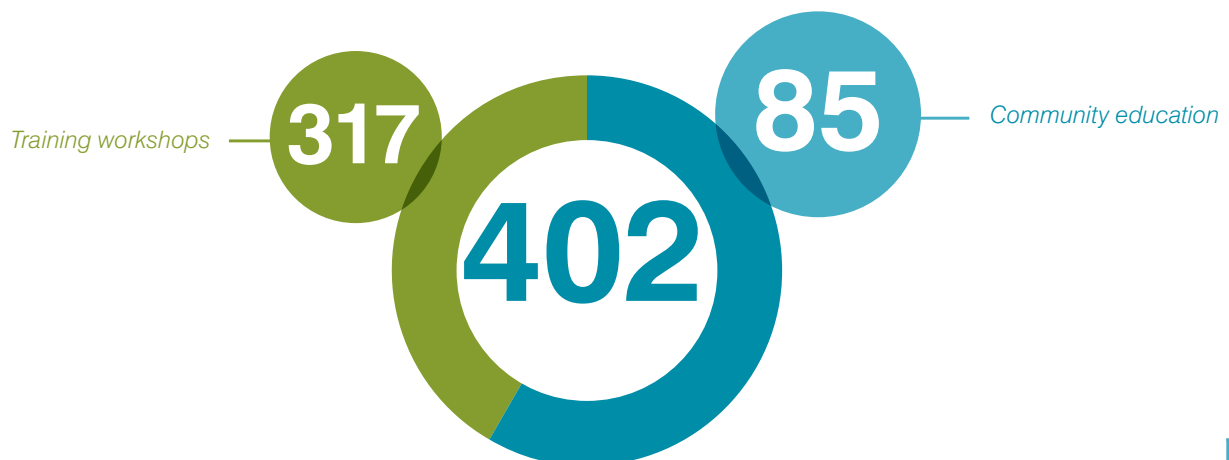
- Built on our experience to develop 19 different training courses, dealing with issues as diverse as effective complaint handling, working with Aboriginal communities, the art of negotiation and managing unreasonable complainant conduct.
- Developed and refined materials and training programs for consumers of community services, their families, carers and advocates, based on practical tips to help them raise issues and resolve problems with service providers themselves.
- Worked to provide the community, public sector agencies and their staff with information and guidance in our 75 fact sheets, 44 guidelines, nine information brochures and three regular electronic newsletters.
- Established and supported a long standing youth liaison officer position in the office, focussing on ensuring the office connects with and hears from young people.
- Taken opportunities to extend our training beyond the public sector and beyond NSW, being recognised as a source of relevant, useful, and cost effective training by a wide range of government agencies, non-government service providers and private sector companies across Australia and around the world.

7,187

participants



Training and education activities



We developed a second workshop this year to provide frontline Ageing, Disability and Home Care (ADHC) staff, with training about our new function for overseeing reportable disability incidents.

Workshops

Access and equity

- Aboriginal cultural appreciation
- Working with Aboriginal communities
- Disability awareness

- Managing unreasonable complainant conduct
- Effective complaint management – disability sector
- Effective complaint management – community services
- Handling serious incidents in the disability sector
- Complaint handling for frontline staff
- Revised Australian/NZ Standard: *Guidelines for complaint management in organizations* (AS/NZS ISO 10002:2014)

Complaint-handling and negotiation skills

Community services sector

- Frontline skills for complaint handling
- Effective complaint management
- Handling serious incidents in the disability sector

- Public interest disclosures management
- Public interest disclosures general awareness information sessions
- Public interest disclosures e-learning

Public Interest Disclosures Management

Employment related child protection

- Responding to child protection allegations against employees
- Handling serious child protection allegations against employees

- Administrative law in the public sector
- Investigating misconduct in the public sector

Investigation skills

Implemented 'train the trainer' programs on complaint handling for a frontline government agency and a large disability service provider.

Delivered a presentation to the Royal Commission about our employment-related child protection training programs and our reportable conduct jurisdiction.

Developed and delivered training on the new revised Australian/New Zealand Standard *Guidelines for complaint management in organizations* (AS/NZS ISO 10002:2014).

Developed our one day Investigating misconduct in the public sector course into a more in-depth and comprehensive two day workshop.

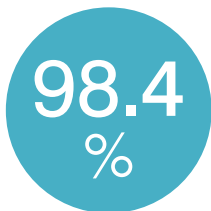
Sharing information about best practice

In May 2015, our senior staff delivered a presentation to the Royal Commission about our employment-related child protection training workshops – *Responding to child protection allegations against employees* and *Handling serious child protection allegations against employees*. These workshops provide heads of agencies, investigators, managers and supervisors with an overview of their obligations for handling allegations of reportable conduct and examine the various steps in the investigation, risk assessment and management process. *Handling serious child protection allegations against employees* is a more in-depth workshop delivered by the Deputy Ombudsman (Human Services). It provides participants with specialist and practical knowledge to help them deal with some of the more complex challenges in handling serious child abuse allegations against staff.

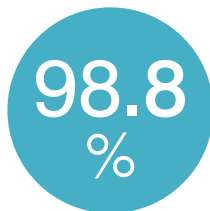
In our presentation to the Royal Commission, we outlined the key learning outcomes for both workshops and provided details about the uptake of the training over the last five years. We also explained our targeted approach to providing training to address systemic issues identified through other aspects of our work. The presentation was a valuable opportunity to provide Royal Commission staff with a deeper understanding of our training program and our broader employment-related child protection work. This is significant – given that the Commission is examining what is needed at a national level to better respond to institutional child sexual abuse. To learn more about our employment-related child protection work and how it intersects with the Royal Commission, please refer to the Children and families chapter on page 79.

Feedback about our training

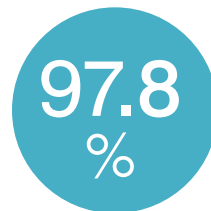
Participants consistently rate our training workshops very highly, highlighting our trainers' expertise and the relevance of the content. Of the 2,030 participants who completed evaluations of our training workshops this year:



rated our training as excellent/good.



strongly agreed/agreed they could implement what they had learnt at our training in their workplace.



would recommend our training to others.



rated our trainers as excellent/good.

Frontline skills complaint handling:

'Very comprehensive training – I learnt a lot and will feel confident in handling any future complaints. This training set a basic standard across the organisation regarding complaints handling, despite various levels of existing knowledge and experience.'



Handling Serious Incidents training:
'Presenter was fantastic and informative.'



Aboriginal Cultural Appreciation:
'Really appreciated their frank conversation and real life experiences being shared with us.'

Community education and training

Our community education and training program draws on our 40 years of experience as an oversight body and is the largest program in any Australian Ombudsman's office. It includes workshops for NSW public sector agencies, non-government organisations, federal and local government agencies and other oversight bodies – including Ombudsman offices in Australia and overseas. Our training aims to improve administrative conduct, facilitate fair decision making, and ensure high standards of service delivery – by providing participants with relevant information and practical skills.

We also offer a range of workshops for those who access community services and the people in their support networks – including carers, family members, other advocates and community groups. We provide information about their rights, the standards they should expect from service providers, and practical tips for effectively dealing with agencies and resolving problems.

Wherever possible, our workshops are interactive. They allow participants to highlight issues that are important to them, discuss complex ideas and problems, and ask questions. Feedback from participants helps us refine our workshops and ensure they remain informative, up-to-date and relevant. It also informs our broader complaint handling and systems-based work.

Our training

Responding to serious incidents in the disability sector

This year, ADHC engaged us to deliver 32 *Responding to serious incidents in the disability sector* workshops to 574 of their staff across a number of ADHC regions – including Northern, Hunter New England, Central Coast, Murrumbidgee, Western NSW, Western Sydney and Nepean Blue Mountains.

This half-day workshop was delivered by senior Ombudsman staff with extensive experience in conducting and overseeing investigations in the community and

disability services sector. It was specifically tailored to train ADHC frontline staff about their role and responsibilities to recognise, respond to and report abuse, neglect and other serious incidents that may arise in a disability service setting. Feedback about the workshops has been overwhelmingly positive – with 98% of participants rating the training as 'good/excellent' and the same proportion agreeing they could apply what they learnt in their workplace.

Revised Australian/New Zealand Standard: Guidelines for complaint management in organizations

This new half-day workshop, which is designed to supplement our full-day workshop (*Effective complaint management*), was developed to cover the key changes in the revised *Australian/New Zealand Standard: Guidelines for complaint management in organizations* (AS/NZS 10002:2014). Participants are provided with information to improve their organisation's complaint management systems and help them to become compliant with the significant changes in the revised standard.

During the year we have held a number of open public workshops, as well as in-house workshops for agencies who have requested training for their staff. We have received excellent feedback about the workshops, with one participant commenting, 'the content of the workshop was very well delivered; it covered all the topics clearly and efficiently' and another stating, 'the trainer explained the changes and implications of the standards very well'.

Investigating misconduct

Due to popular demand, we have recently developed a more in-depth two-day version of our *Investigating Misconduct* workshop for investigators, supervisors, managers, and human resources staff of public sector agencies and local councils. The workshop can also be

Art of Negotiation:

'Excellent training, very relevant to my job. I learned a lot which can actually be applied to my role.'



Administrative law in the public sector:

'Trainer was clearly an expert who had an extensive and animated repertoire of cases to draw on.'

Managing unreasonable complainant conduct:

'The context and examples provided were terrific. The sessions were really interactive.'

tailored for delivery to non-government organisations. We are now able to deliver the workshop on a one or two-day workshop depending on the needs of the clients.

The training takes participants through the fundamental principles of investigation – including dealing with conflicts of interest, managing confidentiality, providing procedural fairness, and acting reasonably. It also provides practical advice about factors to consider in each stage of the investigation process, with a strong focus on risk management.

One recent participant commented that ‘the presenter was well informed and very knowledgeable. The material was also very relevant, with a clear definition of roles and responsibilities.’

The Rights Stuff – for youth service providers

Our Rights Stuff training program is designed to provide consumers of community services – and their families, carers and advocates – with practical information and tips to build their confidence in raising issues and resolving complaints with service providers. This year, our youth liaison officer has been tailoring the program for services who work specifically with children and young people. This new tailored program will be launched later this year and will initially be targeted at agencies that work with children and young people who have arrived in Australia as refugees or asylum seekers. We have begun discussions with the Multicultural Youth Advocacy Network (MYAN) and Settlement Services International to explore how we can deliver the training in partnership with their organisations.

Fig. 55: Type of training workshops

	Workshops	Participants
Complaint-handling and negotiation skills	102	2,212
Public interest disclosures	49	1,391
Community and disability services	107	2,491
Access and equity	17	300
Workplace child protection	15	377
Investigation skills	21	367
Other	6	49
Total	317	7,187

Fig. 56: Training and education activities

	10/11	11/12	12/13	13/14	14/15
Number of training workshops	156	427*	194	219	317
Number of community education activities	140	170	118	118	85
Total	296	597	312	337	402

* The significant rise in 2011-2012 training figures was due to our new responsibility that year for promoting awareness and understanding of the changes to the Public Interest Disclosures Act.

Ombo Info

In January and June 2015 we published editions of *Ombo Info*, our office e-newsletter. The newsletter is circulated by email to approximately 3,000 stakeholders who work in a wide variety of fields across the government, non-government and academic sectors. It is also available on our website.

Each newsletter provides updates about our work, details about recent publications and a training calendar. We also recently started to produce a dedicated e-newsletter for the disability sector.

Community education

We work hard to raise awareness about our role and share our expertise. Our community education work has a strong emphasis on extending the reach of our office and addressing barriers that might prevent vulnerable members of the community from being able to access appropriate services and supports.

Improving access for young people

In February this year, the Assistant Ombudsman (Strategic Projects) gave a presentation to CHISaL – a network of complaint handling and alternative dispute resolution schemes whose membership includes the Office of the Privacy Commissioner, Energy & Water Ombudsman, Health Care Complaints Commission, Independent Commission Against Corruption, Anti-Discrimination Board, Human Rights Commission and Commonwealth Ombudsman. The presentation explained how we handle complaints made by or on behalf of children and young people, promote good complaint-handling practices by agencies within our jurisdiction, and review services to promote the safety, welfare and wellbeing of children and young people.

This year, our Youth Liaison Officer (YLO) targeted her outreach strategies during Youth Week (10-19 April) towards engaging with young people from refugee and migrant backgrounds. The highlight was a forum held at our office at which guest speakers from the Multicultural Youth Advocacy Network (MYAN) and Settlement Services International addressed our staff. The speakers included two young people who had entered Australia as refugees. During Youth Week, we also held information stalls at events at Parliament House, Auburn and Fairfield to increase awareness of our role.

During the year, our YLO also:

- visited the Juniperina and Acmena juvenile justice centres with our custodial services unit
- addressed the Local Government Youth Development Network
- met with the Youth Development Officers at Liverpool and Fairfield Councils, providing them with a range of education and awareness-raising resources
- attended a range of youth, domestic violence and multicultural interagency meetings.

Sharing information about our work

This year, we gave presentations and provided information about our work at a number of forums, conferences and other events. These included:

- A statewide non-government organisation (NGO) practice forum convened by FACS in April to improve NGO out-of-home care providers' understanding of their roles and responsibilities in managing critical incidents – including reportable conduct, child deaths, and working with the Joint Investigations Response Team. The Assistant Ombudsman (Strategic Projects) represented us on the forum's working group and presentations were given by the Deputy Ombudsman (Human Services) and several directors working within the human services branch.
- The National Disability Services Regional Support Worker Forum in Ballina in May – where we delivered an information session about frontline complaint handling.
- A workshop in July 2014, facilitated by the Office of the Director of Public Prosecutions, to discuss the findings of our audit of the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*.
- The Association of Child Welfare Agencies residential care providers network in July 2014 – about a protocol we are developing in partnership with the NSWPF, FACS and the residential out-of-home-care sector to reduce the contact that young people living in OOHC services have with the criminal justice system.
- A statewide forum for Aboriginal out-of-home care agencies and police, that we hosted in partnership with AbSec, about their obligations for responding to reportable allegations under Part 3A of the Ombudsman Act and our employment-related child protection jurisdiction more generally.
- The inaugural NSWPF youth officers conference in May – about our complaint-handling functions and broader systemic work to improve outcomes for vulnerable children and young people.

Our senior staff also attended a number of other events to share information about the work we do, particularly in the child protection and disability areas. For example:

- In July, they attended the Collective Impact Conference in Melbourne. During the visit they also met with Bernie Geary, the Principal Commissioner for Children & Young People in Victoria.

- In September, they attended a boardroom discussion arranged by the Parenting Research Centre and hosted by FACS. The discussion was led by Bryan Samuels, Executive Director of Chapin Hall, University of Chicago – a research and policy centre focused on improving the wellbeing of children and young people, families and their communities.

Developing new resources

We have developed and updated a range of new resources this year. These include:

- Complaint handling at universities: best practice guidelines
- Complaint handling model policy and framework
- Guide for services: reportable incidents in disability supported group accommodation.
- The NSW Ombudsman and the NDIS – fact sheet.
- Reports of serious wrongdoing: guide to public interest disclosures for local Aboriginal land councils.
- Review of Part 15 of the Law Enforcement (Powers and Responsibilities) Act – fact sheet.

We also updated a number of fact sheets about our employment-related child protection function to reflect changes in legislation and practice.

Financials



This section of the report contains our financial statements for 2014-2015, along with discussion of their contents. These statements, the supporting documentation and our systems and processes have been reviewed by the Audit Office. We received an unmodified audit report.

Our audit and risk committee continued its role of providing assurance to the Ombudsman that our financial processes comply with legislative and office requirements.

The Ombudsman receives funding from the NSW Government. Although we account for these funds on an office-wide basis in our financial statement, we allocate funding internally across our various business areas. Most of our revenue is spent on employee-related expenses such as salaries, superannuation entitlements, long service leave and payroll tax.

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Our financials

The financial statements that follow provide an overview of our financial activities during 2014-2015. These statements, our supporting documentation, and our systems and processes have all been reviewed by the Audit Office of New South Wales. We received an unqualified audit report.

Most of our revenue comes from the government in the form of a consolidated fund appropriation. Our consolidated fund allocation for 2014-2015 was \$24.348 million. The government also provided \$1.401 million for certain employee entitlements such as defined benefit superannuation and long service leave. We received \$350,000 for our capital program which was spent on a range of items including computer hardware and to finalise the development of a consolidated database for our reviewable death functions.

In addition to our consolidated fund allocation, we received a number of specific purpose grants totalling \$4.623 million; the most significant being for conducting a public interest investigation into allegations relating to Operation Prospect (page 46). We also received a grant for the disability reportable incident function (page 94), for the Aboriginal Programs role (page 110), for the working with children check/notification of concern role (page 86) and for workload increases in the employment related child protection area (page 84).

We continue to have 'saving' initiatives deducted from our budget allocation including ongoing efficiency dividends. As we have outlined in previous reports, we have in place a range of strategies to deal with our budget pressures including cutting costs and generating revenue through fee for service training. The cutting of staff costs in particular has an impact on the delivery of services to the public.

Our audit and risk committee continued its role of providing assurance to the Ombudsman that our financial processes comply with legislative and office requirements. See corporate governance on page 19 for more details on our audit and risk committee.

In line with the NSW Government's commitment to improve financial management in the public sector, we continue to review our internal accounting practices as well as the quality of information we provide to the NSW Treasury. We have streamlined our reporting processes and continue to improve our fixed asset procedures. We actively discuss issues with both internal and external audit and where necessary, have discussed issues with our audit and risk committee.

The Ombudsman receives funding from the NSW Government. Although we account for these funds on an office-wide basis – as reflected in our financials – internally we allocate them between our three business branches, the strategic projects division and corporate. The NSW state budget reports expenses and allocations against service groups. We have one service group – 'Complaint Advice, Referral, Resolution or Investigation'.

Revenue

Most of our revenue comes from the government in the form of a consolidated fund appropriation. This is used to meet both recurrent and capital expenditure. Consolidated funds are accounted for on the statement of comprehensive income as revenue along with the provision that the government makes for certain employee entitlements such as long service leave.

Our 2014-2015 final recurrent consolidated fund allocation was \$24.348 million. Included in this allocation was \$1,177 million for our review of the implementation of new police powers (page 50). Figure 59 shows the amount provided for our legislative reviews over the last four years. Funding for legislative reviews represents about 4.83% of the Ombudsman's 2014-2015 recurrent allocation.

In 2014-2015 we budgeted that the Crown Entity would accept \$912,000 of employee benefits and other entitlements. However, the actual acceptance was \$1.401 million. This variance is primarily due to actuarial adjustments for the net present value of our long service leave liability.

We were allocated \$350,000 for our capital program, which included the finalisation of the development of the reviewable deaths database.

This year we received \$4.623 million in grants. \$2.906 million was provided by the Department of Premier and Cabinet for Operation Prospect, for the working with children check/notifications of concern function and for child protection workload increases. We received \$998,000 from the Department of Family and Community Services for Disability Reportable incidents. We also received \$589,000 for the Aboriginal Programs function and \$130,000 from the Crown Entity to fund redundancies.

We generated \$1.142 million primarily through our fee-for-service training courses. As mentioned in previous reports, we needed to adopt a proactive approach to generating revenue to help us with ongoing budget pressures. By coordinating our activities and identifying training needs in agencies and the non-government sector, we have been able to increase our revenue. This additional revenue has enabled us to undertake more proactive project work as well as supporting other core work, see figure 57. There is a breakdown of our revenue, including capital funding and acceptance of employee entitlements, in figure 58.

Fig. 57: Revenue from other sources

	\$'000
Workshops and publication sales	1,006
Bank interest	73
Grants and contributions	4,623
Other revenue	63
Total	5,765

Fig. 58: Total revenue 2014-2015

	\$'000
Recurrent appropriation	24,348
Capital appropriation	350
Acceptance of certain employee entitlements	1,401
Total government	26,099
From other sources	5,765
Total	31,864

Fig. 59: Legislative reviews

	\$'000
10/11	1,038
11/12	843
12/13	1,457
13/14	1,336
14/15	1,177

Expenses

Most of our revenue is spent on employee-related expenses such as salaries, superannuation entitlements, long service leave and payroll tax. Our statement of comprehensive income shows that last year we spent \$25.482 million – or 78.3% of our total expenses – on employee-related items.

Salary payments to staff were just over 8.9% higher than the previous year due to a combination of factors including the public sector wage increase and the employment of additional staff for our new disability reportable incident role, for the Aboriginal program function, as well as to support workload increases in the employment-related child protection area. Our long service leave expenses increased by \$200,000 while our workers compensation costs were \$80,000 lower than the previous year due to an unexpected hindsight adjustment in 2013-2014.

The day-to-day running of our office costs us just under \$6.5 million. Our significant operating items are rent (\$2.507 million), contractors (\$334,000), legal and other fees (\$1.805 million), travel (\$481,000), maintenance (\$203,000), training (\$158,000) and stores (\$317,000).

There were four consultants engaged during 2014-2015 as detailed on the following two tables. There were no consultancies over \$50,000. The amounts reported include GST, where the amount for consultants reported in our financial statements excludes GST.

Fig. 60: Consultancies valued at less than \$50,000

Category	Count	Cost \$*
Management services	4	121,209
Total	4	121,209

*figure rounded to whole dollars

Fig. 61: Consultancies valued at \$50,000 or more

Category & consultant	Cost \$*
Nil	0
Total	0

*figure rounded to whole dollars

The financial statements show that \$625,000 was expensed for depreciation and amortisation. Although capital funding is shown on the operating statement, capital expenditure is not treated as an expense – it is reflected on the balance sheet as Non Current Assets.

Fig. 62: Total expenses 2014-2015

Expenses category	\$'000
Employee-related	25,482
Depreciation and amortisation	625
Other operating expenses	6,428
Total	32,535

We have an accounts payable policy that requires us to pay accounts promptly and within the terms specified on the invoice. There are some instances however where this may not be possible – for example, if we dispute an invoice or don't receive it with enough time to pay within the specified timeframe. We therefore aim to pay all our accounts within the specified timeframe, which is 98% of the time.

We identify small business vendors to ensure that payment timeframes are within the government's policy commitment. If agencies, including the office, fail to pay invoices to small businesses on time, a penalty fee is paid. Figure 63 provides details of our accounts paid on time. As can be seen, we had four invoices to a small business that were not paid on time. Short turnaround times of invoices can impact on our performance.

During 2014-2015 we paid 99% of our accounts on time. We have not had to pay any penalty interest on outstanding accounts.

Fig. 63: Performance indicator: Accounts paid on time – all suppliers

Measure	Sep 2014	Dec 2014	Mar 2015	Jun 2015	Total
All suppliers					
Number of accounts due for payment	613	585	580	720	2,498
Number of accounts paid on time	602	577	573	707	2,459
Actual % of accounts paid on time (based on number of accounts) [#]	98.21	98.63	98.79	98.19	98.44
Amount of accounts due for payment \$'000	2,081	2,142	1,976	4,123	10,322
Amount of accounts paid on time \$'000	2,059	2,136	1,962	4,115	10,272
Actual % of accounts paid on time (based on \$)	98.94	99.72	99.29	99.81	99.52
Number of payments for interest on overdue accounts	0	0	0	0	0
Interest paid on overdue accounts	0	0	0	0	0
Small business suppliers					
Number of accounts due for payment to small businesses	18	19	16	26	79
Number of accounts due to small businesses paid on time	17	18	14	26	75
Actual % of small business accounts paid on time (based on number of accounts)	94	95	88	100	94.94
Amount of accounts due for payment to small businesses \$	6,559	14,137	36,324	23,744	80,764
Amount of accounts due to small business paid on time \$	5,883	14,137	36,324	23,744	80,088
Actual % of small business accounts paid on time (based on \$)	90	100	100	100	99.16
Number of payments to small businesses for interest on overdue accounts	0	0	0	0	0
Interest paid to small business on overdue accounts	0	0	0	0	0

* Note: this table does not include direct salary payments to staff – but includes some employee-related payments such as payments to superannuation funds.

[#] Due to data processing issues in the fourth quarter of 2014-2015, our actual paid on time percentage may be overstated. We are working to ensure this does not reoccur.

Assets

Our statement of financial position shows that we had \$9.066 million in assets at 30 June 2015. The value of our current assets increased by \$2.064 million from the previous year, while non-current assets increased by \$1.655 million.

Just under 60% of our assets are current assets, which are categorised as cash or receivables. Receivables are amounts owing to us and include bank interest that has accrued but not been received, fees for services that we have provided on a cost recovery basis, and GST to be recovered from the Australian Taxation Office. This year our receivables included the lease incentive receivable and the recoupment of fit-out costs - both totalling \$3.599 million. Also included in receivables are amounts that we have prepaid. We had \$440,000 in prepayments at 30 June 2015. The most significant prepayments were for rent and maintenance renewals for our office equipment and software support.

Our cash assets decreased by \$1.449 million. We are waiting for the building owner to pay the costs incurred to date for the fitout, which will replenish our cash. Although

we used some of our cash reserves to support our complaint handling and other core work, we had unspent 'grant' money at year end. Our financials reflect \$617,000 unspent 'grant' as restricted assets. These funds will be used in 2015-2016.

Our non-current assets, which are valued at \$3.718 million are categorised as:

- plant and equipment – this includes our network infrastructure, computers and laptops, fit-out and office equipment
- intangible assets – these include our network operating and case management software.

We were allocated \$350,000 in 2014-2015 for asset purchases and spent this amount. We spent some time working with our auditors to determine the best way to reflect the lease incentive in our financial systems and statements. It was agreed that the incentive would be reflected as an asset which is why our non-current asset 'additions' are \$2.17 million substantially higher than the \$350,000 allocation from government.

Fig. 64: Analysis of accounts on hand at the end of each quarter

Measure	Sep 2014 (\$)	Dec 2014 (\$)	Mar 2015 (\$)	Jun 2015 (\$)
All suppliers				
Current (ie within due date)	152,252	139,756	16,522	115,553
Less than 30 days overdue	-	223	-	12,599
Between 30 days and 60 days overdue	-	-	-	-
Between 60 days and 90 days overdue	-	-	-	-
More than 90 days overdue	-	416	-	-
Total accounts on hand	152,252	140,395	16,522	128,152
Small businesses				
Current (ie within due date)	-	-	-	-
Less than 30 days overdue	-	-	-	-
Between 30 days and 60 days overdue	-	-	-	-
Between 60 days and 90 days overdue	-	-	-	-
More than 90 days overdue	-	-	-	-
Total accounts on hand	0	0	0	0

*This table does not include credit notes.

Liabilities

Our total liabilities at 30 June 2015 are \$8.277 million, an increase of \$4.474 million over the previous year. \$857,000 of our liabilities is for unpaid salaries and wages as well as \$2.375 million for other employee benefits and related on-costs, including untaken recreation (annual) leave. The Crown Entity accepts the liability for long service leave.

We owe about \$984,000 for goods or services that we have received but have not yet been invoiced. The value of accounts on hand at 30 June 2015 was \$128,152 (see figure 64). We monitor the amounts owing on a regular basis to make sure we are paying accounts within terms.

Financial statements

Our financial statements are prepared in accordance with legislative provisions and accounting standards. They are audited by the NSW Auditor-General, who is required to express an opinion as to whether the statements fairly represent the financial position of our office. The audit report and our financial statements follow.



INDEPENDENT AUDITOR'S REPORT

Ombudsman's Office

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Ombudsman's Office, which comprise the statement of financial position as at 30 June 2015, the statement of comprehensive income, statement of changes in equity, statement of cash flows, a summary of compliance with financial directives for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

Opinion

In my opinion the financial statements:

- give a true and fair view of the financial position of the Department as at 30 June 2015, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2010.

My opinion should be read in conjunction with the rest of this report.

The Acting Ombudsman's Responsibility for the Financial Statements

The Acting Ombudsman is responsible for preparing financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Acting Ombudsman determines is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including an assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Department
- that it carried out its activities effectively, efficiently and economically
- about the effectiveness of the internal control
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information that may have been hyperlinked to/from the financial statements.

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



Chris Clayton
Director, Financial Audit Services

31 August 2015
SYDNEY

28 August 2015

Statement by the Acting Ombudsman

Pursuant to section 45F of the *Public Finance and Audit Act 1983* and to the best of my knowledge and belief I state that:

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, the Financial Reporting Code for NSW General Government Sector Entities, the applicable clauses of the Public Finance and Audit Regulation 2010 and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position of the Ombudsman's Office as at 30 June 2015, and our financial performance for the year then ended; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Professor John McMillan AO
Acting Ombudsman

Ombudsman's Office

Statement of comprehensive income for the year ended 30 June 2015

	Notes	Actual 2015 \$'000	Budget 2015 \$'000	Actual 2014 \$'000
Expenses excluding losses				
Operating expenses				
Employee related	2(a)	25,482	24,189	23,376
Other operating expenses	2(b)	6,428	4,597	5,199
Depreciation and amortisation	2(c)	625	702	705
Total Expenses excluding losses		32,535	29,488	29,280
Revenue				
Recurrent appropriation	3(a)	24,348	24,369	23,909
Capital appropriation	3(a)	350	350	1,314
Sale of goods and services	3(b)	1,006	564	677
Investment revenue	3(c)	73	35	77
Grants and contributions	3(d)	4,623	2,165	2,779
Acceptance by the Crown Entity of employee benefits and other liabilities	3(e)	1,401	912	1,219
Other revenue	3(f)	63	17	20
Total Revenue		31,864	28,412	29,995
Gain/(loss) on disposal	4	(84)	-	(10)
Net result		(755)	(1,076)	705
Other comprehensive income				
Total other comprehensive income		-	-	-
Total comprehensive income		(755)	(1,076)	705

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of financial position as at 30 June 2015

	Notes	Actual 2015 \$'000	Budget 2015 \$'000	Actual 2014 \$'000
Assets				
Current Assets				
Cash and cash equivalents	6,7	1,096	1,091	2,545
Receivables	8	4,245	569	730
Other financial assets	9	7	11	9
Total Current Assets		5,348	1,671	3,284
Non-Current Assets				
Plant and equipment	10	2,573	784	791
Intangible assets	11	1,145	923	1,272
Total Non-Current Assets		3,718	1,707	2,063
Total Assets		9,066	3,378	5,347
Liabilities				
Current Liabilities				
Payables	12	1,841	636	1,024
Provisions	13	2,314	1,787	2,235
Other	14	3,439	17	19
Total Current Liabilities		7,594	2,440	3,278
Non-Current Liabilities				
Provisions	13	683	560	525
Total Non-Current Liabilities		683	560	525
Total Liabilities		8,277	3,000	3,803
Net Assets		789	378	1,544
Equity				
Accumulated funds		789	378	1,544
Total Equity		789	378	1,544

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of changes in equity for the year ended 30 June 2015

	Accumulated funds 2015 \$'000	Accumulated funds 2014 \$'000
Balance at 1 July	1,544	839
Net result for the year	(755)	705
Total comprehensive income for the year	(755)	705
Balance at 30 June	789	1,544

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of cash flows for the year ended 30 June 2015

	Notes	Actual 2015 \$'000	Budget 2015 \$'000	Actual 2014 \$'000
Cash flows from operating activities				
Payments				
Employee related		(23,779)	(23,357)	(21,512)
Other		(8,465)	(4,987)	(5,855)
Total Payments		(32,244)	(28,344)	(27,367)
Receipts				
Recurrent appropriation		24,348	24,369	23,909
Capital appropriation (excluding equity appropriations)		350	350	1,314
Sale of goods and services		1,006	564	677
Interest received		81	35	63
Grants and contributions		4,623	2,165	2,779
Other – GST		737	525	883
Total Receipts		31,145	28,008	29,625
Net cash flows from operating activities	16	(1,099)	(336)	2,258
Cash flows from investing activities				
Purchases of Leasehold Improvements, plant and equipment		(350)	(350)	(1,324)
Net cash flows from investing activities		(350)	(350)	(1,324)
Net increase/(decrease) in cash		(1,449)	(686)	934
Opening cash and cash equivalents		2,545	1,777	1,611
Closing cash and cash equivalents	6	1,096	1,091	2,545

The accompanying notes form part of these financial statements.

Ombudsman's Office

Summary of compliance with financial directives for the year ended 30 June 2015

	2015			2014			
	Recurrent app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Capital app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Recurrent app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Capital app'n \$'000
Original budget appropriation/expenditure							
• Appropriation Act	24,369	24,348	350		23,669	1,364	1,314
	24,369	24,348	350	23,669	23,669	1,364	1,314
Other appropriations/expenditure							
• Transfers to/from another entity (per section 32 of the Appropriation Act)	–	–	–	590	240	–	–
	–	–	–	590	240	–	–
Total appropriations/expenditure/net claim on consolidated fund	24,369	24,348	350	24,259	23,909	1,364	1,314
Amount drawn down against appropriation		24,348	350		23,909		1,314
Liability to consolidated fund*		–	–		–		–

The Summary of compliance is based on the assumption that consolidated fund monies are spent first (except where otherwise identified or prescribed).

* If there is a 'Liability to consolidated fund', this represents the difference between the 'amount drawn down against appropriation' and the 'total expenditure/net claim on consolidated fund'.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

1 Summary of Significant Accounting Policies

(a) Reporting entity

The Ombudsman's Office is a NSW government entity. Our role is to make sure that public and private sector agencies and employees within our jurisdiction fulfill their functions properly. We help agencies to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best practice in administration.

The Office is a not-for-profit entity (as profit is not its principal objective) and we have no major cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

The financial statements for the year ended 30 June 2015 has been authorised for issue by the Acting Ombudsman on 28 August 2015.

(b) Basis of preparation

Our financial statements are general purpose financial statements, which have been prepared on an accrual basis in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* and the Public Finance and Audit Regulation 2010; and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

Property, plant and equipment are measured at fair value. Other financial statements items are prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations that management has made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Insurance

Our insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager, and is calculated by our past claims experience, overall public sector experience and ongoing actuarial advice.

(e) Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of GST, except that:

- the amount of GST incurred by us as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the acquisition of an asset or as part of an item of expense, and
- receivables and payables are stated with GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(f) Income recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) Parliamentary appropriations and contributions

Except as specified below, parliamentary appropriations and contributions from other bodies (including grants) are recognised as income when the entity obtain control over the assets comprising the appropriations/contributions. Control over appropriations and contributions is normally obtained upon the receipt of cash. Appropriations are not recognised as income in the following circumstance:

- Unspent appropriations are recognised as liabilities rather than income, as the authority to spend the money lapses and the unspent amount must be repaid to the Consolidated Fund. The liability is disclosed in Note 14 as part of 'Current liabilities - Other'. The amount will be repaid and the liability will be extinguished next financial year.

(ii) Sale of goods

Revenue from the sale of goods such as publications are recognised as revenue when we transfer the significant risks and rewards of ownership of the assets.

(iii) Rendering of services

Revenue from the rendering of services such as conducting training programs, is recognised when the service is provided or by reference to the stage of completion, for instance based on labour hours incurred to date.

(iv) Investment revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

(g) Assets

(i) Acquisitions of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by us.

Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent; i.e. deferred payment amount is effectively discounted over the period of credit.

(ii) Capitalisation thresholds

Individual plant and equipment and intangible assets costing \$5,000 and above are capitalised. All items that form part of our IT network, such as software and hardware, are capitalised regardless of the cost.

(iii) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 Impairment of Assets is unlikely to arise. As property, plant and equipment is carried at fair value, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

(iv) Depreciation of plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life.

All material separately identifiable components of assets are depreciated over their shorter useful lives.

Depreciation rates used:

- Computer hardware 25%
- Office equipment 20%
- Furniture & fittings 10%

Amortisation rates used:

- Leasehold improvements Useful life of 10 years or to the end of the lease, if shorter.

(v) Restoration costs

Whenever applicable, the estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(vi) Maintenance

The costs of day-to-day servicing or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

(vii) Leased assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor does not transfer substantially all the risks and rewards. Operating lease payments are recognised as an expense on a straight-line basis over the lease term.

(viii) Intangible assets

We recognise intangible assets only if it is probable that future economic benefits will flow to the Office and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

The useful life of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for our intangible assets, they are carried at cost less any accumulated amortisation.

Our intangible assets are amortised using the straight-line method over a period of five to ten years. The amortisation rates used for computer software is 10% to 20%

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

(ix) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value.

Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(x) Revaluation of property, plant and equipment

We value our physical non-current assets in accordance with the *Valuation of Physical Non-Current Assets at Fair Value* Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB13 Fair Value Measurement, AASB 116 *Property, Plant and Equipment* and AASB 140 Investment Property.

Non-specialised assets with short useful lives are measured at depreciated historical cost as an approximation of fair value. The entity has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

(h) Liabilities

(i) Payables

These amounts represent liabilities for goods and services provided to us as well as other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(ii) Employee benefits and other provisions

(a) Salaries and wages, annual leave, sick leave and on-costs

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave that is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service is required to be measured at present value in accordance with AASB 119 Employee Benefits (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that the use of a nominal approach plus the annual leave on annual leave liability (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. We have assessed the actuarial advice based on our circumstances and have determined that the effect of discounting is immaterial to annual leave liability.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

(b) Long service leave and superannuation

Our liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. We account for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 15/9) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for defined contribution superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For defined benefit superannuation schemes (State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(c) Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

(iii) Other Provisions

Other provisions exist when: the entity has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation. If the effect of the time value of money is material, provisions are discounted at 3.25%, which is a pre-tax rate that reflects the current market assessments of the time value of money and the risks specific to the liability.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

(i) Fair value hierarchy

A number of the entity's accounting policies and disclosures require the measurement of fair values, for both financial and non-financial assets and liabilities. When measuring fair value, the valuation technique used maximises the use of relevant observable inputs and minimises the use of unobservable inputs. Under AASB 13, the entity categorises, for disclosure purposes, the valuation techniques based on the inputs used in the valuation techniques as follows:

- Level 1 – quoted prices in active markets for identical assets/liabilities that the entity can access at the measurement date.
- Level 2 – inputs other than quoted prices included within Level 1 that are observable, either directly or indirectly.
- Level 3 – inputs that are not based on observable market data (unobservable inputs).

The entity recognises transfers between levels of the fair value hierarchy at the end of the reporting period during which the change has occurred.

The Office is using depreciated historical cost to measure plant and equipment as it presents an approximation of fair value of plant and equipment.

(j) Equity

The category accumulated funds includes all current and prior period retained funds.

(k) Budgeted amounts

The budgeted amounts are drawn from the original budgeted financial statement presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangement Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements is explained in Note 17.

(l) Comparative information

Except when an Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

(m) New Australian Accounting Standards issued but not effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards unless NSW Treasury determines otherwise. The following new Accounting Standards which are applicable to the office, have not yet been applied and are not yet effective.

- AASB 9, AASB 2010-7 and AASB 2013-9 (PART C), AASB 2014-1 (PART E), AASB 2014-7 and AASB 2014-8 regarding financial instruments
- AASB 15 and AASB 2014-5 regarding Revenue from Contracts with Customers
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012-2014 cycle
- AASB 2015-2 regarding amendments to AASB 101 disclosure initiatives
- AASB 2015-3 regarding materiality

We do not anticipate any material impact of these accounting standards on the financial statements of the Office.

(n) Going concern

The Ombudsman's Office is a 'going concern' public sector entity. We will receive a Parliamentary appropriation as outlined in the NSW Budget Papers for 2015-2016 on an 'as needs' basis from the Crown Entity.

(o) Equity Transfers

The transfer of net assets between agencies as a result of an administrative restructure, transfers of programs/ functions and parts thereof between NSW public sector agencies and 'equity appropriations' are to be treated as contributions by owners and recognised as an adjustment to 'Accumulated Funds'. This treatment is consistent with AASB 1004 *Contributions* and Australian Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities*.

Transfers arising from an administrative restructure involving not-for-profit entities and for-profit government departments are recognised at the amount at which the assets and liabilities were recognised by the transfer or immediately prior to the restructure. Subject to the following paragraph, in most instances this will approximate fair value.

All other equity transfers are recognised at fair value, except for intangibles. Where an intangible has been recognised at (amortised) cost by the transferor because there is no active market, the agency recognises the asset at the transferor's carrying amount. Where the transferor is prohibited from recognising internally generated intangibles, the agency does not recognise that asset.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

	2015 \$'000	2014 \$'000
2 Expenses excluding losses		
(a) Employee related expenses		
Salaries and wages (including annual leave)*	20,966	19,258
Superannuation - defined benefit plans	263	283
Superannuation - defined contribution plans	1,708	1,532
Long service leave	1,121	921
Workers' compensation insurance	122	202
Payroll tax and fringe benefit tax	1,302	1,180
	25,482	23,376
(b) Other operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	31	30
Operating lease rental expense - minimum lease payments	2,507	2,313
Insurance	13	16
Fees	1,805	817
Telephones	63	106
Stores	317	227
Training	158	213
Printing	38	18
Travel	481	401
Consultants	110	32
Contractors	334	461
Maintenance - non-employee related*	203	231
Other	368	334
	6,428	5,199
* Reconciliation - Total maintenance		
Maintenance expenses - contracted labour and other	203	231
Employee related maintenance expense included in Note 2(a)	128	80
Total maintenance expenses included in Notes 2(a) and 2(b)	331	311
(c) Depreciation and amortisation expense		
Depreciation		
Plant and equipment	192	167
Leasehold Improvements	121	287
Furniture and Fittings	27	27
Total depreciation expense	340	481
Amortisation		
Software	285	224
Total amortisation expense	285	224
Total depreciation and amortisation expenses	625	705

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

	2015 \$'000	2014 \$'000
3 Revenue		
(a) Appropriations		
Recurrent appropriation		
Total recurrent draw-downs from NSW Treasury (per Summary of compliance)	24,348	23,909
	24,348	23,909
Comprising:		
Recurrent appropriations (per Statement of comprehensive income)	24,348	23,909
	24,348	23,909
Capital appropriation		
Total capital draw-downs from NSW Treasury (per Summary of compliance)	350	1,314
	350	1,314
Comprising:		
Capital appropriations (per Statement of comprehensive income)	350	1,314
	350	1,314
(b) Sale of goods and services		
Rendering of services	1,006	677
	1,006	677
(c) Investment revenue		
Interest	73	77
	73	77
(d) Grants and contributions		
Crown Entity funded redundancies	130	97
Operation Prospect - Grant from the Department of Premier and Cabinet	2,070	2,203
Disability Reportable Incidents - Grant from Department of Family & Community Services	998	-
Working with Children Check/Notifications of Concern - Grant from the Department of Premier and Cabinet (2015) and Office of the Children's Guardian (2014)	336	329
Aboriginal Programs - Grant from Aboriginal Affairs NSW	589	150
Child Protection - Grant from the Department of Premier and Cabinet	500	-
	4,623	2,779
(e) Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity:		
• Superannuation - defined benefit	263	288
• Long service leave	1,121	916
• Payroll tax on superannuation	17	15
	1,401	1,219
(f) Other revenue		
Miscellaneous	63	20
	63	20
4 Gain/(loss) on disposal		
Gain/(loss) on disposal of plant and equipment	(84)	(10)
	(84)	(10)

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

	2015 \$'000	2014 \$'000
5 Service groups of the entity		
The Ombudsman's Office operates under one service group - the independent resolution, investigation or oversight of complaints made by the public about agencies within the jurisdiction of the Ombudsman and the scrutiny of complaint handling and other systems of those agencies.		
6 Current assets – cash and cash equivalents		
Cash at bank and on hand	1,096	2,545
	1,096	2,545
For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank and on hand.		
Cash and cash equivalent assets recognised in the statement of financial position are reconciled at the end of the year to the statement of cash flows as follows:		
• Cash and cash equivalents (per statement of financial position)	1,096	2,545
• Closing cash and cash equivalents (per statement of cash flows).	1,096	2,545
Refer Note 18 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.		
7 Restricted assets		
Operation Prospect	–	931
Disability reportable incidents	427	–
Aboriginal Programs	65	150
Child Protection	125	–
	617	1,081
We have restricted cash which will be used in 2015-2016 for specific projects. These assets are not available for any other purposes.		
8 Current assets – receivables		
Transfer of leave and salary reimbursement	–	23
Workshops	155	41
Bank interest	32	21
GST receivable	19	136
Prepayments	440	509
Lease incentive receivable	1,523	–
Recoupment of fitout costs	2,076	–
	4,245	730
Refer to Note 18 for further information regarding credit risk, liquidity risk and market risk arising from financial instruments.		
9 Current assets - other financial assets		
Other loans and deposits	7	9
	7	9
Refer to Note 18 for further information regarding credit risk, liquidity risk and market risk arising from financial instruments.		

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

10 Non-current assets – plant and equipment

	Plant and equipment \$'000	Leasehold improvement \$'000	Furniture and fitting \$'000	Total \$'000
At 1 July 2014 - fair value				
Gross carrying amount	1,178	2,045	651	3,874
Accumulated depreciation	(563)	(1,982)	(538)	(3,083)
Net carrying amount	615	63	113	791
At 30 June 2015 - fair value				
Gross carrying amount	1,143	3,745	376	5,264
Accumulated depreciation	(695)	(1,755)	(241)	(2,691)
Net carrying amount	448	1,990	135	2,573

Reconciliation

A reconciliation of the carrying amount of each class of assets at the beginning of and end of financial years is set out below:

Year ended 30 June 2015				
Net carrying amount at start of year	615	63	113	791
Additions	25	2,048	97	2,170
Write-off on disposal	–	–	(48)	(48)
Depreciation expense	(192)	(121)	(27)	(340)
Net carrying amount at end of year	448	1,990	135	2,573
At 1 July 2013 - fair value				
Gross carrying amount	1,505	2,018	650	4,173
Accumulated depreciation	(1,176)	(1,695)	(511)	(3,382)
Net carrying amount	329	323	139	791
At 30 June 2014 - fair value				
Gross carrying amount	1,178	2,045	651	3,874
Accumulated depreciation	(563)	(1,982)	(538)	(3,083)
Net carrying amount	615	63	113	791
Year ended 30 June 2014				
Net carrying amount at start of year	329	323	139	791
Additions	464	27	–	491
Disposals	(790)	–	–	(790)
Depreciation write back on disposal	780	–	–	780
Depreciation expense	(168)	(287)	(26)	(481)
Net carrying amount at end of year	615	63	113	791

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

11 Non-current assets – intangible assets	1 July 2013 \$'000	30 June 2014 \$'000	1 July 2014 \$'000	30 June 2015 \$'000
Software				
Gross carrying amount	1,502	2,235	2,335	2,334
Accumulated amortisation	(839)	(1,063)	(1,063)	(1,189)
Net carrying amount	663	1,272	1,272	1,145

Reconciliation

A reconciliation of the carrying amount of software at the beginning of and end of financial years is set out below:

	2015 \$'000	2014 \$'000
Net carrying amount at start of year	1,272	663
Write-off on disposal	(36)	–
Additions	194	833
Amortisation expense	(285)	(224)
Net carrying amount at end of year	1,145	1,272

All intangibles were acquired separately and there are no internally developed intangible assets.

12 Current liabilities – payables

	2015 \$'000	2014 \$'000
Accrued salaries, wages and on-costs	857	664
Creditors	984	360
	1,841	1,024

Refer Note 18 for details regarding credit risk, liquidity risk and market risk arising from financial instruments

13 Current/non-current liabilities – provisions

Employee benefits and related on-costs		
Annual leave	1,202	1,200
Annual leave loading	239	258
Provision for related on-costs on annual leave	166	169
Provision for related on-costs on long service leave	768	639
	2,375	2,266
Other provisions		
Provision for make good	622	494
Total provisions	2,997	2,760
Reconciliation – make good		
Carrying amount at the beginning of financial year	494	476
Additional provision	128	–
Unwinding of the discount rate	–	18
Carrying amount at the end of financial year	622	494

The provision for make good is non-current liabilities and was recognised for the estimate of future payments for make good upon termination of the current accommodation lease. The five year lease started in October 2014. We reviewed the amount we had set aside for our make good and based on updated advice increased this provision.

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Notes to the financial statements for the year ended 30 June 2015

	2015 \$'000	2014 \$'000
Aggregate employee benefits and related on-costs		
Provisions - current	2,314	2,235
Provisions - non-current	61	31
Accrued salaries, wages and on-costs (Note 12)	857	664
	3,232	2,930

The value of annual leave and associated on-costs expected to be taken within 12 months is \$1.441 million (2014: \$1.458 million). The Office has a proactive annual leave management program, whereby all staff are encouraged to take their full entitlement each year.

The value of long service leave on-costs expected to be settled within 12 months is \$0.077 million (2014: \$0.063 million) and \$0.691 million (2014: \$0.569 million) after 12 months.

14 Current liabilities – other

Current		
Prepaid income	65	19
Lease Incentive Liability	3,374	–
	3,439	19

The lease incentive liability is amortised using the straight-line method over the period of the useful life of leasehold improvement assets acquired through the lease incentives.

In 2014/15, the lease incentive liability was reduced by \$36,232 and was recognised as a reduction of rental expense.

15 Commitments for expenditure

Operating lease commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	2,894	732
Later than one year and not later than five years	10,204	1
Total (including GST)	13,098	733

The total operating lease commitments include GST input tax credits of \$1.191 million (2014: \$0.067 million) which are expected to be recoverable from the Australian Taxation Office.

The new 5 year accommodation lease, which was negotiated and signed by Government Property NSW, commenced in October 2014.

16 Reconciliation of cash flows from operating activities to net result

Net cash used on operating activities	(1,099)	2,258
Depreciation and amortisation	(625)	(705)
Decrease/(increase) in provisions	(109)	(461)
Increase/(decrease) in prepayments	(69)	(45)
Decrease/(increase) in payables	(817)	(338)
Increase/(decrease) in receivables	3,582	10
Decrease/(increase) in other liabilities	(1,534)	(4)
Net gain/(loss) on disposal of assets	(84)	(10)
Net result	(755)	705

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Notes to the financial statements for the year ended 30 June 2015

17 Budget review

Net result

Total expenses were \$3.047 million more than budget because of additional grant funding for Operation Prospect, a public interest investigation; for workload increases in our employment related child protection area; and to establish the new disability reportable incident function at the Office. We also had some redundancy expenses which were funded by a grant from the Crown Entity.

Our revenue was \$3.452 million higher than budget due to additional grants being received for Operation Prospect (\$980,000); workload increases for the employment related child protection function (\$500,000); our new disability reportable incidents function (\$997,000); for a redundancy payment (\$130,000); and increased revenue from the provision of fee for service training (\$442,000). We had higher than anticipated employee entitlements accepted by the Crown Entity which is reflected as revenue on our Statement of Comprehensive income. Some of our grant funding remains unspent at 30 June 2015 and we have reflected this as restricted cash in note 7.

Assets and liabilities

Our net assets were \$0.411 million more than budget.

Both assets and liabilities increased as a result of the Office receiving a lease incentive for fitout improvements. An asset was recognised as we capitalised \$1.887 million of the incentive for fitout work completed as at 30 June 2015, with the remainder of the incentive to be capitalised in 2015-2016. We have also reflected the incentive as a receivable, as we have a legal entitlement to the funds from the building owner. A lease incentive liability has also been recorded. Following the lease negotiations, we reviewed the amount we had set aside for our make good and based on updated advice increased this provision.

There was also a slight increase in employee provisions.

Cash flows

Our net cash flow from operating activities was \$0.763 million higher than budget, with total payments higher by \$4.107 million due to the recoupment of fitout improvement from the building owner still being outstanding at 30 June 2015. Total receipts were higher by \$3.344 million due to receipt of grants for Disability Inclusion Act and Child Protection function. We received \$4.623 million in grants to continue a public interest investigation and for new roles.

18 Financial instruments

The Ombudsman's Office principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations and are required to finance our operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

Our main risks arising from financial instruments are outlined below, together with the Office's objectives, policies and processes measuring and managing risk. Further quantitative disclosures are included throughout these financial statements. The Ombudsman has overall responsibility for the establishment and oversight of risk management and reviews and approves policies for managing these risks. The Audit and Risk Committee (ARC) has been established to provide advice to the Ombudsman. The ARC does not have executive powers. Risk management policies are established to identify and analyse the risks faced by the Office, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Audit and Risk Committee on a regular basis.

(a) Financial instrument categories

Class	Note	Category	Carrying Amount	
			2015 \$'000	2014 \$'000
Financial assets				
Cash and cash equivalents	6	N/A	1,096	2,545
Receivables ¹	8	Receivables (at amortised cost)	3,786	85
Other financial assets	9	Loans and receivables (at amortised cost)	7	9
Financial Liabilities				
Payables ²	12	Financial liabilities measured at amortised cost	1,841	1,024

Notes

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

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Notes to the financial statements for the year ended 30 June 2015

(b) Credit risk

Credit risk arises when there is the possibility of our debtors defaulting on their contractual obligations, resulting in a financial loss to the Ombudsman's Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment). Credit risk is managed through the selection of counterparties and establishing minimum credit rating standards. Credit risk arises from the financial assets of the Ombudsman's Office, including cash, receivables and authority deposits. No collateral is held by the Ombudsman's Office and the Office has not granted any financial guarantees.

Cash

Cash comprises cash on hand and bank balances within the Treasury Banking System.

Receivables – trade debtors

The only financial assets that are past due or impaired are 'sales of goods and services' in the 'receivables' category of the statement of financial position. All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that we will not be able to collect all amounts due. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. The credit risk is the carrying amount (net of any allowance for impairment, if there is any). No interest is earned on trade debtors. The carrying amount approximates fair value. Sales are made on 14-day terms. The Ombudsman's Office is not exposed to concentration of credit risk to a single debtor or group of debtors.

	Total* \$'000	Past due but not impaired* \$'000	Considered impaired* \$'000
2015			
< 3 months overdue	137	137	–
3 months - 6 months overdue	–	–	–
> 6 months overdue	–	–	–
2014			
< 3 months overdue	42	42	–
3 months - 6 months overdue	–	–	–
> 6 months overdue	–	–	–

* Each column in the table reports 'gross receivables'. The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7 and excludes receivables that are not past due and not impaired. Therefore, the 'total' will not reconcile to the receivables total recognised in the statement of financial position.

(c) Liquidity risk

Liquidity risk is the risk that the Ombudsman's Office will be unable to meet its payment obligations when they fall due. We continuously manage risk through monitoring future cash flows to ensure adequate holding of high quality liquid assets. During the current and prior year, there were no defaults of loans payable. No assets have been pledged as collateral. The entity's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

Bank overdraft

The Office does not have any bank overdraft facility. During the current and prior years, there were no defaults or breaches on any loans payable.

Trade creditors and accruals

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, if trade terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payments to other suppliers, the Head of an authority (or a person appointed by the Head of an authority) may automatically pay the supplier simple interest. The Ombudsman's Office did not pay any penalty interest during the financial year.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

The table below summarises the maturity profile of our financial liabilities.

Payables	Weighted average effective interest rate	Nominal amount# \$'000	Interest rate exposure			Maturity dates		
			Fixed interest rate	Variable interest rate	Non-interest bearing	< 1 yr	1-5 yrs	5 yrs
2015								
Accrued salaries, wages and on-costs	–	857	–	–	857	857	–	–
Creditors	–	984	–	–	984	984	–	–
Total	–	1,841	–	–	1,841	1,841	–	–
2014								
Accrued salaries, wages and on-costs	–	664	–	–	664	664	–	–
Creditors	–	360	–	–	360	360	–	–
Total	–	1,024	–	–	1,024	1,024	–	–

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earlier date on which the Office can be required to pay. The tables include both interest and principal cash flows and therefore will not reconcile to the statement of financial position.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Our exposure to market risk are primarily through interest rate risk. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on the result and equity due to a reasonably possible change in risk variable is outlined in the information below for interest rate risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Office operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the statement of financial position date. The analysis is performed on the same basis for 2015. The analysis assumes that all other variables remain constant.

	Carrying amount \$'000	-1%		+1%	
		Results \$'000	Equity \$'000	Results \$'000	Equity \$'000
2015					
Financial assets					
Cash and cash equivalents	1,096	(11)	(11)	11	11
Receivables	3,786	–	–	–	–
Other financial assets	7	–	–	–	–
Financial liabilities					
Payables	1,841	–	–	–	–
2014					
Financial assets					
Cash and cash equivalents	2,545	(25)	(25)	25	25
Receivables	85	–	–	–	–
Other financial assets	9	–	–	–	–
Financial liabilities					
Payables	1,024	–	–	–	–

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2015

(e) Fair value measurement

Financial instruments are generally recognised at cost. The amortised cost of financial instruments recognised in the statement of financial position approximates the fair value, because of the short-term nature of many of the financial instruments.

19 Contingent liabilities

There are no contingent assets or liabilities for the period ended 30 June 2015 (2014: nil).

20 Events after the Reporting Period

There were no events after the reporting period 30 June 2015 (2014: nil).

End of the financial statements

Appendices



These appendices provide additional information on our activities and compliance reporting, complaint profiles, action taken on formal complaints, and other resource information.

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Appendix A

Profile of notifiable police complaints 2014-2015

Fig. 65: Action taken on finalised notifiable complaints about police officers in 2014-2015

The number of allegations is larger than the number of complaints finalised because a complaint may contain more than one allegation about a single incident or involve a series of incidents.

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Arrest				
Improper failure to arrest	1	–	5	6
Unlawful arrest	38	7	13	58
Unnecessary use of arrest	44	11	26	81
Total	83	18	44	145
Complaints				
Deficient complaint investigation	12	2	10	24
Fail to report misconduct	3	14	12	29
Fail to take a complaint	4	4	2	10
Inadequacies in informal resolution	8	–	2	10
Provide false information in complaint investigation	3	34	1	38
Total	30	54	27	111
Corruption/misuse of office				
Explicit threats involving use of authority	7	2	4	13
Improper association	36	34	21	91
Misuse authority for personal benefit or benefit of an associate	69	42	34	145
Offer or receipt of bribe/corrupt payment	14	3	3	20
Protection of person(s) involved in criminal activity (other)	2	–	–	2
Total	128	81	62	271
Custody/detention				
Death/serious injury in custody	1	1	–	2
Detained in excess of authorised time	1	1	1	3
Escape from custody	1	1	5	7
Fail to allow communication	–	1	–	1
Fail to caution/give information	–	–	2	2
Fail to meet requirements for vulnerable persons	2	–	2	4
Improper refusal to grant bail	2	–	2	4
Improper treatment	26	9	30	65
Inadequate monitoring of persons in custody	1	3	6	10
Unauthorised detention	16	3	10	29
Total	50	19	58	127
Driving-related				
Breach pursuit guidelines	6	3	10	19
Dangerous driving causing grievous bodily harm/ death	1	–	–	1
Drink-driving offence	–	14	1	15
Negligent/dangerous driving	10	6	12	28
Unnecessary speeding	8	10	11	29
Total	25	33	34	92
Drug-related				
Cultivate/ manufacture prohibited drug	3	1	–	4
Drinking/ under the influence on duty	1	1	3	5

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Protection of person(s) involved in drug activity	49	7	8	64
Supply prohibited drug	28	6	3	37
Use/possess restricted substance	–	7	–	7
Use/possession of prohibited drug	22	24	2	48
Total	103	46	16	165
Excessive use of force				
Assault	225	128	159	512
Firearm drawn	5	4	4	13
Improper use of handcuffs	11	6	10	27
Total	241	138	173	552
Information				
Fail to create/maintain records	12	49	69	130
Falsify official records	9	66	27	102
Misuse email/Internet	1	3	8	12
Provide incorrect or misleading information	17	53	46	116
Unauthorised access to information/data	9	87	21	117
Unauthorised alteration to information/data	1	-	-	1
Unauthorised disclosure of information/data	65	47	70	182
Unreasonable refusal to provide information	-	2	1	3
Total	114	307	242	663
Investigation				
Delay in investigation	14	6	16	36
Fail to advise outcome of investigation	8	–	2	10
Fail to advise progress of investigation	5	–	3	8
Fail to investigate	207	40	110	357
Improper/unauthorised forensic procedure	1	–	1	2
Improperly fail to investigate offence committed by another officer	2	4	2	8
Improperly interfere in investigation by another officer	11	7	7	25
Inadequate investigation	204	51	171	426
Total	452	108	312	872
Misconduct				
Allow unauthorised use of weapon	–	–	1	1
Conflict of interest	24	20	15	59
Detrimental action against a whistleblower	1	5	1	7
Dishonesty in recruitment/promotion	2	–	–	2
Disobey reasonable direction	–	26	24	50
Fail performance/conduct plan	–	2	1	3
Failure to comply with code of conduct	166	459	371	996
Failure to comply with statutory obligation/procedure	47	85	138	270
False claiming for duties/allowances	2	19	8	29
Inadequate management/maladministration	21	30	84	135
Inadequate security of weapon/appointments	1	8	21	30
Inappropriate intervention in civil dispute	3	4	6	13
Minor workplace-related misconduct	–	27	22	49
Other improper use of discretion	9	14	2	25
Unauthorised secondary employment	7	8	12	27
Unauthorised use of vehicle/facilities/equipment	7	28	32	67
Workplace harassment/victimisation/discrimination	76	126	48	250
Total	366	861	786	2,013

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Other criminal conduct				
Conspiracy to commit offence	–	1	–	1
Fraud	4	7	–	11
Murder/manslaughter	4	–	1	5
Officer in breach of domestic violence order	–	3	–	3
Officer perpetrator of domestic violence	4	22	2	28
Officer subject of application for domestic violence order	2	26	5	33
Other indictable offence	35	73	3	111
Other summary offence	35	240	18	293
Sexual assault/indecent assault	22	30	2	54
Total	106	402	31	539
Property/exhibits/theft				
Damage	7	3	7	17
Fail to report loss	–	–	5	5
Failure or delay in returning to owner	26	3	5	34
Loss	7	11	24	42
Theft	10	18	7	35
Unauthorised removal/destruction/use of	10	11	12	33
Total	60	46	60	166
Prosecution				
Adverse comment by court/costs awarded	3	7	13	23
Fail to attend court	1	6	36	43
Fail to check brief/inadequate preparation of brief	1	11	38	50
Fail to notify witness	1	5	20	26
Fail to serve brief of evidence	1	6	21	28
Failure to charge/prosecute	20	3	20	43
Failure to use Young Offenders Act	–	1	–	1
Improper prosecution	47	6	25	78
Mislead the court	5	2	4	11
Mislead the defence	1	–	–	1
Penalty infringement notice/traffic infringement notice inappropriately/wrongly issued	32	–	3	35
Total	112	47	180	339
Public justice offences				
Fabrication of evidence (other than perjury)	38	2	9	49
Involuntary confession by accused	2	–	–	2
Make false statement	15	20	11	46
Other pervert the course of justice	19	15	6	40
Perjury	6	5	–	11
Withholding or suppression of evidence	5	5	3	13
Total	85	47	29	161
Search/entry				
Failure to conduct search	–	–	3	3
Property missing after search	2	5	3	10
Unlawful entry	2	–	–	2
Unlawful search	42	12	47	101
Unreasonable/inappropriate conditions/damage	7	2	13	22
Wrongful seizure of property during search	4	1	5	10
Total	57	20	71	148
Service delivery				

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Breach domestic violence SOP	41	6	48	95
Fail to provide victim support	26	13	38	77
Fail/delay attendance to incident/'000'	15	2	12	29
Harassment/intimidation	112	16	42	170
Improper failure to WIPE	12	8	21	41
Neglect of duty (not specified elsewhere)	15	30	36	81
Other (customer service)	273	27	141	441
Rudeness/verbal abuse	165	48	142	355
Threats	42	8	40	90
Total	701	158	520	1,379
Total summary of allegations	2,713	2,385	2,645	7,743

Appendix B

Custodial services

Fig. 66: Action taken on formal complaints about people in custody finalised in 2014-2015

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Corrective Services	103	21	213	11	186	23	2	7	0	0	0	1	0	0	0	567	
Justice Health	5	4	77	0	22	6	0	0	0	0	0	0	0	0	0	114	
Juvenile Justice	8	4	22	0	18	1	1	0	0	0	0	1	0	0	0	55	
Total	116	29	312	11	226	30	3	7	0	0	0	2	0	0	0	736	

Description

Decline after assessment only, including:

- A** Conduct outside jurisdiction, Trivial, Remote, Insufficient interest, Commercial matter, Right of appeal or redress, Substantive explanation or advice provided, Premature – referred to agency, Concurrent representation, Investigation declined on resource/priority grounds

Preliminary or informal investigation:

- B** Substantive advice, information provided without formal finding of wrong conduct
- C** Advice/explanation provided where no or insufficient evidence of wrong conduct
- D** Further investigation declined on grounds of resource/priority
- E** Resolved to Ombudsman's satisfaction
- F** Resolved by agency prior to our intervention
- G** Suggestions/comment made
- H** Consolidated into other complaint
- I** Conciliated/mediated
- J** PID preliminary inquiries

Formal investigation:

- K** Resolved during investigation
- L** Investigation discontinued
- M** No adverse finding
- N** Adverse finding
- O** PID investigation

*Some complaints may involve more than one centre.

Fig. 67: Number of formal and informal complaints about Juvenile Justice received in 2014-2015

Institution	Formal	Informal	Total
Acmena Juvenile Justice Centre	3	18	21
Cobham Juvenile Justice Centre	10	43	53
Frank Baxter Juvenile Justice Centre	6	37	43
Juniperina Juvenile Justice Centre	11	29	40
Juvenile Justice NSW	10	7	17
Orana Juvenile Justice Centre	8	13	21
Reiby Juvenile Justice Centre	6	29	35
Riverina Juvenile Justice Centre	0	10	10
Total	54	186	240

Fig. 68: Number of formal and informal complaints about correctional centres, DCS and GEO received in 2014-2015

Institution	Formal	Informal	Total	Operational capacity	Total complaints as % of operational capacity
Maximum security					
Cessnock Correctional Centre	25	129	154	840	18
Goulburn Correctional Centre	42	126	168	570	29
High Risk Management Correctional Centre	33	65	98	35	280
Lithgow Correctional Centre	31	103	134	422	32
Long Bay Hospital	11	52	63	407	15
Metropolitan Remand Reception Centre	40	216	256	1,011	25
Parklea Correctional Centre	51	196	247	902	27
Silverwater Women's Correctional Centre	19	114	133	227	59
South Coast Correctional Centre	16	111	127	574	22
Special Purpose Prison Long Bay	1	2	3	52	6
Wellington Correctional Centre	19	123	142	554	26
Medium security					
Bathurst Correctional Centre	17	92	109	628	17
Broken Hill Correctional Centre	4	7	11	79	14
Cooma Correctional Centre	2	16	18	152	12
Dillwynia Correctional Centre	11	62	73	258	28
John Morony Correctional Centre	6	39	45	390	12
Junea Correctional Centre*	33	150	183	844	22
Kariong Juvenile Correctional Centre	4	12	16	34	47
Mid North Coast Correctional Centre	23	101	124	515	24
Tamworth Correctional Centre	5	24	29	81	36
Minimum security					
Compulsory Drug Treatment Centre	–	–	–	43	0
Dawn De Loas Special Purpose Centre	18	139	157	550	29
Emu Plains Correctional Centre	2	36	38	195	19
Glen Innes Correctional Centre	–	4	4	159	3
Ivanhoe "Warakirri" Correctional Centre	–	4	4	35	11
Mannus Correctional Centre	1	–	1	155	1
Metropolitan Special Programs Centre	27	111	138	1,052	13
Oberon Correctional Centre	1	3	4	110	4
Outer Metropolitan Multi Purpose Centre	5	10	15	295	5
St Heliers Correctional Centre	2	6	8	283	3
Yetta Dhinnakkal (Brewarrina) Centre	–	–	–	33	0
Subtotal	449	2,053	2,502	11,485	
Other					
Amber Laurel Correctional Centre	1	3	4		
Balund A (Tabulum)	1	2	3		
Community Offender Services	13	79	92		
Corrective Services NSW	102	442	544		
Court Escort/Security Unit	1	8	9		
Grafton Correctional Centre	4	18	22		
Justice Health	106	260	366		
Serious Offenders Review Council	1	2	3		
State Parole Authority	–	29	29		
The Forensic Hospital	6	14	20		
Woman's Transitional Centres	–	–	–		
Total	684	2,910	3,594		

* Includes complaints about medical service at Junea which is not provided by Justice Health.

Appendix C

Departments, authorities and local government

Public sector agencies

Fig. 69: Action taken on formal complaints finalised in 2014-2015

Complaint about	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Departments & authorities	1,237	35	403	5	410	103	29	41	-	8	-	2	1	-	-	2,274	
Local government	721	10	136	-	62	15	7	6	-	1	-	1	-	-	-	959	
Bodies outside jurisdiction	1,072	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,072	
Total	3,030	45	539	5	472	118	36	47	-	9	-	3	1	-	-	4,305	

Description

Decline after assessment only, including:

- A** Conduct outside jurisdiction, Trivial, Remote, Insufficient interest, Commercial matter, Right of appeal or redress, Substantive explanation or advice provided, Premature – referred to agency, Concurrent representation, Investigation declined on resource/priority grounds

Preliminary or informal investigation:

- B** Substantive advice, information provided without formal finding of wrong conduct
- C** Advice/explanation provided where no or insufficient evidence of wrong conduct
- D** Further investigation declined on grounds of resource/priority
- E** Resolved to Ombudsman's satisfaction
- F** Resolved by agency prior to our intervention
- G** Suggestions/comment made
- H** Consolidated into other complaint
- I** Conciliated/mediated
- J** PID preliminary inquiries

Formal investigation:

- K** Resolved during investigation
- L** Investigation discontinued
- M** No adverse finding
- N** Adverse finding
- O** PID investigation

Departments and authorities

Fig. 70: Action taken on formal complaints about departments and authorities finalised in 2014-2015

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Aboriginal Housing Office	1	0	0	0	1	1	0	1	0	0	0	0	0	0	0	4	
Aboriginal Legal Service	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Ambulance Service of New South Wales	8	0	0	0	1	0	0	0	0	0	0	0	0	0	0	9	
Anti-Discrimination Board	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Attorney General	11	0	2	0	2	1	1	0	0	0	0	0	0	0	0	17	
Ausgrid *	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Bodalla Local Aboriginal Land Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Bowraville Local Aboriginal Land Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Building Professionals Board	1	0	2	0	1	0	0	0	0	0	0	0	0	0	0	4	
Central Coast Local Health District	5	0	0	0	0	0	0	0	0	1	0	0	0	0	0	6	
Charles Sturt University	5	1	5	1	0	0	0	0	0	0	0	0	0	0	0	12	
Combat Sports Authority of NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Community Justice Centres	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Crown Lands	3	0	2	0	0	0	0	0	0	0	0	0	0	0	0	5	
Cummeragunja Local Aboriginal Land Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Dental Council of New South Wales	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Education and Communities	155	3	37	1	24	12	3	4	0	0	0	0	0	0	0	239	
Department of Justice	6	1	0	0	0	1	0	0	0	0	0	0	0	0	0	8	
Department of Lands	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Planning and Environment	8	0	1	0	1	0	0	0	0	0	0	0	0	0	0	10	
Department of Trade and Investment, Regional Infrastructure and Services	2	0	7	0	7	1	0	0	0	0	0	0	0	0	0	17	
Election Funding Authority of New South Wales	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Electoral Commission NSW	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4	
EnableNSW	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	3	
Endeavour Energy *	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Environment Protection Authority	5	0	3	0	0	0	0	0	0	0	0	0	0	0	0	8	
Essential Energy *	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Fair Trading	50	1	9	0	15	8	0	4	0	0	0	0	0	0	0	87	
Fire and Rescue NSW	4	0	1	0	0	0	0	1	0	0	0	0	0	0	0	6	
Forestry Corporation of NSW	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Health Care Complaints Commission	13	1	2	0	1	0	0	2	0	0	0	0	0	0	0	19	
HealthShareNSW	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Housing Appeals Committee	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Housing NSW	98	6	32	0	75	13	5	10	0	0	0	0	0	0	0	239	
Hunter and Central Coast Joint Regional Planning Panel	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Hunter New England Local Health District	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Hunter Water Corporation Limited*	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	
Illawarra Shoalhaven Local Health District	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Independent Liquor and Gaming Authority	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Independent Pricing and Regulatory Tribunal	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Industrial Relations	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Information and Privacy Commissioner	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	4	
Inspector of the Independent Commission Against Corruption	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Internal Audit Bureau of NSW	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	
Jenolan Caves Reserve Trust	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Justice Health	2	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	
Land & Housing Corporation	25	1	11	0	61	4	0	1	0	0	0	0	0	0	0	103	
Land and Property Information	7	0	2	0	0	0	0	0	0	0	0	0	0	0	0	9	
Lands Board	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Legal Aid Commission of New South Wales	17	0	1	0	2	0	0	1	0	0	0	0	0	0	0	21	
Lifetime Care and Support Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Livestock Health and Pest Authorities State Management Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Long Service Corporation	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	3	
Lord Howe Island Board	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Macquarie University	7	0	9	1	2	0	0	0	0	0	0	0	0	0	0	19	
Medical Council of New South Wales	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Mental Health Commission	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Mid North Coast Local Health District	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Mine Subsidence Board	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	3	
Ministry for Police & Emergency Services	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Murrumbidgee Local Health District	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
National Parks & Wildlife Service	2	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	
Nepean Blue Mountains Local Health District	3	0	0	0	0	1	0	0	0	0	0	0	0	0	0	4	
Nepean Hospital	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
North Coast Local Land Services Region	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Northern NSW Local Health District	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
Northern Sydney Local Health District	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
NSW Civil and Administrative Tribunal	42	0	1	0	1	1	0	0	0	0	0	0	0	0	0	45	
NSW Food Authority	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
NSW Ministry of Health	14	0	0	0	1	0	0	0	0	0	0	0	0	0	0	15	
NSW Office of Liquor, Gaming and Racing	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	3	
NSW Office of Water	3	0	3	0	0	0	0	0	0	0	2	0	0	0	0	8	
NSW Trains	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
NSW Trustee and Guardian	2	0	2	0	1	0	1	0	0	0	0	0	0	0	0	6	
NSW Trustee and Guardian - Financial Services	20	1	9	0	7	3	0	0	0	0	0	0	0	0	0	40	
NSW Trustee and Guardian - Trustee Services	18	0	2	0	0	0	0	0	0	0	1	0	0	0	0	21	
Nursing and Midwifery Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of Community Housing	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of Environment and Heritage	1	0	1	0	2	0	1	0	0	1	0	1	0	0	0	7	
Office of Finance and Services	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of Local Government	6	1	5	0	0	0	0	0	0	0	0	0	0	0	0	12	
Office of Public Guardian	6	0	0	0	1	0	0	0	0	0	0	0	0	0	0	7	
Office of Sport	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	
Office of State Revenue	17	0	2	0	2	1	0	0	0	0	0	0	0	0	0	22	
Office of the Children's Guardian	16	0	2	0	4	2	0	0	0	0	0	0	0	0	0	24	
Office of the Information Commissioner New South Wales	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of the Legal Services Commissioner	7	0	2	0	0	0	0	0	0	0	0	0	0	0	0	9	
Planning Assessment Commission	1	0	0	0	1	0	2	0	0	0	0	0	0	0	0	4	
Primary Industries	7	0	6	0	1	0	0	0	0	0	0	0	0	0	0	14	
Public Service Commission	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Registry of Births, Deaths and Marriages	24	0	17	0	48	14	1	0	0	0	0	0	0	0	0	104	
Registry of Co-operatives and Associations	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Rental Bond Board	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	
Roads and Maritime Services	138	4	50	0	25	11	1	2	0	1	0	1	0	0	0	233	
Royal Botanic Gardens and Domain Trust	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Rural Assistance Authority	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	4	
Rural Fire Service NSW	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Service NSW	9	0	8	0	7	2	0	0	0	0	0	0	0	0	0	26	
Office of the Sheriff of NSW	6	0	0	0	1	0	0	0	0	0	0	0	0	0	0	7	
South East Local Land Services Region	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
South Eastern Area Laboratory Services (SEALS)	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
South Eastern Sydney Local Health District	3	0	0	0	0	0	0	1	0	0	0	0	1	0	0	5	
South Western Sydney Local Health District	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
State Authorities Super Scheme	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
State Debt Recovery Office	152	10	78	0	76	15	3	6	0	0	0	0	0	0	0	340	

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Southern Cross University	5	0	2	0	2	0	1	0	0	0	0	0	0	0	0	10	
Southern NSW Local Health District	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
State Emergency Service	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
State Super	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
State Transit Authority of NSW	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	3	
State Water Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Sydney Catchment Authority	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Sydney Children's Hospital Network	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Sydney Ferries Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Sydney Local Health District	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Sydney Olympic Parks Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Sydney Trains	22	0	2	0	0	0	0	0	0	0	0	0	0	0	0	24	
Sydney Water Corporation	10	0	2	0	0	0	0	0	0	0	0	0	0	0	0	12	
Taylors College - Sydney Campus	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Transport for NSW	76	2	21	1	9	4	2	1	0	0	0	0	0	0	0	116	
University of New England	4	0	1	0	1	0	0	1	0	0	0	0	0	0	0	7	
University of New South Wales	8	0	2	0	0	1	1	0	0	0	0	0	0	0	0	12	
University of Newcastle	7	0	2	0	0	0	0	1	0	0	0	0	0	0	0	10	
University of Sydney	7	0	8	1	2	0	0	0	0	0	0	0	0	0	0	18	
University of Technology Sydney	9	0	4	0	1	0	0	1	0	0	0	0	0	0	0	15	
University of Western Sydney	18	0	8	0	6	0	1	0	0	0	0	0	0	0	0	33	
University of Wollongong	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
UrbanGrowth NSW	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
UrbanGrowth NSW Development Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Valuer General	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
Veterinary Practitioners Board of NSW	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Victims Services	3	0	3	0	1	0	0	0	0	0	0	0	0	0	0	7	
Wagga Wagga Aboriginal Land Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Water NSW	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Western NSW Local Health District	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Western Sydney Local Health District	4	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5	
WorkCover Authority	22	0	5	0	1	2	2	1	0	0	0	0	0	0	0	33	
WorkCover Independent Review Office	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Workers Compensation Commission	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Yaegl Local Aboriginal Land Council	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Outside our jurisdiction	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Total	1,237	35	403	5	410	103	29	41	0	8	0	2	1	0	0	2,274	

Local government

Fig. 71: Action taken on formal complaints about local government finalised in 2014-2015

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Accredited Certifier	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	4	
Albury City Council	4	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5	
Armidale Dumaresq Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Ashfield Municipal Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Auburn Council	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
Ballina Shire Council	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
Bankstown City Council	14	0	2	0	2	1	0	0	0	0	0	0	0	0	0	19	
Bathurst Regional Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Bega Valley Shire Council	9	0	2	0	0	0	0	0	0	0	0	0	0	0	0	11	
Bellingen Shire Council	5	0	2	0	0	0	0	0	0	0	0	0	0	0	0	7	
Berrigan Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Blacktown City Council	19	1	1	0	1	0	0	0	0	0	0	0	0	0	0	22	
Blue Mountains City Council	11	0	2	0	1	0	0	0	0	0	0	0	0	0	0	14	
Bogan Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Bombala Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Boorowa Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Botany Bay City Council	7	0	1	0	2	0	0	0	0	0	0	0	0	0	0	10	
Broken Hill City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Burwood Council	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Byron Shire Council	3	0	2	0	2	0	0	0	0	0	0	0	0	0	0	7	
Cabonne Council	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3	
Camden Council	7	0	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
Campbelltown City Council	6	0	1	0	2	0	0	0	0	0	0	0	0	0	0	9	
Canterbury City Council	13	0	2	0	1	0	0	0	0	0	0	0	0	0	0	16	
Cessnock City Council	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
City of Canada Bay Council	15	0	1	0	0	0	0	1	0	0	0	0	0	0	0	17	
Clarence Valley Council	7	0	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
Coffs Harbour City Council	4	0	2	0	4	0	0	0	0	0	0	0	0	0	0	10	
Cooma-Monaro Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
Coonamble Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Cootamundra Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Corowa Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Cowra Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Dubbo City Council	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3	
Dungog Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Eurobodalla Shire Council	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	
Fairfield City Council	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	
Gilgandra Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Glen Innes Severn Shire Council	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	
Gloucester Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Gosford City Council	15	0	4	0	1	0	0	0	0	0	0	0	0	0	0	20	
Goulburn Mulwaree Council	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Great Lakes Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Greater Hume Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Greater Taree City Council	7	0	1	0	1	0	0	0	0	0	0	0	0	0	0	9	
Griffith City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Gunnedah Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
Gwydir Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Harden Shire Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Hawkesbury City Council	8	0	1	0	0	0	0	0	0	0	0	0	0	0	0	9	
Holroyd City Council	5	0	1	0	1	0	0	0	0	0	0	0	0	0	0	7	
Hornsby Shire Council	9	0	3	0	0	0	0	0	0	0	0	0	0	0	0	12	
Hunters Hill Municipal Council	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Hurstville City Council	16	0	4	0	4	1	0	0	0	0	0	0	0	0	0	25	
Inverell Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Jerilderie Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Kempsey Shire Council	7	0	2	0	0	0	0	0	0	0	0	0	0	0	0	9	
Kiama Municipal Council	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Kogarah City Council	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
Ku-ring-gai Municipal Council	15	0	2	0	1	0	0	0	0	0	0	0	0	0	0	18	
Kyogle Shire Council	2	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	
Lake Macquarie City Council	13	0	1	0	1	1	0	0	0	0	0	0	0	0	0	16	
Lane Cove Municipal Council	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	5	
Leichhardt Municipal Council	15	1	2	0	1	0	0	0	0	0	0	0	0	0	0	19	
Lismore City Council	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6	
Lithgow City Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Liverpool City Council	13	0	9	0	1	0	0	0	0	0	0	0	0	0	0	23	
Lockhart Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Maitland City Council	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Manly Council	13	0	2	0	1	1	0	0	0	0	0	1	0	0	0	18	
Marrickville Council	11	0	1	0	2	0	0	0	0	0	0	0	0	0	0	14	
MidCoast Water	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	3	
Mid-Western Regional Council	2	0	1	0	0	0	1	0	0	0	0	0	0	0	0	4	
Moree Plains Shire Council	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3	
Mosman Municipal Council	1	0	2	0	0	0	1	0	0	0	0	0	0	0	0	4	
Murray Shire Council	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Muswellbrook Shire Council	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	4	
Nambucca Shire Council	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Narrabri Shire Council	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
Narrandera Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Newcastle City Council	16	1	1	0	1	1	2	0	0	0	0	0	0	0	0	22	
North Sydney Council	4	1	6	0	1	0	0	0	0	0	0	0	0	0	0	12	
Orange City Council	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Palerang Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Parkes Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Parramatta City Council	8	0	0	0	2	0	0	1	0	0	0	0	0	0	0	11	
Penrith City Council	8	0	2	0	0	1	1	0	0	0	0	0	0	0	0	12	
Pittwater Council	9	0	5	0	1	1	0	1	0	0	0	0	0	0	0	17	
Port Macquarie-Hastings Council	7	0	5	0	1	2	0	0	0	0	0	0	0	0	0	15	

Agency	Assessment only	Preliminary or informal investigation										Formal investigation					Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Port Stephens Council	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	
Queanbeyan City Council	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	4	
Randwick City Council	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	
Riverina Water County Council	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	
Rockdale City Council	14	0	2	0	4	0	0	0	0	0	0	0	0	0	0	20	
Ryde City Council	8	0	2	0	0	0	0	0	0	0	0	0	0	0	0	10	
Shellharbour City Council	7	0	1	0	1	0	0	0	0	0	0	0	0	0	0	9	
Shoalhaven City Council	7	0	1	0	0	0	0	0	0	0	0	0	0	0	0	8	
Singleton Shire Council	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	
Snowy River Shire Council	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Strathfield Municipal Council	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	
Sutherland Shire Council	21	0	1	0	1	1	0	0	0	0	0	0	0	0	0	24	
Sydney City Council	20	1	4	0	1	0	0	1	0	0	0	0	0	0	0	27	
Tamworth Regional Council	5	0	1	0	2	0	0	0	0	0	0	0	0	0	0	8	
Tenterfield Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
The Hills Shire Council	9	0	4	0	0	0	0	0	0	0	0	0	0	0	0	13	
Tumut Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Tweed Shire Council	8	0	2	0	1	0	0	0	0	0	0	0	0	0	0	11	
Upper Hunter Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Upper Lachlan Shire Council	2	0	1	0	0	2	0	0	0	0	0	0	0	0	0	5	
Wagga Wagga City Council	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4	
Warren Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Warringah Council	10	0	3	0	1	0	0	1	0	1	0	0	0	0	0	16	
Warrumbungle Shire Council	6	0	0	0	1	0	0	0	0	0	0	0	0	0	0	7	
Waverley Council	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	5	
Wellington Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Wentworth Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Willoughby City Council	6	0	1	0	0	0	0	0	0	0	0	0	0	0	0	7	
Wingecarribee Shire Council	10	0	4	0	1	1	0	0	0	0	0	0	0	0	0	16	
Wollondilly Shire Council	6	0	1	0	0	0	0	0	0	0	0	0	0	0	0	7	
Wollongong City Council	19	0	1	0	0	0	0	0	0	0	0	0	0	0	0	20	
Woollahra Municipal Council	10	0	3	0	1	0	0	0	0	0	0	0	0	0	0	14	
Wyong Shire Council	30	0	4	0	3	1	1	1	0	0	0	0	0	0	0	40	
Yass Valley Council	5	0	3	0	1	0	0	0	0	0	0	0	0	0	0	9	
Young Shire Council	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Council not named	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Total	721	10	136	0	62	15	7	6	0	1	0	1	0	0	0	959	

Appendix D

Human services

Child and family services

Fig. 72: Complaints issues for child and family services received in 2014-2015

A complaint may have more than one issue.

Program area	Child protection		Out-of-home care		Children's services		Family support		Adoption		General inquiry		Total
	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	
Access to service	0	0	0	0	0	0	1	1	0	0	1	0	3
Allowances/fees	0	0	2	6	0	1	0	2	0	0	17	21	49
Assault/abuse in care	0	0	0	3	0	1	0	0	0	0	10	6	20
Case management	1	0	8	12	1	0	0	2	0	1	25	22	72
Case planning	0	0	0	0	0	1	0	0	0	0	2	1	4
Casework	0	0	65	84	0	1	1	1	0	0	72	76	300
Charges/fees	0	0	0	0	0	0	0	0	0	0	0	1	1
Client choice, dignity, participation	0	0	0	2	0	0	0	0	0	0	0	0	2
Client finances & property	0	0	0	0	0	0	0	0	0	0	0	1	1
Client rights	0	0	0	0	0	0	0	0	0	0	3	4	7
Client-to-client abuse/assault	0	0	0	0	0	0	0	0	0	0	2	1	3
Complaints	0	2	13	18	2	1	2	2	0	0	12	24	76
Customer service	0	0	9	26	0	2	2	4	1	0	12	27	83
File/record management	0	0	0	0	0	0	0	0	0	0	2	1	3
Information	0	0	12	24	0	0	2	1	0	0	12	21	72
Investigation	0	0	17	7	0	1	0	0	0	0	3	1	29
Legal problems	0	0	1	5	0	1	0	1	0	0	1	3	12
Meeting individual needs	0	0	10	16	1	3	1	2	0	1	44	92	170
Not in jurisdiction	1	0	3	19	0	2	1	0	0	0	3	3	32
Object to decision	0	0	24	32	0	2	0	0	0	3	13	52	126
Policy/procedure/law	0	0	3	1	0	0	0	0	0	1	2	0	7
Professional conduct/misconduct	0	0	17	6	0	0	1	1	0	1	9	5	40
Safety	0	0	0	0	0	0	0	0	0	0	3	2	5
Service funding, licensing, monitoring	0	0	0	0	0	0	0	1	0	0	1	0	2
Service management	0	0	0	1	0	0	0	1	0	0	1	2	5
Staff-to-client abuse/neglect	0	0	0	0	0	0	0	0	0	0	1	0	1
Unexplained serious injury of service receiver	0	0	0	0	0	0	0	0	0	0	1	1	2
Other	0	0	3	11	0	0	0	0	0	0	1	5	20
Total	2	2	187	273	4	16	11	19	1	7	253	372	1,147

Fig. 73: **Formal complaints finalised for child and family services in 2014-2015**

Figure 75 shows the outcomes of formal complaints finalised about child and family services this year.

Program area	A	B	C	D	E	F	G	H	I	Total
Adoption	0	0	0	0	0	0	0	0	0	0
Child protection services	67	2	1	2	65	25	4	4	0	170
Children's services	1	0	0	0	1	1	0	1	0	4
Family support services	5	0	0	0	1	0	0	0	0	6
Out-of-home care	70	0	0	1	98	40	7	12	1	229
Total	143	2	1	3	165	66	11	17	1	409

Description

- A** Complaint declined at outset
- B** Service improvement comments or suggestions to agency
- C** Referred to agency concerned or other body for investigation
- D** Direct investigation
- E** Complaints resolved after enquiries
- F** Complaints resolved by agency prior to contact
- G** Complaints consolidated into another complaint
- H** Complaints referred to agency for local resolution
- I** Complaints conciliated/mediated

Disability services

Fig. 74: **Complaints issues for disability services received in 2014-2015**

A complaint may have more than one issue.

Program area	Disability accommodation		Disability support		General inquiry		Total
	Formal	Informal	Formal	Informal	Informal		
Access to service	4	2	7	6	0		19
Allowances/fees	0	4	3	3	0		10
Assault/abuse in care	0	12	0	2	0		14
Case management	13	4	13	4	0		34
Case planning	4	1	0	1	0		6
Casework	0	0	3	4	0		7
Charges/fees	6	2	3	0	0		11
Client choice, dignity, participation	3	0	3	0	0		6
Client finances & property	3	0	0	1	0		4
Client rights	2	2	0	0	0		4
Client-to-client abuse/assault	20	1	1	2	0		24
Complaints	8	5	7	5	0		25
Customer service	1	3	8	17	0		29
File/record management	1	0	0	0	0		1
Information	4	7	3	4	0		18
Investigation	2	5	0	0	0		7
Legal problems	0	0	1	0	0		1
Meeting individual needs	45	25	17	12	0		99
Object to decision	0	1	3	5	0		9
Policy/procedure/law	0	0	1	1	0		2
Professional conduct/misconduct	12	4	14	2	0		32
Safety	3	0	1	0	0		4
Service funding, licensing, monitoring	3	1	4	4	0		12
Service management	6	3	4	5	0		18
Staff-to-client abuse/neglect	29	2	6	2	0		39
Unexplained serious injury of service receiver	8	1	3	3	0		15
Outside our jurisdiction	6	3	1	13	1		24
Other	0	6	0	13	0		19
Total	183	94	106	109	1		493

Fig. 75: **Formal complaints finalised for disability services in 2014-2015**

Figure 77 shows the outcomes of formal complaints we received about disability services this year.

Program area	A	B	C	D	E	F	G	H	I	Total
Disability accommodation	19	10	3	0	84	23	8	6	1	154
Disability support	18	4	2	0	40	12	0	7	0	83
Total	37	14	5	0	124	35	8	13	1	237

Description

- A** Complaint declined at outset
- B** Service improvement comments or suggestions to agency
- C** Referred to agency concerned or other body for investigation
- D** Direct investigation
- E** Complaints resolved after inquiries
- F** Complaints resolved by agency prior to contact
- G** Complaints consolidated into another complaint
- H** Complaints referred to agency for local resolution
- I** Complaints conciliated/mediated

Other community services

Fig. 76: Number of formal and informal matters about other community services received in 2014-2015

Some complaints about specialist homelessness services and general community services may involve complaints about child and family and disability services.

Agency category	Formal	Informal
Community Services		
Specialist homelessness services	0	0
General community services	2	4
Aged services	0	0
Other	5	27
Subtotal	7	31
ADHC		
Specialist homelessness services	0	0
General community services	1	0
Aged services	1	0
Other	1	3
Subtotal	3	3
Other government agencies		
Specialist homelessness services	0	0
General community services	1	1
Aged services	0	5
Other	2	5
Subtotal	3	11
Non-government-funded or licensed services		
Specialist homelessness services	8	5
General community services	2	3
Aged services	5	6
Other	2	18
Subtotal	17	32
Other		
Other (general inquiries)	1	10
Agency unknown	3	42
Outside our jurisdiction	7	5
Subtotal	11	57
Total	41	134

Fig. 77: Complaints issues for other community services received in 2014-2015

Figure 79 shows the issues that were complained about in 2014-2015 in relation to general community services. Please note that each complaint we received may have more than one issue.

Issue	Formal	Informal	Total
Access to service	1	3	4
Allowances/fees	2	1	3
Case management	1	1	2
Case Planning	0	1	1
Casework	0	3	3
Client finances & property	0	1	1
Client to client abuse/assault	1	0	1
Complaints	2	6	8
Customer service	2	14	16
Information	1	3	4
Investigation	2	0	2
Legal Problems	2	0	2
Meeting individual needs	2	5	7
Not in jurisdiction	13	32	45
Object to decision	2	6	8
Professional conduct/misconduct	6	3	9
Service funding, licensing, monitoring	1	1	2
Service management	2	1	3
Other	1	54	55
Total	41	135	176

Fig. 78: **Formal complaints finalised for other community services in 2014-2015**

Figure 80 shows the outcomes of formal complaints finalised about general community services this year.

Program area	A	D	E	F	H	I	J	K	L	Total
Aged services	5	0	0	0	0	0	0	0	0	5
Disaster welfare	0	0	0	0	0	0	0	0	0	0
General community services	6	0	1	0	1	0	0	0	0	8
Other	12	0	0	0	0	1	0	0	0	13
SAAP	3	0	0	0	5	0	0	1	0	9
Total	26	0	1	0	6	1	0	1	0	35

Description

- A** Complaint declined at outset
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- H** Complaints resolved after inquiries
- I** Complaints resolved by agency prior to contact
- J** Complaints consolidated into another complaint
- K** Complaints referred to agency for local resolution
- L** Complaints conciliated/mediated

Appendix E

Committees

Significant committees

Our staff are members of the following inter-organisational committees.

Staff member	Committee name
Ombudsman Bruce Barbour	Board Member Pacific Ombudsman Alliance; Institute of Criminology Advisory Committee; Public Interest Disclosures Steering Committee; Convenor, NSW Child Death Review Team
Deputy Ombudsman (Public Administration & Strategic Projects Branch) Chris Wheeler	Local Government Liaison Group; Public Interest Disclosures Steering Committee, Society of Consumer Professionals Australia
Deputy Ombudsman/Community and Disability Services Commissioner Steve Kinmond	Police Aboriginal Strategic Advisory Committee (PASAC); NSW Child Death Review Team
Deputy Ombudsman (Aboriginal Programs) Danny Lester	PASAC
Director, Strategic Projects Division Julianna Demetrius	PASAC
Director, Systemic Reviews Kathryn McKenzie	National Health and Medical Research Council (NHMRC) Partnerships for Better Health Project on <i>Improving Mental Health Outcomes for People with an Intellectual Disability</i> ; Agency for Clinical Innovation Intellectual Disability Network Executive Group (observer)
Principal Investigator Sue Phelan	Child Protection and Sex Crimes Squad Advisory Council
Manager, Aboriginal Unit Laurel Russ	PASAC
Division Manager (Public Administration Division) Anne Radford	Complaint Handler's Information Sharing and Liaison Group
Inquiries and Resolution Team Manager Vince Blatch	Complaint Handler's Information Sharing and Liaison Group
Senior Investigation Officer Maxwell Britton	Corruption Prevention Network; Heads of Asbestos Coordination Authorities – Working Group
Community Education and Training Coordinator Anna Papanastasiou	Joint Outreach Initiative Network

Reviewable Disability Deaths Advisory Panel

Staff member	Committee name
Assoc Prof Alvin Ing	Senior Staff Specialist, Respiratory Medicine, Bankstown-Lidcombe Hospital and Senior Visiting Respiratory Physician, Concord Hospital
Dr Cheryl McIntyre	General practitioner, Obstetrician (Inverell)
Dr Ted O'Loughlin	Senior staff specialist, Gastroenterology, The Children's Hospital at Westmead
Dr Rosemary Sheehy	Geriatrician/Endocrinologist, Sydney Local Health District
Assoc Prof Ernest Somerville	Director, Comprehensive Epilepsy Service, Prince of Wales Hospital

Appendix F

Legislation and legal matters

Legislation relating to Ombudsman functions

Ombudsman Act 1974

Community Services (Complaints Reviews and Monitoring) Act 1993

Police Act 1990

Commission for Children and Young People Act 1998

Inspector of Custodial Services Act 2012

Public Interest Disclosures Act 1994

Witness Protection Act 1995

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Working with Children) Act 2012

NSW universities' enabling Acts as amended by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001*

Government Information (Public Access) Act 2009

Government Information (Information Commissioner) Act 2009

Law Enforcement (Controlled Operations) Act 1997

Telecommunications (Interception and Access) (New South Wales) Act 1987

Surveillance Devices Act 2007

Law Enforcement (Powers and Responsibilities) Act 2002

Terrorism (Police Powers) Act 2002

Summary Offences Act 1988

Crimes Act 1900 (as amended by Schedule 1[11] to the *Crimes Amendment (Consorting and Organised Crime) Act 2012*)

Crimes (Criminal Organisations Control) Act 2012

Firearms Act 1996 (as amended by Schedule 1[39] to the *Firearms and Criminal Groups Legislation Amendment Act 2013*)

Restricted Premises Act 1943 (as amended by Schedule 2[12] to the *Firearms and Criminal Groups Legislation Amendment Act 2013*)

Litigation

In the reporting year there has been no legal action involving the Ombudsman as a party.

Legal changes

Disability Inclusion Act 2014

The Disability Inclusion Act amended the Ombudsman Act to include a legislative scheme under new Part 3C to require the Department of Family and Community Services and funded providers of disability supports services to notify the Ombudsman of, and to investigate under the Ombudsman's oversight, 'reportable incidents' of abuse, neglect and exploitation of people with disability living in supported group accommodation. The Ombudsman's role under the scheme additionally includes keeping under scrutiny the systems of the Department and funded providers for preventing, and for handling and responding to, reportable incidents.

Ombudsman and Public Interest Disclosures Legislation Amendment Act 2014

This Act amended s.35 of the Ombudsman Act to extend the non-competence and non-compellability of the Ombudsman and officers of the Ombudsman to give evidence or produce documents in any legal proceedings in respect of any information obtained by the Ombudsman or officer in the course of the Ombudsman's or officer's office. The amendment extends this statutory non-competence and non-compellability to a former Ombudsman, a former officer of the

Ombudsman, an Australian legal practitioner appointed to assist the Ombudsman, and a person engaged to provide expert assistance to the Ombudsman, and includes information obtained by those persons before the amendment. The Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission is to review the operation of this amendment after 5 March 2016.

External legal advice sought

- Mr Michael Sexton SC, Solicitor General – advice regarding scope of jurisdiction under the Ombudsman Act.
- Mr Neil Williams SC with Ms Anna Mitchelmore – advice regarding the Ombudsman Act and the Police Act.
- Mr James Hmelnitsky SC – advice regarding the Ombudsman Act.
- NSW Crown Solicitor's Office – advice regarding the Restricted Premises Act.

Appendix G

Compliance with annual reporting requirements

Under the *Annual Reports (Departments) Act 1985*, the Annual Reports (Departments) Regulation 2010, various Treasury circulars and the *Ombudsman Act 1974* our office is required to include certain information in this report. The following is a list of information we are required to include in accordance with NSW Treasury's annual report compliance checklist and the Ombudsman Act.

Topic	Comment/location
Access	Back cover
Agreements with the Community Relations Commission	We do not have any agreements
Aims and objectives	Page 2 and pages 22 – 29
Charter	See opening pages of report
Consultants	Page 129
Consumer response	Page 17-18 and pages 119 – 126
Controlled entities	We have no controlled entities
Credit card certification	The Ombudsman certifies that credit card use in the office has met best practice guidelines in accordance with Premier's memoranda and Treasury directions.
Digital Information Security policy for the Public Sector annual attestation	Page 21
Disability plans	Appendix I
Disclosure of controlled entities	We do not have any controlled entities
Disclosure of Subsidiaries	We do not have any subsidiaries
Economic or other factors	Page 30 and 127 – 153
Equal Employment Opportunity	Page 34
Financial statements	Pages 135 – 153
Funds granted to non-government community organisations	No funds granted
<i>Government Information (Public Access) Act 2009</i>	See Appendix H
Human resources	Pages 33 – 38
Identification of audited financial statements	Page 134
Inclusion of unaudited financial statements	We do not have any unaudited financial statements
Internal audit and risk management policy attestation	Page 21
Is the report available in non-printed formats?	Yes
Is the report available on the internet?	Yes, at www.ombo.nsw.gov.au
Land disposal	We did not dispose of any land
Legal change	Appendix F
Letter of submission	Page 2
Management and activities	This report details our activities during the reporting period. Specific comments can be found in our Managing our organisation chapter at pages 9 – 38.
Management and structure: names and qualifications of principal officers, organisational chart indicating functional responsibilities	Pages 12 – 15
Multicultural Policies and Services Program (formerly EAPS)	Appendix I
Complaints referred to us under Part 6 of the Ombudsman Act	Seven complaints were referred to us under Part 6 this year
Particulars of any matter arising since 1 July 2013 that could have a significant effect on our operations or a section of the community we serve	Not applicable
Particulars of extensions of time	No extension applied for

Topic	Comment/location
Payment of accounts	Pages 129 – 131
Performance and numbers of executive officers	Pages 22 – 29, 34
Promotion – overseas visits	Page 8
Public Interest Disclosures	See pages 18 – 19
Requirements arising from employment arrangements	We do not provide personnel services to any statutory body
Research and development	Page 32
Risk management and insurance activities	Pages 19 – 20
Statement of action taken to comply with the <i>Privacy and Personal Information Protection Act 1998</i>	We have a privacy management plan as required by s.33(3) of the <i>Privacy and Personal Information Protection Act 1998</i> and includes our obligations under the <i>Health Records and Information Privacy Act 2002</i> . This reporting year we did not receive any requests for internal review under the Act.
Summary review of operations	Inside front cover and pages 4-8
Time for payment of accounts	Page 130 – 131
Total external costs incurred in the production of the report	\$9,640.40
Unaudited financial information to be distinguished by note	Not applicable
Waste	Page 31
Work Health and Safety	Page 36 – 37

Appendix H

NSW Ombudsman GIPA Report

The following information is provided under section 125 of the *Government Information (Public Access) Act 2009* (GIPA Act) and clause 7 of the *Government Information (Public Access) Regulation 2009* for the reporting period 2014-2015.

Review of proactive release program – Clause 7(a)

Under section 7 of the GIPA Act, agencies must review their programs for releasing government information to identify the kinds of information that can be made publicly available. This review must be done at least once every 12 months.

The secrecy provisions of the *Ombudsman Act 1974* limit the information we can make publicly available and information about our complaint-handling, investigative and reporting functions is excluded information under Schedule 2 of the GIPA Act. We still try to make as much information as possible publicly available. This year we continued to make special reports to Parliament, fact sheets, guidelines and other material available on our website. We also made a number of our submissions to state and federal government inquiries available.

Our program for proactively releasing information involves continually reviewing our information holdings. This includes reviewing any informal requests for information we receive where the information is given to the person making the request. Our right to information officers, along with other staff, identify any other information that can be made available on our website.

During the reporting period, we continued to review our interagency agreements to determine suitability for release, resulting in our memorandum of understanding between the Inspector of Custodial Services and our office being made publicly available.

We continued to publish contracts we enter into with the private sector valued at over \$150,000 to our register of government contracts.

One of the most effective ways of sharing information about our work is the latest news section of our website. This section is continually updated with details about the training sessions we have conducted, presentations, visits to rural and regional centres, as well as visits from delegations to our office and other information that may be of broader public interest.

Twice a year, we send out an e-newsletter – *Ombo-info*. This features updates and informs on a range of our functions and activities as well as information about our community education and training unit. *Ombo-info* has a subscription of 2,820 and anyone can subscribe to it via our website.

We also produce a quarterly newsletter on our functions under the *Public Interest Disclosures Act 1994*. *PID e-news* provides updates on news, changes to legislation and regulations, training sessions, events, publications, guidance material and educational resources. *PID e-news* has a subscription of 923 and anyone can subscribe to it via our website.

Number of access applications received – Clause 7(b)

During the reporting period we received no formal access applications (including withdrawn, but not invalid, applications).

Statistical information about access applications – Clause 7(d) and Schedule 2

Fig. 79: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made about a particular access application. If so, a recording must be made in relation to each decision. This also applies to Figure 82.

Fig. 80: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

*A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Fig. 81: Invalid applications

Reason for invalidity	No. of applications
Application does not comply with formal requirements (section 41 of the Act)	1
Application is for excluded information of the agency (section 43 of the Act)	13
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	14
Invalid applications that subsequently became valid applications	0

Fig. 82: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act

	No. of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

*More than one public interest consideration may apply to a particular access application and, if so, each consideration is to be recorded (but only once per application). This also applies in relation to Figure 85.

Fig. 83: Other public interest considerations against disclosure: matters listed in table to section 14 of the Act

	No. of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Fig. 84: Timeliness

	No. of applications
Decided within the statutory timeframe (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Fig. 85: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

*The Information Commissioner does not have the authority to vary decisions, but can make recommendation to the original decision maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made.

Fig. 86: Applications for review under Part 5 of the Act (by type of applicant)

	No. of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Appendix I

Access and equity programs

Fig. 87: Multicultural action plan (MAP)

Planned outcome	Strategies	Progress report
Key priority area: Planning and evaluation		
Integrate multicultural policy goals into our corporate and business planning and review mechanisms	Conduct a comprehensive review of our MAP to ensure that our plan reflects current legislative and policies concerning migrants and humanitarian entrants, and that our office is accessible to culturally, linguistically and religiously diverse people.	<ul style="list-style-type: none"> We finalised our new five-year multicultural action plan, which reflects changes in relevant legislation and government policies. Our MAP 2015-2019 is outcome-focused with strategies and actions to ensure our services are accessible and appropriate for culturally, linguistically and religiously diverse people. Our cross-office MAP advisory group lead the review of our MAP. We also consulted with Multicultural NSW, and incorporated their feedback into the development of our plan.
	Ensure that our MAP strategies are reflected in or linked to business plans.	<ul style="list-style-type: none"> We consulted with the division managers group as part of our MAP review. Strategies to address issues relevant to culturally, linguistically and religiously diverse people are linked to our corporate plan and relevant business plans. The senior officer group receives reports on the implementation of our MAP.
	Gather and analyse information about issues affecting culturally, linguistically and religiously diverse people and use this to inform business planning processes.	<ul style="list-style-type: none"> We use statistical information obtained from our contacts with clients, such as the use of interpreters and translators register and results of our periodic customer satisfaction audits to inform our MAP and business planning processes.
Policy development and service delivery is informed by our expertise, client feedback and complaints, and participation on advisory boards, significant committees and consultations	Establish a cross-office MAP advisory committee to ensure that all business areas participate in the multicultural planning process.	<ul style="list-style-type: none"> Our MAP advisory committee, headed by the Assistant Ombudsman (Corporate) and represented by all branches and divisions, met regularly to provide advice and support and to monitor the implementation of our MAP. This committee is the main internal advisory and consultative forum for our MAP review process.
	Consult regularly with key multicultural groups to identify gaps in our awareness strategies and service delivery and ensure that issues identified are reflected in our planning process.	<ul style="list-style-type: none"> We liaised with key multicultural groups such as migrant resource centres and immigrant women's health service to promote our services to people from culturally, linguistically and religiously diverse backgrounds, and to identify gaps in our awareness strategies and service delivery.
	Take all reasonable steps to encourage culturally, linguistically and religiously diverse people to participate in relevant committees, roundtable discussions and public forums.	<ul style="list-style-type: none"> We consulted with key organisations, including the Multicultural Disability Advocacy Association, on a range of issues relevant to culturally, linguistically and religiously diverse people with disability.

Planned outcome	Strategies	Progress report
Key priority area: Capacity building and resourcing		
Senior management actively promote and are accountable for the implementation of the principles of multiculturalism within the office and wider community.	<p>Multicultural plan endorsed and promoted to staff by Ombudsman.</p> <p>Ensure that our MAP assigns clear responsibilities to key staff and division management for its implementation. Review staff performance agreements to ensure accountabilities for multicultural affairs are clearly assigned.</p>	<ul style="list-style-type: none"> • Our MAP was approved by the Ombudsman and is office policy. It is available to all staff. • The Assistant Ombudsman (Corporate) is the lead officer for our MAP and holds overall responsibility for developing and implementing our plan. • Our MAP assigns responsibilities to relevant staff. • We reported on the implementation of MAP strategies to our senior officers group quarterly.
Our capacity is enhanced by the employment and training of people with linguistic and cultural expertise.	<p>Use the Community Language Allowance Scheme (CLAS), monitor its implementation, and develop a register of staff who have bilingual skills as well as cultural and community knowledge.</p> <p>Provide cross-cultural awareness and cultural competence training to our staff.</p>	<ul style="list-style-type: none"> • We actively promoted and used the CLAS within our office. • Four of our staff received the CLAS allowance and together they covered five community languages. • We kept a central record when language assistance was provided, and this information helped inform our planning process. • We explored cultural awareness and cultural competence training options and provided workshops to staff on cultural intelligence and working with people from refugee backgrounds.
Key priority area: Program and services		
Identify barriers to access our services for culturally, linguistically and religiously diverse people, and develop programs and services to address issues identified.	<p>Review our guidelines on the use of interpreters and translators and provide training to all staff.</p> <p>Ensure that our budget for interpreter services and interpreter use is monitored and reviewed.</p>	<ul style="list-style-type: none"> • We have current procedures for the use of translation and interpreting services. • All frontline inquiry staff are trained to use interpretation and translation services. • We allocated funds for providing interpretation and translation services. • We kept a register of our use of interpretation and translation services to inform our decision making in developing community language information. • We provided language assistance to our clients on 151 occasions in 21 community languages.
Use a range of communication formats and channels to inform culturally, linguistically and religiously diverse people about our programs, services and activities.	Review our information in community languages and develop accessible and appropriate material in a range of formats (written, audio, online) to meet the specific needs of culturally, linguistically and religiously diverse people following consultation with key community organisations.	<ul style="list-style-type: none"> • Our multilingual brochure provides key information about our services in 26 community languages. • Our fact sheet, 'Making a complaint to the Ombudsman' is available in 46 community languages. • Everything we produce in community languages is checked by community 'readers' for language and cultural appropriateness. • We reviewed and updated our large print brochure 'Have you got a problem with a NSW agency?' which is in plain English and easy to understand by people whose first language is not English. • We have developed easy English information material to explain our role in community services for people whose first language is not English.

Planned outcome	Strategies	Progress report
Key priority area: Program and services		
	Explore and recommend where appropriate the use of a range of technology in targeted community languages to facilitate communication with culturally, linguistically and religiously diverse people and improve access to our services.	<ul style="list-style-type: none"> We reviewed and improved our community language information on our website. It can be downloaded in accessible PDF format, and ordered using our online publication order form.
	Develop initiatives to raise awareness of, and celebrate the contribution of, culturally, linguistically and religiously diverse people.	<ul style="list-style-type: none"> We participated in multicultural events – including the community information expo in Eastwood, and the anti-poverty forum in Blacktown and Mt Druitt We promoted our office and services to community workers through multicultural worker networks, such as the Blacktown and Mt Druitt Interagency, and the Metro Migrant Resource Centre in Ashfield.

Disability action plan

Outcomes	Strategies	Progress report for 2013-2014
Identify and remove barriers to services to people with disability.	Incorporate disability access issues in the planning process to reflect the needs of people with disability.	<ul style="list-style-type: none"> We have commenced a review of strategies in our disability action plan (DAP) (which has been extended for another year) and will develop our disability inclusion plan by the end of December 2015. Our DAP advisory committee monitors the implementation of our DAP strategies. We provided senior management with quarterly reports on the implementation of our DAP. We reviewed and updated our disability policy.
	Improve disability awareness among all staff.	<ul style="list-style-type: none"> We offered compulsory half-day disability training programs for all staff – one on disability awareness and the other on mental health and stress management. We actively monitored staff attendance at these training workshops. We continued to support the Don't DIS my ABILITY campaign and held a staff morning tea to celebrate international day of people with disability. We used the opportunity to talk about our new legislative responsibility to oversee agency responses to allegations of reportable incidents in disability supported group accommodation.
	Ensure our community education program includes informing people with disability about our complaint-handling process.	<ul style="list-style-type: none"> We participated in community events such as conferences, forums and expos to raise awareness of the role of the Ombudsman in community services and the rights of people receiving these services. We provided a range of training to service providers, including effective complaint management and handling serious incidents in the disability sector. We also provided our free training workshop The Rights Stuff to people who receive community services and their carers.

Outcomes	Strategies	Progress report for 2013-2014
Provide information in a range of formats that are accessible to people with disability	<p>Improve the accessibility of key information about our services.</p> <hr/> <p>Improve the overall usability and accessibility of our website.</p>	<ul style="list-style-type: none"> • We provided a range of information in accessible formats, including our general information brochure in Braille and our toolkit for consumers of community services in NSW in audio. • We continued to review and update our accessible publications including our large print, OCV and The Rights Stuff brochures. We are developing easy English information about our role in community services. • Materials we produce are available in accessible PDF. <hr/> <ul style="list-style-type: none"> • We take steps to ensure that information on our website is in plain English, and accessible for people with disability. • We have an Auslan version of our 'Know your rights as a consumer of community services' brochure, available on our website. • We consulted with peak disability bodies such as Vision Australia and the Deaf Society to further improve the accessibility of our website.
Make government buildings and facilities physically accessible to people with disability	Identify physical barriers to access for people with disability.	<ul style="list-style-type: none"> • We continued to follow our office access improvement plan, which makes our building and facilities accessible to people with disability. • We used assistive tools such as the National Relay Service (NRS) to help us communicate with our clients with disability.
Assist people with disability to participate in public consultations and to apply for and participate in government advisory boards and committees	Liaise with disability groups to ensure the needs of people with disability are reflected in relevant decision-making processes.	<ul style="list-style-type: none"> • We worked with service providers and consumers to achieve best outcomes for people with disability in accessing community services. This included holding regular roundtable discussions with peak disability bodies to discuss relevant issues. • We provided complaint-handling training to carers groups, empowering them to participate in decision making and dispute resolution.
Increase employment participation of people with disability in the NSW public sector	<p>Promote employment opportunities to people with disability.</p> <hr/> <p>Take all reasonable steps to increase employment participation for people with disability.</p>	<ul style="list-style-type: none"> • We attended the Australian Employers Network on Disabilities (AND) member roundtable meetings to hear disability employment initiatives and experiences from fellow member agencies. <hr/> <ul style="list-style-type: none"> • We have a reasonable adjustment policy that aims to provide equitable employment opportunities to staff with disability and we are committed to making reasonable adjustments in a workplace on request.
Assist agencies in identifying and removing barriers to access by people with disability	Improve agency ability in identifying and dealing with issues relating to people with disability.	<ul style="list-style-type: none"> • We consulted with key government and non-government agencies and promoted our new legislative responsibility in relation to disability supported group accommodation. • We developed and distributed a new publication <i>Guide for services: Reportable incidents in disability supported group accommodation</i> to provide step-by-step guidance to agencies and service providers in meeting their responsibilities. • We played a leading role in the development of disability complaint-handling guidelines and best practice models for NSW agencies.

Action plan for women

Objective	Outcomes for 2014 – 2015
Reduce violence against women	<ul style="list-style-type: none"> We have provided advice to the Department of Family & Community Services and the NSW Police Force in relation to their collaborative work to improve the identification and sharing of information about serious violence offenders, particularly high risk domestic violence offenders. Contributed to FACS' post-implementation review of Going Home, Staying Home, the NSW Government's specialist homelessness sector reforms, by providing a detailed log of issues based on our consultations with more than 70 stakeholders, including Domestic Violence NSW and a number of individual women's refuges.
Promote safe and equitable workplaces that are responsive to all aspects of women's lives	<ul style="list-style-type: none"> We promote a safe and equitable workplace and have policies and procedures in place to deal with workplace grievance and harassment complaints. We understand and respect our staff's need to balance work and caring responsibilities. We have policies to ensure that all staff, particularly female staff who are usually the primary carers, have access to flexible working conditions – including flexible working hours, part-time and job share arrangements, working from home arrangements, and leave for family responsibilities.
Maximise the interests of women	<ul style="list-style-type: none"> We presented to women's groups such as the Chinese, Vietnamese and Khmer women's groups at Immigrant Women's Health Services in Cabramatta. We have a fact sheet available that focuses on raising awareness about our work in addressing issues relevant to women, such as the policing of domestic violence and sexual assault against women.
Improve the access of women to educational and training opportunities	<ul style="list-style-type: none"> All staff are provided with equal opportunities to access appropriate training courses that would help them to develop their skill sets and advance their careers. We implement government diversity policies and select and promote staff on merit.
Promote the position of women	<ul style="list-style-type: none"> Women are highly represented among our staff at all levels, including executives. This year women make up 72.7% of total staff and 72.4% of staff grade six and above. Women make up 42.9% of our senior executive.

Compliance with the NSW Carers (Recognition) Act 2010

Strategies	Implementation of our carers recognition action plan
Educational strategies.	<ul style="list-style-type: none"> Our carers recognition policy has been promoted to all staff and is available on our website. We actively promote our half day workshop <i>The Rights Stuff - tips for solving problems and making complaints</i> to people who use community services and carers.
Consultation and liaison with carers.	<ul style="list-style-type: none"> Our disability action plan advisory committee and our division managers group are our internal consultative mechanisms for developing our carers policy. We maintain regular contacts with peak carers organisations via our existing consultative platform – the disability roundtable – which meets twice a year. We provided training workshops to carers on <i>The Rights Stuff: tips for resolving problems and making complaints</i>.
Staff who are carers.	<ul style="list-style-type: none"> We have a range of human resource policies that support our staff who are carers – including flexible working hours, working from home arrangements, and family and community services leave policies. We will continue to review relevant policies to ensure that staff with caring responsibilities are valued and appropriately supported.

Appendix J

Publications list

We produce a range of publications including general information for the public, guidelines for agencies and organisations we oversight, discussion papers seeking information from the public, final reports at the conclusion of legislative reviews, annual reports outlining the work we have done during the financial year and special reports to Parliament about public interest issues.

A list of the publications we issued during 2014-2015 follows. Our publications are available in Acrobat PDF online at www.ombo.nsw.gov.au. Hard copies are available by contacting us or submitting an online publications request on our website.

Annual reports

Law Enforcement (Controlled Operations) Act
Annual Report 2013-2014

NSW Child Death Review Team Annual Report 2013

NSW Ombudsman Annual Report 2013-2014

Official Community Visitors Annual Report 2013-2014

Oversight of *Public Interest Disclosures Act 1994*
Annual Report 2013-2014

Report of Reviewable Deaths in 2012 and 2013
Volume 1: Child deaths

Report of Reviewable Deaths in 2012 and 2013
Volume 2: Deaths of people with disabilities in care

Reports and submissions

Policing intoxicated and disorderly conduct: Review of section 9 of the *Summary Offences Act 1988*

Preventative detention and covert search warrants – Review of Parts 2A and 3 of the *Terrorism (Police Powers) Act 2002* – Review period 2011-2013

Report under section 242(3) of the *Law Enforcement (Powers and Responsibilities) Act 2002* for the period ending 28 May 2014 Covert Search Warrants

Report under Section 49(1) of the *Surveillance Devices Act 2007* for the 6 months ending 31 December 2014

Report under Section 49(1) of the *Surveillance Devices Act 2007* for the 6 months ending 30 June 2014

Submission on proposal for an NDIS Quality and Safeguarding framework

Submission to federal Senate inquiry into abuse and neglect of people with disability

Submission to NSW Department of Justice discussion paper: limitation periods in civil claims for child sexual abuse

Submission to Royal Commission on Issues Paper 8 – experiences of police and prosecution responses

Submission to the Review of Police Oversight in New South Wales

Fact sheets and guidelines

Are police officers providing their name and place of duty when required? – invitation for public submissions

Child Protection Legislation: what employers and employees need to know

Complaint handling at universities: best practice guidelines

Complaint management framework and model policy

Guide for services Reportable incidents in disability supported group accommodation

Handling complaints – Easy English version

Model guidelines – managing and responding to threats, aggressive behaviour and violence from members of the public

The NSW Ombudsman and children and young people

The NSW Ombudsman and the NDIS

The NSW Ombudsman and the NDIS
– Easy English version

The Ombudsman's role in community services
– Easy English version

Brochures

Have you got a problem with a NSW agency?
Large print version – updated

Newsletters

Ombo Info, volume 6 Issues 1 and 2

PID e-news, Issues 26-29

Glossary

AA	Aboriginal Affairs	FED	Firearms and explosive detection dogs
AbSec	Aboriginal Child, Family and Community Care State Secretariat	FRS	Family referral service
ACIF	FACS Aboriginal Cultural Inclusion Framework	FTE	Full-time equivalent
ACWP	Bourke Aboriginal Community Working Party	FWI	Far West Initiative
ADHC	Ageing, Disability and Home Care	GHS	Going Home, Staying Home
AEDF	Aboriginal Economic Development Framework	GMAR	Grandmothers Against Removal
AHO	Aboriginal Housing Office	GREP	Government resource efficiency policy
AND	Australian Employers Network on Disabilities	GSE Act	<i>Government Sector Employment Act 2013</i>
ANZPAA	Australia New Zealand Policing Advisory Agency	HACA	Heads of Asbestos Coordination Authorities
APIC	Aboriginal Participation in Construction Policy	HACC	Home and Community Care
ARC	Audit and risk committee	HEAL	NSW Healthy Eating and Active Living Strategy
ASD	NSW Police Force Aboriginal Strategic Direction	HRMCC	High Risk Management Correctional Centre
AVO	Apprehended violence order	HRMP	High Risk Management Program
BIU	Business improvement unit	HSB	Human services branch
CAP	Community action plan	IBA	Industry Based Agreement
CBP	Chisholm Behaviour Program	ICAC	Independent Commission Against Corruption
CC	Correctional Centre	IIA	Institute of Internal Audit
CCYP	Commission for Children and Young People	IOI	International Ombudsman Institute
CDP	Community Development Program	IPC	Information and Privacy Commission
CDRT	NSW Child Death Review Team	IT	Information technology
CEO	Chief Executive Officer	IVOIP	Individual Violent Offender Intervention Program
CHISaL	Complaint Handlers Information Sharing and Liaison	JCC	Joint Consultative Committee
CHP	Community housing provider	JIRT	Joint Investigation Response Team
CLAS	Community Language Allowance Scheme	JIRTS	Joint Investigation Response Tracking System
COPS	Computerised operational policing system	JJC	Juvenile justice centre
CSC	Community Services Centre	KiDS	Community Services compliant management system
CS-CRAMA ...	<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>	KPI	Key performance indicator
CSNSW	Corrective Services NSW	LAHC	Land and Housing Corporation
DAP	Disability action plan	LALC	Local Aboriginal Land Council
DIP	Disability inclusion plan	LaST	Learning and Support Teacher
DMG	Division managers group	LDM	Local Decision Making
DPC	NSW Department of Premier and Cabinet	LEPRA	<i>Law Enforcement (Powers and Responsibilities) Act 2002</i>
DSS	Department of Social Services	LHD	Local Health District
EAP	Employee assistance program	LTC	Local traffic committee
ECAV	Education Centre Against Violence	MAP	Multicultural action plan
EEO	Equal employment opportunity	MERI	Monitoring, evaluation, reporting improvement
EHRR	Extreme high risk restricted	MOU	Memorandum of understanding
ERCPD	Employment-related child protection division	MPRA	Murdi Paaki Regional Assembly
EWON	Energy & Water Ombudsman NSW	MPSC	Moree Plains Shire Council
FACS	Department of Family and Community Services	MPSP	Multicultural policies and services program
		MRRC	Metropolitan Remand and Reception Centre
		MSPC	Metropolitan Special Programs Centre
		MYAN	Multicultural Youth Advocacy Network
		NDIA	National Disability Insurance Agency

NDIS National Disability Insurance Scheme
NDS National Disability Services
NGO Non-government organisation
NOC Notification of concern
NSWCID NSW Council for Intellectual Disability
NSWPF NSW Police Force
OCG Office of the Children's Guardian
OCHRE Opportunity, Choice, Healing, Responsibility, Empowerment
OCV Official community visitors
OLG Office of Local Government
OOHC Out-of-home care
OOSH Out-of-school hours
OSR Office of State Revenue
PAC Planning Assessment Commission
PACC Police Aboriginal Consultative Committees
PAD Public administration division
PASAC Police Aboriginal Strategic Advisory Committee
PCYC Police Community Youth Club
PIC Police Integrity Commission
PID Act *Public Interest Disclosures Act 1994*
PLP Personalised learning plan
PSC NSW Police Force Professional Standards Command
PSP Panel of service providers
RISC Risk, information and security committee
RMS Roads and Maritime Services
ROSH Risk of significant harm
SDRO State Debt Recovery Office
SEI Senior executive implementation
SES Senior Executive Service
SO Senior Officer
SOG Senior officers group
SOORT Statutory and Other Offices Remuneration Tribunal
SSC Statewide Steering Committee
STGIP Security Threat Group Intervention Program
STS State Training Services
TfNSW Transport for NSW
VOC Volatile organic compound
WCC Workers Compensation Commission
WHS Work Health and Safety
WHS Act *Work Health and Safety Act 2011*
WIRO WorkCover Independent Review Office
WSC Wiradjuri Study Centre
WWCC Working with children check
YLO Youth Liaison Officer

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