

Community Summary Report

*Review of the DCJ Complaint System in respect of its Aboriginal
Child Protection functions*

 ombudsman
New South Wales





Acknowledgment

The NSW Ombudsman and staff pay tribute to Aboriginal Elders past, present and emerging. We acknowledge their ongoing connection to Country, wisdom and rich cultural heritage. We recognise the resilience and strength of Aboriginal children, and the importance of supporting them to grow strong, healthy and connected to culture.

We express gratitude to all stakeholders and individuals who dedicated their time, energy and expertise to this Ombudsman review.





Who we are

- ⇒ The NSW Ombudsman helps people complain when they are not happy with a:
 - ↳ NSW government service
 - ↳ NSW community service.
- ⇒ We can check whether it is easy for people to complain.
- ⇒ We can check whether government and community services respond to complaints fairly.
- ⇒ We also write reports to help government and community services answer complaints better.
- ⇒ You can find out more about us [here](#).





How to use this report

- ⇒ The NSW Ombudsman wrote this report. When you see the word 'we' it means the NSW Ombudsman.
- ⇒ This report is a summary of another report. This means it only includes the most important ideas.
- ⇒ In this report:
 - ↳ **the Department** means the NSW Department of Communities and Justice
 - ↳ **child protection** is when the Department works with families and communities to make sure children are safe
 - ↳ a **complaint** is when a person tells the Department there is a problem
 - ↳ the **complaints system** means all the things that the Department does with complaints
 - ↳ to **investigate** a complaint means to find out what happened
 - ↳ **culture** means the way a community lives, and the beliefs and traditions of the people in a community.



Out-of-home-care

- ⇒ All children need to be safe.
- ⇒ Sometimes a child is not safe at home.
- ⇒ If a child is not safe at home, the Department can find somewhere safe for the child to live.
- ⇒ This is called 'out-of-home care'. The child might live with another family or kin, or with other people who can care for them.
- ⇒ Later, if it is safe the child may go back home again.
- ⇒ Many children in out-of-home care are Aboriginal children.
- ⇒ NSW has a bad history of putting Aboriginal children in out-of-home care.
- ⇒ This bad history means many Aboriginal people do not trust the Department.





What is this report about?

- ⇒ Aboriginal children and their families can complain to the Department about child protection and out-of-home care.
- ⇒ The Department should be fair and helpful to all people who complain.
- ⇒ We looked at how well the Department deals with complaints.
- ⇒ This report is about what we found out and what we are asking the Department to do better.





What we did

- ⇒ We looked at what the Department does when Aboriginal children and families complain.
- ⇒ We checked to see if the Department is fair and helpful to Aboriginal people who complain.
- ⇒ We:
 - ↳ listened to Aboriginal people
 - ↳ looked at complaints from Aboriginal people
 - ↳ talked with groups that help Aboriginal people
 - ↳ asked the Department and its workers about complaints
 - ↳ read the Department's rules about complaints.
- ⇒ We found problems with the Department's complaints system.
- ⇒ We also found ways to help fix the problems or make things work better.





What we found

The Department needs to work better

⇒ Aboriginal people told us:

- › they need to complain many times and talk to many workers at the Department
- › complaining takes too long
- › some Department workers don't understand Aboriginal culture
- › some Department workers don't show Aboriginal people respect.

⇒ We also saw that:

- › Department workers do hard and stressful complaint work
- › the Department needs more Aboriginal workers doing complaints work
- › some Department workers are not sure how to work with Aboriginal people who complain
- › many Department workers want more training to help them work with Aboriginal people who complain.



Fear of complaining

⇒ Aboriginal people are sometimes afraid to complain.

⇒ They told us they worry:

- › they will get in trouble if they complain
- › Department workers think it's bad when they complain
- › Department workers will treat them unfairly for complaining
- › nothing happens to Department workers who treat them badly.

⇒ An Aboriginal person told us:

“I felt like if I were to complain, I would get in trouble.”

⇒ We also saw that:

- › it is against the law to treat a person badly because they complain
- › some Department workers have seen Aboriginal people being treated unfairly for complaining
- › the Department needs better rules about what happens when a worker treats a person badly because they complain.

⇒ A Department worker told us:

‘... families are spoken about differently [by Department workers] after complaints are made...’



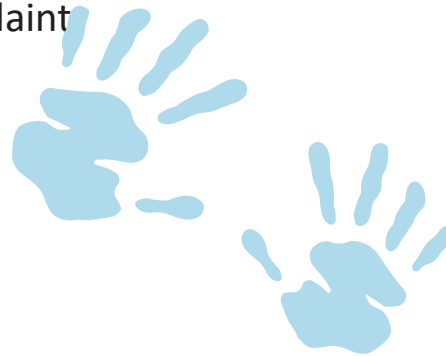
The Department's complaints system could work better

⇒ Aboriginal people told us:

- › some complaints are urgent, and the Department takes too long to do something
- › sometimes no one tells them what is happening about their complaint
- › some Department workers aren't interested and don't care about their complaint.

⇒ We also saw that:

- › the Department can take too long to investigate complaints
- › some parts of the Department are good at investigating complaints and other parts are not as good
- › the Department does not always clearly tell Aboriginal people:
 - ⇒ what will happen to their complaint
 - ⇒ who they can contact about the complaint
 - ⇒ how long it will take to investigate a complaint
 - ⇒ the result of the complaint



Better results from complaints

⇒ Aboriginal people told us:

- › they worry complaint decisions will be unfair
- › they aren't told the result of their complaint
- › nothing happens when Department workers do the wrong thing
- › they worry the Department won't investigate their complaint seriously.

⇒ We also saw that:

- › complaint results are better when Department workers talk with the Aboriginal person who complained
- › some Department workers do not write down all important complaint information.



What happens with complaints

⇒ Aboriginal people told us:

- › they don't want their complaint investigated by the same Department worker who they complained about
- › Department workers in local offices believe each other, and not the person complaining
- › it is hard to understand what happens to complaints
- › the result of complaints is not fair.

⇒ We also saw that:

- › there is no separate team in the Department for investigating complaints
- › sometimes a complaint is investigated by the same worker who the complaint is about
- › Aboriginal people say it can be unfair when local offices investigate complaints.



The system needs to be more accessible

⇒ Aboriginal people told us:

- › the complaint system is hard to use
- › they would like Aboriginal people they trust to help them complain
- › reasons why they don't complain. This is shown in the boxes below.



Don't know how to complain



Don't get an answer



Afraid of bad treatment



It won't change



Takes too long



So much hard work

⇒ We also saw that:

- › some Department workers think the complaint system isn't easy for Aboriginal people
- › it is harder for Aboriginal children to make a complaint.



Keeping proper complaint records

- ⇒ Aboriginal people told us:
 - › the Department's records sometimes include wrong information about their complaints
 - › they worry the Department will use wrong complaint information in ways that are unfair
 - › they sometimes record phone calls with Department workers because they do not trust the Department.

- ⇒ We also saw that:
 - › the Department needs to keep better records about complaints from Aboriginal people.





What we think should happen

- ⇒ Aboriginal people told us their ideas about what the Department could do better.
- ⇒ Their ideas helped us find many ways the Department can make its complaints system work better for Aboriginal people.
- ⇒ We think the Department should:
 - ↳ make sure Aboriginal people feel safe to complain
 - ↳ clearly state that its workers must not treat people badly because they complain
 - ↳ tell Aboriginal people what is happening with their complaint
 - ↳ train workers:
 - ⇒ to work respectfully with Aboriginal people
 - ⇒ about good ways to investigate complaints
 - ↳ have more Aboriginal workers doing complaint work
 - ↳ keep good records for every complaint
 - ↳ make sure complaints are not investigated by the worker who was complained about
 - ↳ find more ways to help Aboriginal people complain to the Department.



What happens next

- ⇒ We gave our report to the Department.
- ⇒ They will use our report to decide how to make the complaints system better.
- ⇒ Our report is about the things that should change.
- ⇒ We have put the report on our website.
- ⇒ You can ask for a copy of our report.





How to contact us



Call us

Phone: **(02) 9286 1000**

Toll free: (outside Sydney Metro Area) **1800 451 524**

Monday to Friday between 9am to 4pm



National Relay Service

Call **1800 555 677**

Ask them to call **1800 451 524**



Write to us

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Meet the Artist

➤ Aboriginal Artist and Graphic Designer - Lani Balzan

Meet Lani Balzan, a proud Aboriginal woman from the Wiradjuri people of the three-river tribe. Though her family roots lie in Mudgee, she grew up traversing various regions of Australia, finally finding her home in Queensland, Australia.

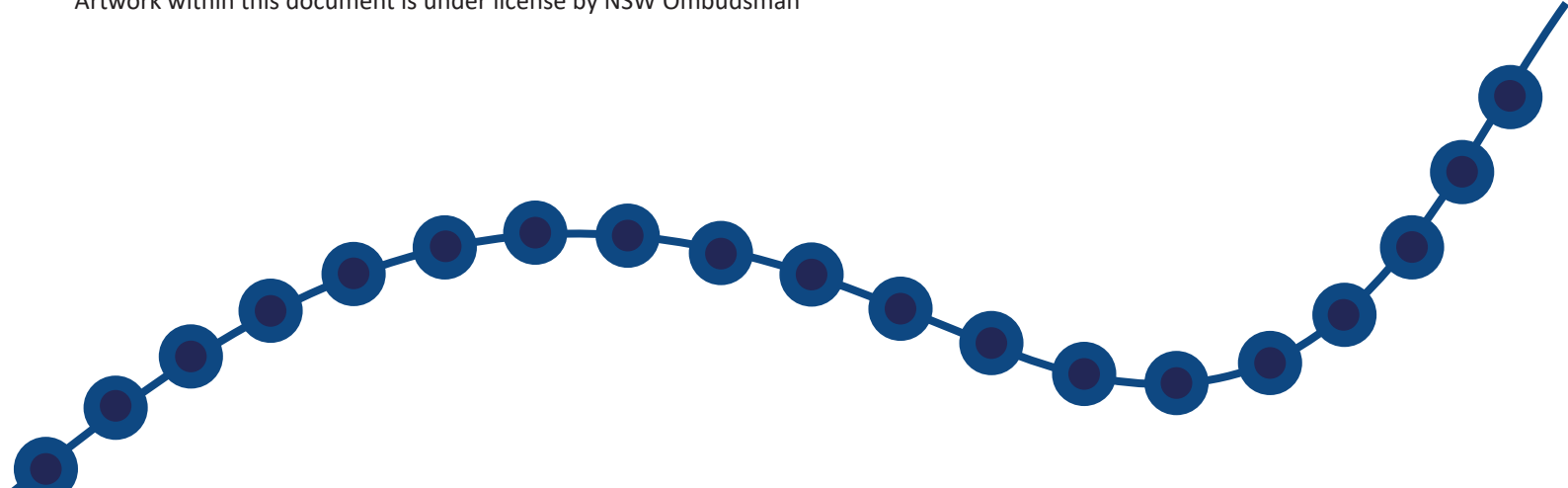
Lani is an Aboriginal artist and graphic designer specialising in designing Indigenous canvas art, graphic design, logo design, Reconciliation Action Plans and document design.

Lani created the designed and the artwork for this summary report.

Contact Details

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- This Aboriginal Community Summary Report was prepared by us with additional cultural expertise and input from consultant **Nicholas Harvey-Doyle**. Nicholas is a descendant of the Anaiwan people from northwest NSW with deep experience working in community engagement, policy and program reviews, and Indigenous affairs. Our aim was to respectfully share the important parts of our report with as many Aboriginal people as possible, including children and people with literacy or other barriers to reading the full report.