



# Strategic Plan 2020-25

## Mid Point Refresh

February 2023

The NSW Ombudsman's office would like to acknowledge the Traditional Owners of country throughout NSW and recognise their continuing connection to land, waters and culture. In particular, we acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land where our offices are located. We pay our respects to all Elders past and present, and to the children of today who are the Elders of the future.

**NSW Ombudsman**  
**Level 24, 580 George Street**  
**Sydney NSW 2000**

**Phone: 02 9286 1000**  
**Toll free (outside Sydney Metro Area): 1800 451 524**  
**National Relay Service: 133 677**

**Website: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)**  
**Email: [info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au)**

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## Strategic Plan 2020 – 2025

### Mid-point refresh of the Strategic Plan: February 2023

Our original version of the [Strategic Plan 2020 – 2025](#), commenced on 2 July 2020. We are now halfway through implementation of that five-year plan. Much has changed in the last two and a half years.

We have an additional function through the introduction of the *Mandatory Disease Testing Act 2021*. Our powers were also expanded through the introduction of the *Public Interest Disclosures Act 2022* and amendments to the *Ombudsman Act 1974*. In addition to this increased scope of work, our office has made strong progress on much of the work set out in the original Strategic Plan.

Given these changes, and the feedback received from staff (eg, through an all-staff planning day held in June 2022), it is timely to review and update this plan.

The updates to this plan focus on refining the way we work toward achieving our vision (which has not changed) and the way we manage and measure our progress.

In particular, the refinements will enable us to better measure the extent to which we serve the three stakeholders outlined in the original plan: the people of NSW; public and community service agencies; and the NSW Parliament.

### Transformation program

One important change we have made was to review our strategic activities and clearly identify a number of distinctly ‘transformative’ projects to deliver in the next two and a half years (see [Section 7](#)). Each project is expected to result in a significant “step change” in the way we do business.

These transformation projects are time-limited, require specialist expertise and have a dedicated budget. Given the scale and importance, as well as the risk, of these projects, this revised plan now separately identifies these projects under a ‘*Transformation program*’. This means they will be managed in a different way from our other strategic activities and follows a more rigorous and co-ordinated project governance structure.



## 1. Context and current state

The environment in which we operate is dynamic. The bodies we oversight, the services they provide and the way those services are delivered, continue to develop and change. The needs and expectations of the public, and especially vulnerable people and communities, also continue to evolve.

It is essential that we adapt to change and important trends that impact the work we do. Some of these enduring trends include commissioning private providers to deliver publicly funded services, the increased application of investment approaches to tackle social problems, greater availability and use of data and technology to support decision-making and the application of a customer-service perspective across all aspects of government.

What does not change are the core principles that underpin our democratic system of government:

- the rule of law
- fairness, transparency, accountability and integrity in the exercise of public power and the use of public resources, and
- respect for human rights and protection of vulnerable groups within our community.

The role of a State Ombudsman in safeguarding these principles is enduring and has been increasingly accepted throughout the world. For example, in 2019 the Council of Europe’s Commission for Democracy through Law adopted the “Principles on the Protection and Promotion of the Ombudsman Institution” (the Venice Principles), which set out the first independent, international set of standards for the Ombudsman institution. In 2020, the United Nations General Assembly adopted a resolution outlining the role of an Ombudsman in the promotion and protection of human rights, good governance and the rule of law.

In developing this Strategic Plan, we have paid close attention to these international standards.

## 2. Our vision

Our vision expresses what we ultimately want to see in the world: that **everyone receives the right services and fair treatment from those we oversight.**

It focuses on everyone, irrespective of their differences or circumstances. It encompasses anyone who interacts with a NSW Government agency or the community service providers funded by the NSW Government.

This vision is aspirational. We know that in a complex, modern, democratic system like ours, not everyone always receives the services they rightly expect. Nor do Government agencies and other service providers always act fairly and reasonably.

That is why it will *always* be necessary to be watchful to ensure that those invested with public power and resources act lawfully, reasonably and with integrity.

### 3. Four outcomes we need to achieve to help realise our vision

Our vision is aspirational, and while we can contribute towards it, we have limited influence over whether it is realised.

For that reason, we focus our efforts on a set of Ombudsman outcomes that support the realisation of our vision, and that are more closely within our control:

<b>Outcome 1</b>	Complaints to us are resolved effectively and individuals are satisfied with our service
<b>Outcome 2</b>	Public authorities and community service providers are held to account for serious wrong conduct
<b>Outcome 3</b>	Improvements in public administration and community services delivery occur as a result of our work
<b>Outcome 4</b>	Parliament gets support from us in the exercise of its functions

The first strategic outcome (**Outcome 1**) is about ensuring that the people of NSW are satisfied with our customer service. To achieve this outcome, we need to: listen to their complaints or questions; provide information and guidance; provide an impartial assessment of an agency's conduct; help where possible to conciliate and resolve complaints; and, where necessary, investigate matters of serious or systemic concern.

Our second strategic outcome (**Outcome 2**) aims to support democratic principles and the rule of law, and to ensure citizens are protected from abuse of power and unfair treatment, by holding public authorities and community service providers to account when they engage in wrong conduct.

Our third strategic outcome (**Outcome 3**) is about fostering enduring reforms that prevent future failings and improve public administration and service delivery. Some of the ways in which such reforms achieve these aims include: helping government and service providers to learn from complaints and reviews; promoting public sector whistleblowing; providing advice, suggestions and recommendations that are evidence-based, realistic and effective; and providing education and training to government agencies and service providers to encourage good administrative practice and build capability.

Our final strategic outcome (**Outcome 4**) is about providing a trusted source of independent advice to the Parliament. Although we are independent of all stakeholders, we report directly to the Parliament of New South Wales, in its capacity as the representative body of the people.

A core purpose of our role is to provide advice to the Parliament to support the exercise of its own functions. Although the Parliament, particularly through its committees, can hold inquiries, bodies such as ours – as well as the ICAC and the Audit Office – provide, in effect, permanent commissions of inquiry that report, and provide advice and recommendations, to the Parliament. This advice can then support the Parliament's democratic functions, including its functions of public representation, public debate, law making and scrutiny of Executive action.

The link between these outcomes and our vision is illustrated in Figure 1.

Figure 1. Ombudsman vision and outcomes





## 4. Achieving our outcomes through powers conferred to us

What makes us uniquely positioned and qualified to deliver our strategic outcomes are the following foundational features or qualities:

### Statutory mandate

- The Parliament of New South Wales has conferred on us the unique status, functions and powers that enable us to pursue our outcomes. (A list of our current statutory functions is set out in [Schedule A](#))
- Our jurisdiction is clearly defined in legislation, and we must not act beyond our statutory functions, even if doing so might serve our broader vision or outcomes, and
- Our jurisdiction can be invoked on our own motion, as well as in response to a complaint.

### Independence

- We have a legislative guarantee of independence from the Government, including from its agencies and funded service providers
- We are not representatives of or advocates for any individual, community or special interest group, but have a statutory duty to act at all times in the public interest
- Our statutory officers are appointed for fixed terms, and our staff are chosen by them
- We have the discretionary authority to instigate an investigation into possible maladministration committed by a NSW public authority or community service provider funded by the NSW Government
- We have an unconditional right to make public reports and statements through the Parliament on any matter arising in connection with the discharge of our functions, and
- Our budget is set annually by the Parliament.

### Royal-commission type powers

- We have powers to thoroughly investigate whether an organisation within jurisdiction has acted lawfully, reasonably and fairly
- Public authorities or community service providers generally cannot object to the production of information, documents or evidence on the basis of legal professional privilege or public interest immunity (other than Cabinet confidentiality)
- Our powers include the power to deal with systemic issues
- People and organisations within our jurisdiction can be lawfully compelled to respond to our questions and requests for information

- We have discretion in the exercise of our powers, and
- We can make recommendations for change but cannot enforce their implementation.

## **Accessibility**

- Any person can make a complaint to us
- There must be no charge imposed on complainants for receiving or dealing with a complaint
- Complaints are investigated in the absence of the public, and generally speaking we cannot be compelled to produce evidence in court or tribunal proceedings. However, we have the ability to report publicly, through Parliament, on any investigation where we consider it is in the public interest to do so, and
- Deaths are reviewed in private. However, we are required to report publicly, through Parliament, on the data we collect and analyse and our ensuing recommendations to prevent deaths in the future.

## **Accountability**

- The rules of procedural fairness apply to our conduct, including that any person directly affected is entitled to be heard before any adverse findings or recommendations are made
- There must be no reasonable apprehension of partiality, bias or prejudgment in any action we take
- We provide reasons for decisions, findings or recommendations, and
- A Parliamentary Joint Committee is charged with monitoring and reviewing the exercise of our functions.

## **Necessary resources and expertise**

- To fulfil our statutory mandate, we need adequate budgetary and other resources
- We have staff, processes and systems for the conduct of complaints-resolution, investigations, and systemic and other reviews
- Our staff have expertise in a range of fields that cover our jurisdiction, including administrative law, complaint handling and investigation and review, and
- We understand how Government agencies and community service providers work, and we are uniquely placed to look across the entire sector to compare processes and systems used by all agencies and providers within our jurisdiction.

## 5. Values that guide our use of these powers

Our values describe the core behavioural principles that we live by and apply to everything we do.

They require and inspire us to be our best selves. In one sense our values are constraining: we do not pursue our own ends by any means, but only in accordance with our shared values. However, our values are aligned with, and indeed are essential if we are to meet, our strategic outcomes. As these values express our organisation's 'character', they lie at the heart of our brand and identity. Authentic and sustained strategic success can only be achieved if we act in conformity with these values.



### Integrity

We are unfailingly ethical and honest. We apply to ourselves the same standards we demand of others.



### Impartiality

We are impartial. We operate independently from government and act in a non-partisan manner. We work only in the public interest.



### Fairness

We treat everyone fairly, and demand that others do the same.



### Transparency

We communicate openly, giving reasons for our decisions. We report publicly whenever possible.



### Professionalism

We achieve excellence through competence and diligence. We act with humility, courtesy and confidence.



### Respect

We respect diversity and promote inclusivity, appreciating the range and worth of human difference.

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## 6. Measuring progress toward achieving our outcomes

To track our efforts toward achieving each strategic outcome, we have developed a series of outcome indicators with associated Key Performance Indicators (KPIs). A complete list of KPIs for each indicator is provided in Table 1.

Table 1. Key performance indicators

Indicator	Key Performance Indicator
<b>Outcome</b>	
1. Complaints to us are resolved effectively and individuals are satisfied with our service	
1A. Individuals and stakeholders can easily access us	1A.1. Of the public: Percent who are aware of our services
	1A.2. Of the public who had an unresolved problem with an agency we oversight: Percent who made an actionable complaint to us
	1A.3. Of those who made an actionable complaint to our office: Percent who perceive the process to access us was easy
	1A.4. Of public authorities/community service providers: Percent who perceive the process to access us is easy
1B. Complainants perceive that their questions and complaints are resolved effectively	1B.1. Of those who made an actionable complaint to our office: Percent who report that their questions and complaint/s were resolved effectively
	1B.2. Of those who made an actionable complaint to our office: Percent who perceive the outcome of their complaint was fair
	1B.3. Of those who made an actionable complaint to our office: Percent who would contact the Ombudsman again if they had a complaint in the future
1C. We provide high standards of customer service	1C.1. Of those who made an actionable complaint to our office: Percent who are satisfied with the service received
	1C.2. Of contacts made to our office: Percent acknowledged and given initial assessment within target timeframes
	1C.3. Of actionable complaints to our office: Percent finalised within target timeframes
1D. Complainants, public authorities and community service providers perceive our complaints handling processes as impartial and fair	1D.1. Of those who made an actionable complaint to our office: Percent who perceive we treated them fairly
	1D.2. Of public authorities/community service providers: Percent who perceive our complaints-handling processes are impartial and fair
<b>Outcome</b>	
2. Public authorities and community service providers are held to account for serious wrong conduct	
2A. We identify serious and/or systemic administrative wrongs	2A.1. Investigations with findings of wrong conduct: Number

Indicator	Key Performance Indicator
2B. We pursue the most important investigations, inquiries and reviews	2B.1. Significant Issues pursued by our office: Count considered by the public to be important
	2B.2. Significant issues pursued by our office: Count considered by parliamentarians to be important
	2B.3. Of investigations, inquires and reviews: Percent completed in accordance with planned timeframes
2C. Our findings are impartial, fair and rigorous	2C.1. Of investigations, inquiries, and reviews that resulted in the making of findings: Percent assessed (by retrospective QA review) as having properly followed relevant processes that support the making of impartial, fair and rigorous findings
<b>Outcome</b> 3. Improvements in public administration and community service delivery occur as a result of our work	
3A. Public authorities and community service providers perceive our recommendations as impartial, fair and robust	3A.1. Of public authorities/community service providers: Percent who perceive our recommendations as impartial, fair, and robust
3B. Our recommendations are well-targeted and lead to positive change	3B.1. Of recommendations we make: Percent which are accepted by public authorities and community service providers
3C. Public authorities and community service providers are provided the information and support they need to avoid administrative wrong	3C.1. Times our website resources were accessed
	3C.2. Of public authorities/community service providers: Percent who consider that we provide useful information and support to improve public administration and service delivery
<b>Outcome</b> 4. Parliament gets support from us in the exercise of its functions	
4A. Parliament is satisfied that we are performing our functions	4A.1. Nature of annual commentary by the Parliamentary Committee on the Ombudsman
	4A.2. Of parliamentarians: Percent who agree we are performing our functions adequately
4B. We provide robust evidence and advice to Parliament on issues of significance that contribute to Parliamentary/public debate	4B.1. Number of special reports tabled in Parliament, and number of times submissions or other evidence given to Parliamentary inquiries



## 7. 2022-2025 Strategic initiatives to accelerate our outcomes

In the original version of this plan we identified a number of strategic initiatives. These were activities we set out to do, in addition to our normal day-to-day work, to help us to achieve our strategic outcomes.

Much has changed in the two and a half years since the original version of this plan was published. We have made significant progress in delivering many of our original initiatives, and accordingly some of those initiatives have been taken out of this version of our strategic plan.

The strategic initiatives that we will continue to pursue for the remainder of this Plan are outlined in Table 2 below. The table also links each initiative with the (outcome) indicator it is primarily intended to influence. Initiatives that aren't specifically directed toward a particular outcome, but rather serve to support us in all the work that we do, are marked as "Enabler."

Table 2. Strategic initiatives

Initiatives	Outcome indicators primarily impacted
<b>Services and Impact</b>	
Review the demographic and geographic provision of our services to promote alignment to areas of greatest need and where our work can have greatest impact	1A; 2B; 4B
Embed streamlined and consistent complaints-handling workflows, including through the development of new knowledge management and workflow tools	1B; 1C; 1D; 4A
Develop and apply an independent internal review and quality assurance framework	1B; 1C; 1D; 2C; 3A; 3B; 4A
Continue to embed rigorous governance processes for the approval and prioritisation of investigations and other major projects, and their effective project management	1C; 1D; 2A; 2B; 2C; 4A
Review investigations processes with a view to more timely, flexible and scalable investigation approaches, appropriate to the nature of the relevant investigation	1B; 1C; 1D; 2A; 2B; 2C; 3A; 3B; 4A; 4B
Increase focus on the delivery of systemic investigations, major emerging issues and system monitoring reports to Parliament	2A; 2B; 4A; 4B
Invest in improved customer and case-management data collection, workflows and analytics capabilities, to improve end-to-end customer experience, drive efficiencies, enhance the early identification of systemic issues, improve accountability through better data reporting, and support the targeting of resources	1B; 1C; 2A
<b>Engagement and Relationships</b>	
Fully review and refresh all of our external communications, including a new website designed around improved user experience	1A; 1C;
Review and refresh our branding and all communications, including to ensure that they are accessible and consistently in plain, courteous and non-bureaucratic English	1A



Initiatives	Outcome indicators primarily impacted
Develop and implement a community engagement strategy that proactively reaches out to cohorts that most need our services	1A
Review intake processes, to provide faster and more efficient responses to enquiries or referral of out-of-jurisdiction complaints, including consideration of a technology-assisted phone answering and referral system, more user-friendly on-line complaints forms, and messaging and 'chat bot' capability	1A
Explore opportunities for enhanced conciliation/alternative dispute resolution (ADR) service provision to resolve complaints in a manner that is fast, cheap and effective	1B; 1C;
Modernise and enhance our educational and training service provision, to ensure its alignment to our strategic purpose around public sector improvement and provides an adequate return on investment (ROI)	1A; 3C
Proactively communicate the work we do and its value, including through a program of more regular pro-active reporting on monitoring projects and investigation to the Parliament	4A
Work with Parliament to explore improved service provision to support Parliament and its members	4A; 4B
<b>Leadership and Governance</b>	
Support our emerging leaders including through the Extended Leadership Team and structured leadership and management training	Enabler
Continue to seek clarity from Government and Parliament regarding the implementation of OPCAT, and its impact on our mandate	4B
<b>People &amp; Culture</b>	
Implement a refreshed Performance Development Program, which is supported by a leading edge Human Capital Management (HCM) system	Enabler
In collaboration with our Diversity and Inclusion Advisory Forum, implement a range of D&I initiatives to promote greater inclusion and support diversity, including Cultural Inclusion training, and a recruitment and retention strategy to promote the employment of Aboriginal people and diverse community members	Enabler
Support initiatives for employee mobility and development to compliment business needs and staff development	Enabler
Develop and apply an internal communications strategy, including a new Intranet and cross-office newsletter, that supports knowledge sharing and a unified and collaborative culture	2A; 2B
<b>Systems and Processes</b>	
Invest in modernised systems that support a digital working environment that make accessing our services easier and more efficient	1A; 1B; 1C
Enhance our cyber security framework	Enabler

Initiatives	Outcome indicators primarily impacted
Develop a regular survey program for obtaining feedback on complainant and stakeholder experiences, outcomes and satisfaction surveys	1B; 1C; 1D; 2A; 2B; 2C; 3A; 3B; 3C; 4A; 4B
Develop and apply tools to track the acceptance, implementation and impact of our advice and recommendations	3B; 3C; 4A
Review and refresh all internal key performance indicators (KPIs) to ensure they are measurable and meaningful, and ensure relevant data are able to be collected and analysed to report against these KPIs	4A



## 8. Implementing our priorities

Since this plan was adopted in July 2020, we have been pursuing our strategic initiatives by assigning each one to an Executive lead and developing annual action plans to set out the activities to be undertaken to progress each initiative in that year. The implementation has been overseen by our Executive Team and reported on annually, including in our annual report.

From 1 January 2023, a suite of the more significant activities will be moved into projects that will be delivered as a co-ordinated *Transformation program*.

The projects in the *Transformation program* are significant in terms of scale, complexity and/or impact on the work conducted by our office. Each project is time-limited and has been allocated temporary and dedicated funding. These projects, individually and collectively, are likely to result in significant 'step changes' for our office supporting our capacity to achieve the strategic outcomes set out in this plan.

Given its significance, the *Transformation program* will be overseen by a central governance board. This board will consist of the Ombudsman, Chief Deputy Ombudsman and Chief Operating Officer. A centralised project office will support the board in overseeing the delivery of the *Transformation program*.

Alongside the *Transformation program*, we will continue to pursue other activities that will advance our strategic initiatives. These activities will continue to be set out in our annual action plans and will remain being managed primarily at individual branch level (through their nominated Executive Lead).

We will carry on reporting progress toward our strategic initiatives (through both *Transformation program* projects and our other strategic actions) in our annual report.

Table 3. Transformation program projects

Ref	Project/Activity	What is it all about?	Strategic Plan theme primarily impacted
TP1	<b>Intranet</b> Replace our internal intranet for internal communications and knowledge sharing	This project will establish a modern and collaborative system for internal communications across the office and to support organisation information and resources.	People and Culture / Systems and Processes
TP2	<b>Website and digital access</b> Refresh our approach to customer access and service delivery across multiple communication channels	This project will ensure our customers have a great experience when they try to reach us through our digital channels. They will be able to know what we can help them with, how to access our services, and how to stay up-to-date with how we are dealing with their matter.  This will be delivered through a modern website that has a range of technology including virtual assistants and customer access portals.	Engagement and Relationships
TP3	<b>Case management system</b> Develop a new case management system to support efficient and end-to-end decision making	This project will ensure we have a case management system that makes everyone's lives easier. It will be a system that captures all functions, is intuitive, easy to use, and supportive of the diverse range of needs we have from such a system. Being a modern system, it will be easy for our people to access and, importantly, will keep the data we hold as safe as possible.	Systems and Processes
TP4	<b>Phase 2 ERP</b> Implement Phase 2 of the Enterprise Resource Planning system; supporting people-related functions	This project will ensure we have a modern system to manage our people-related functions. Everything from recruitment, payroll, leave, and flexsheets – all in the one place.	Systems and Processes
TP5	<b>Information management systems</b> Refresh our internal information management systems to facilitate more efficient workflows	This project will ensure we can confidently manage the information we collect, use, and store. It will help take the stress out of information management (which includes records management).  The project will also ensure our people have simpler access to the information they need to do their job, as well as the tools to make collaboration really easy.	Systems and Processes
TP6	<b>Recruiting to all roles</b> Resource all parts of the Ombudsman's Office with sufficient capable staff	This project is a two-parter: we want to ensure all parts of our office are full of really capable people. Our office is growing, and we have a lot of roles to fill; but we want to ensure we are recruiting to fill those roles with diverse individuals with the capabilities to make significant contributions to the work we do.	People and Culture

Ref	Project/Activity	What is it all about?	Strategic Plan theme primarily impacted
TP7	<b>PID operating model</b> Implement a refreshed operating model for our expanded Public Interest Disclosure (PID) Act functions	This project will ensure we are best placed to perform our expanded functions under the <i>Public Interest Disclosures Act 2022</i> – which includes making sure all NSW public authorities are ready to operate under the new PID requirements.	Services and Impact
TP8	<b>MDT operating model</b> Implement an operating model for our new Mandatory Disease Testing (MDT) Act functions	This project will ensure we have a fit for purpose approach to fulfilling our functions under the <i>Mandatory Disease Testing Act 2021</i> .	Services and Impact
TP9	<b>OPCAT operating model</b> Develop an operating model for the anticipated Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) function	This project will ensure we have a good sense of what is required should we be appointed as a National Preventive Mechanism (NPM) body under OPCAT – which is due to be implemented across Australia in January 2023.	Services and Impact
TP10	<b>Complaint handling system review approach</b> Implement an approach to performing Complaint Handling Systems Reviews of NSW public authorities	This project will ensure we have a fit for purpose approach to reviewing the complaint handling systems of NSW public authorities. This is a new function that was added to the <i>Ombudsman Act 1974</i> in August 2022, which will give the office greater opportunity to enhance complaint handling systems across the agencies we oversee.	Services and Impact
TP11	<b>Data warehouse</b> Expand our data warehouse capabilities to enable the Ombudsman's Office to extract greater insights	This project will ensure we are able to better leverage the data that we collect – so we can extract greater insights from it. Enhancing our data warehouse capabilities will mean we can pull in more sources of data (whether that be internal or external sources) – further expanding on our analytic capabilities.	Systems and Processes
TP12	<b>Learning and development</b> Implement a new learning and development framework, that includes the use of case conferencing	Developing a comprehensive learning and development framework, that is complemented by a clear understanding of the skills our people need and the training needs to maintain those skills, will help us attract and retain a highly skilled workforce to achieve our strategic outcomes.	People and Culture

Ref	Project/Activity	What is it all about?	Strategic Plan theme primarily impacted
TP13	<b>Governance structures and decision rights</b> Streamline governance structures and decision rights across the Ombudsman's Office	The activity is all about ensuring everyone is confident that the appropriate people are empowered to make high quality and consistent decisions. This includes our people knowing who can say "yes" and "no" to things are at the right level; empowering staff to make decisions at the right level.	Leadership and Governance



## Schedule A: Our statutory mandate and functions

### Complaints and investigations about public authorities – *Part 3 Ombudsman Act 1974*

We receive (in writing or orally) complaints about the conduct of public authorities, which include:

- all departments and other public service agencies and their staff
- statutory bodies and their staff
- Ministerial staff (but not Ministers)
- local government authorities and their staff
- corrective services facilities and youth justice facilities
- universities established under NSW legislation, and
- other bodies required to keep accounts auditable by the Auditor-General.

(The Ombudsman Act also applies to complaints made to us about community service providers under the Community Services (Complaints, Reviews and Monitoring) Act 1993 – see below.)

We assist in the resolution of complaints through a variety of mechanisms. Some of which include: conciliation or mediation services; referring the complaint to the relevant agency for action; preliminary inquiries; the provision of information and comments to the public authority.

We investigate the conduct of public authorities (whether or not any complaint has been made) where it appears to be conduct of the kind referred in section 26 of the *Ombudsman Act 1974*, including conduct that is:

- contrary to law
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives, irrelevant grounds or irrelevant considerations, and
- based on a mistake of law or fact, or otherwise wrong.

A final report of our investigation is provided to the relevant agency and Minister. These reports include any findings of wrong conduct, and may include recommendations for corrective action. We may also recommend changes to address systemic issues and to improve systems and service delivery.

We can review the systems of a public authority for handling complaints.

We can also refer a complaint back to the public authority for investigation, with a requirement that the public authority report back to us on the outcome of the investigation.

## **Monitoring and assessment of Aboriginal Programs – *Part 3B Ombudsman Act 1974***

We monitor and assess prescribed Aboriginal programs. To date, the only program prescribed is the Government's OCHRE plan for Aboriginal affairs.

We report on our monitoring and assessment of that Aboriginal program to the Minister and Parliament.

## **Community services function – *Part 3 and Part 4 Community Services (Complaints, Reviews and Monitoring) Act 1993***

We receive (in writing or orally) complaints about the conduct of community service providers, being:

- Department of Communities and Justice (DCJ) in respect of its functions under community welfare legislation
- community services funded by the NSW Government,
- authorised carers of children in out-of-home care, and
- providers of assisted boarding houses.

We investigate such complaints if they involve the kind of conduct referred to in section 26 of the *Ombudsman Act 1974* (see above) or otherwise if it:

- raises a significant issue of public safety or public interest, and
- raises a significant question as to the appropriate care or treatment of a person by the service provider.

We review and report on the systems of community service providers for handling complaints.

We can review the situation of a child in care or a group of children in care.

We can promote and assist the development of community service standards and educate service providers, clients and others about those standards.

We monitor and review the delivery of community services, and inquire into matters affecting service providers and receivers, and we make recommendations for improvements in the delivery of community services.



## **Child Death Review – *Part 5A and Part 6 Community Services (Complaints, Reviews and Monitoring) Act 1993***

We convene the Child Death Review Team, which:

- maintains a register of all child deaths in New South Wales
- analyses data to identify trends and patterns in those deaths
- undertakes research to help prevent or reduce the likelihood of child deaths
- makes recommendations as to legislation, policies, practices and services to prevent or reduce the likelihood of child deaths, and
- reports biennially to Parliaments on its analysis and research.

We receive notifications and maintain a register of reviewable child deaths, being

- children in care or detention, and
- children whose deaths were, or may have been, due to abuse or neglect, or whose deaths occurred in suspicious circumstances.

We monitor and review such reviewable deaths, and undertake research with a view to formulating strategies to reduce or remove risk factors associated with reviewable deaths that are preventable. We make recommendations to prevent or reduce the likelihood of reviewable child deaths.

## **Oversight of public interest disclosures scheme – *Public Interest Disclosures Act 1994 / Public Interest Disclosures Act 2022 (due to commence in 2023)***

The Ombudsman has responsibility to oversight the PID Act. Our functions are to:

- promote public awareness and understanding of the PID Act and to promote its objectives
- provide information, advice, assistance, and training to public authorities, investigating authorities and public officials on any matters relevant to the PID Act
- issue guidelines and other publications to assist public authorities, investigating authorities and public officials
- monitor, and provide reports to Parliament on, the exercise of functions under the PID Act and compliance with the PID Act by public authorities
- audit, and provide reports to Parliament on, the exercise of functions under the PID Act and compliance with the PID Act by public authorities, and
- provide reports and recommendations about proposals for legislative and administrative changes to further the objectives of the PID Act.

## **Special reports – section 31 Ombudsman Act 1974**

We make special reports to Parliament on any matter arising in connection with the discharge of the Ombudsman's functions.

## **Children (Detention Centres) Regulation 2015**

We receive notifications of and monitor the segregation and separation of children in youth justice centres if the segregation and/or separation extends beyond 24 hours duration.

## **Mandatory *Disease Testing Act 2021***

We monitor the operation and administration of the *Mandatory Disease Testing Act 2021*. This includes monitoring how agencies exercise their functions under the Act.

The Act provides for the mandatory blood testing of a person. This can occur when the person's bodily fluid comes into contact with a health, emergency or public sector worker:

- as the result of the person's deliberate action, and
- the worker may be at risk of contracting a blood-borne virus.

Agencies must notify us after determining a mandatory testing order application. The Chief Health Officer must also notify us following determination of a review.





