

Cross jurisdiction

An important part of our role is to help members of the public and agencies to deal with complaints and related issues. We also actively reach out to various stakeholders to increase awareness of our role, identify critical issues, bring about positive changes, and look for ways to improve our service.

This section reports mainly on the work of our inquiries and resolution team and strategic projects division. For completeness however, work of other areas of the office around stakeholder engagement, training, publications and some project and complaint work is also reported here.

The strategic projects division leads major projects and investigations that go across the Ombudsman's various operational areas, including much of our work with Aboriginal communities and young people. It is also responsible for our community education and training work.

This year we focused our resources on growing our training program for agencies and the non-government sector (see page 101). This strategy

was a response to ongoing budget issues. The revenue that we have generated has been used for public interest projects and investigations.

We have continued our work on the audit of the Interagency Plan to Tackle Aboriginal Child Sexual Assault (see page 105) as well as finalising a inquiry into service provision to the Bourke and Brewarrina communities (see page 106). We brought together our work in addressing Aboriginal disadvantage in a report to Parliament in October 2011 (see page 106).

Developing our relationship with our stakeholders is important to us. We continued to participate in community events, consult widely with community members and develop resources to assist both the public and public sector agencies and organisations within our jurisdiction (see page 91).

We convened a number of forums and workshops that brought together relevant agencies and other stakeholders to discuss issues of concern and to develop action plans (see page 94). These forums are an effective way of addressing major concerns and will continued be used in the future.

Highlights

- | Received more than 24,000 inquiries and responded by helping people to make a complaint, explaining the actions of agencies, providing referrals and advice. [SEE PAGE 90](#)
- | Convened specialist forums with various agencies to identify strategies to improve outcomes for young offenders and victims of child sexual assault. [SEE PAGE 94](#)
- | Supported new and developing Ombudsman offices and other oversight bodies in our region through our membership of APOR and the POA. [SEE PAGE 99](#)
- | Gave ongoing feedback to ADHC on their Aboriginal Cultural Inclusion Framework and other strategies for supporting Aboriginal people with disabilities. [SEE PAGE 109](#)
- | Provided more than 296 information, education and training activities reaching over 10,091 people, including a total of 156 training workshops delivered to 3,091 participants. [SEE PAGE 101](#)
- | Held 27 focus groups across Australia as part of Stage 2 of the Managing Unreasonable Complainant Conduct Project. [SEE PAGE 102](#)
- | Completed extensive consultations and research in connection with our function to audit the Interagency Plan to Tackle Aboriginal Child Sexual Assault culminating in the preparation of a major report to Parliament. [SEE PAGE 105](#)

In this Section

Inquiries	90
Stakeholder engagement	91
Community education and training	101
Working with Aboriginal communities	105



Inquiries

Our inquiries and resolution team handle the highest number of contacts with our office. People from across the state, the country and even internationally ask us to resolve their complaints. On one level we wish we could, it can be personally very rewarding. However, it is not practical for us to follow up on every complaint, and not every complaint warrants further action.

Assessing complaints

Everyday, the inquiries and resolution team are questioned on a broad range of technical, legal and policy-based issues relating to the work of agencies across the NSW public sector. Our staff use their extensive knowledge and resources to give advice or to take appropriate action. Some advice is procedural, some is based on our experience with a particular issue or agency, and other advice is provided after we have researched relevant legislation or policy.

Providing referrals

Often complainants and agencies can resolve the complaint directly. The agency benefits from receiving and handling complaints as it encourages openness and helps their staff recognise that complaints help the agency improve the work that they do.

About a quarter 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.

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.

Advising complainants

An agency doesn't always get it right and complainants contact us after trying to resolve their complaint directly with the agency. Agencies sometimes fail to reply to correspondence or communicate with the complainant within a reasonable time, leading complainants to believe that either the agency has not dealt with their complaint, or has otherwise acted inappropriately. This may or may not be the case.

In about 10% of contacts, we advise the complainant 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. 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.

Inquiries staff tackle this issue daily and it can cause conflict with complainants. It is therefore rewarding when complainants sometimes tell us that – although they still disagree with an agency's decision – they understand and appreciate our explanation about why it seems valid and reasonable.

Acting on urgent complaints

There are regularly complaints or complainants that need immediate action or help. We accept complaints orally if our assessment indicates a possible problem with an agency's imminent action or inaction and there are 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.

The following case studies provide some examples of the complaints we handled this year.

Case study 72: Reducing fines to cautions

Our inquiries with the State Debt Recovery Office (SDRO) led to fifteen hundred dollars of fines issued to three young people for travelling without valid concession passes and offensive behaviour reduced to cautions and put on hold respectively. The parents of the three young people asked the SDRO to review all the fines. However, their reviews were rejected – even though their school provided evidence that they had not issued the correct concession passes, and CityRail was investigating their complaints about how the young people were treated in relation to the offensive behaviour matters. CityRail will decide on any further action about the offensive behaviour fines when they have finished their investigation.

Case study 73: Budget reviewed

A woman under a financial management order called complaining that the NSW Trustee and Guardian (NSWTG) was not providing her with sufficient income to afford the wheelchair accessible taxis she uses. We found that there was no note of her disability and the NSWTG undertook to review her budget, including applying for various allowances she may be eligible for.

Case study 74: Providing clearer information

Changes to the *Fines Act 1996* early last year resulted in a number of fine recipients receiving advice from the SDRO that their court election opportunity had expired, even though they were still at the penalty reminder notice stage of the fines process. Previously, this would not generally occur until the fine was at the enforcement stage. We received a number of complaints about these changes and, as a result of our work with the SDRO, the correspondence they issue and the information on their website is now much clearer.

Case study 75: Housing problem resolved

A complainant having financial difficulties contacted us after his private landlord did not receive the Rent Start payment that Housing NSW had approved weeks before. Housing NSW told us they had already issued two cheques, but it seems they both went to the wrong address. This was because the update of their new database HOME did not automatically update the finance database. As the result of our call a third cheque was issued to the correct address, the tenant maintained his tenancy and Housing NSW addressed their database issue.

Case study 76: Immediate action on maintenance

A tenant called us in late October complaining she could not get her serious maintenance issues resolved. Her unit had water streaming down the walls causing considerable damage. Housing NSW had been aware of these maintenance issues in August and had listed them for completion by December. The tenant tried for some weeks to speak with the right housing officer, but after failing to do so she called us. Housing NSW's subsequent inspection resulted in immediate action and work started within a week.

Case study 77: Helping inmates

Many inmates complain about correctional centre life, and they can have good reason. Their limited access and ability to resolve everyday problems often means they contact us for help.

Inmates at Tamworth and Bathurst called us this year complaining that they only had one set of clothing after two weeks in the correctional centre. Another inmate at Junee complained the unit washing machine had

for some weeks stunk of dead animals caught in the newly sealed base. All claimed they had tried to sort out these issues internally without success. Our calls to the centres resolved these issues very quickly.

We also receive calls about safety and welfare. A Junee inmate called distressed that a proposed internal move would put him at risk. He had spoken with correctional staff, but was not sure his concerns were being fully considered. We confirmed with centre staff that they were aware of his concerns and the need for discussion with him.

A Dillwynia inmate called on behalf of another inmate too upset to speak with us. The day before the woman had been told by the clinic at the centre that she may have miscarried her pregnancy. It was unclear what help she had asked for, or was receiving, so we contacted the clinic. They agreed to ensure the woman was given the opportunity to discuss her problems.

We also receive contact from the families of inmates. A man called complaining that he could not get a message to his brother at Junee. He needed to make sure he was sufficiently aware of the state of health of his mother after a serious operation. We contacted the centre who confirmed this should normally happen and undertook to speak with our caller to address his concern. An inmate at the Metropolitan Reception & Remand Centre complained about the limited time he was allowed out of his cell. The centre manages a wide variety of inmates and this creates a challenging environment. However, exercise and time out of cells is an important part of maintaining reasonable mental health and is covered by the correctional centre regulations. We contacted the centre who undertook to ensure staff were aware of their legal obligations.

Stakeholder engagement

Effectively engaging with key agencies, service providers and individuals on a wide range of issues is an important part of our work. Maintaining professional and cooperative relationships with a diverse group of stakeholders enables us to identify and respond to critical issues as they arise and look for ways to make further improvements.

We also need to make sure we are accessible to disadvantaged, vulnerable or hard to reach groups that might have a particular need for our services – including communities in regional and remote areas, Aboriginal people, young people, refugees and other recent migrants, and detainees in correctional and juvenile justice centres. This includes helping frontline agencies and services to address any difficulties in reaching out to these often 'high-need' communities.

Who are our stakeholders?

Our stakeholders include consumers of our services, local agency staff, community workers, peak bodies, advocacy groups, members of the public and other agencies. The consultations we do as part of our audits and investigations

are important to our work and allow us to engage different groups on priority issues. We try to be proactive in seeking the views of our stakeholders and convene forums and roundtables about specific issues, as well as participating in liaison meetings and community outreach activities to help inform our work.

We maintain close relationships with other agencies within our jurisdiction and with other oversight bodies both within Australia and overseas. This year we continued to support new and developing Ombudsman offices in our region by sharing our knowledge and experience.

Improving our processes

After our organisational restructure last year, we started developing a new stakeholder engagement plan. Key priority areas have been identified and these will be built in to the business plans for each of our divisions. We aim to be more responsive when stakeholders raise issues that are in the public interest, for our work to add value, and our services are accessible.

This year we have focused on streamlining the way we capture information about our stakeholder engagement and education activities. Our new processes are designed to:

- | improve information sharing across our organisation
- | more readily identify opportunities for joint work with other agencies and oversight bodies
- | record the feedback from our stakeholders about how our work adds value.

These processes are also important for making sure that our operational work is reflected in our various corporate plans – such as our disability and multicultural action plans – as well as allowing us to more readily identify gaps and improve how we engage with all our stakeholders.

Reaching out to a diverse community

The largest group of people we have contact with are complainants. During the year we handled more than 24,000 complaints informally and more than 8,000 formally. The informal complaints are mostly dealt with by our inquiries staff over the telephone or in person at our office.

Our website provides information about the role of our office, including how to resolve matters without our help and how to make a complaint. There are a range of publications available – such as guidelines, fact sheets and brochures in other languages. This year we have reviewed our website and will be redesigning it in 2011-2012 to make it more accessible and easier to use.

Our Aboriginal Unit, youth liaison officer, community education and training unit and other specialist staff actively reach out to stakeholders – by attending community and cultural events, delivering workshops and training sessions, and helping complainants to resolve issues.

Our senior staff also take part in these events, and the resulting discussions are critical to informing our systemic review, auditing and investigative work.

Participating in community events

We organise and participate in a range of community events, festivals and conferences. We also work with other government agencies and service providers in events that provide a one-stop shop for communities – giving people the opportunity to raise a wide range of questions and concerns about government services. This year we delivered a total of 140 presentations, forums, information sessions and other educational activities reaching over 7,000 people in 32 different locations across NSW.

One new strategy that has greatly enhanced our outreach to regional areas is our regular participation in the Aboriginal Community Information & Assistance Road Shows, organised by the Department of Premier and Cabinet. These events typically run for three or four days in different towns within the one region, bringing representatives of between 50 and 60 government and non-government agencies together to present information about their work and provide services to members of the public. These road shows are very popular, attracting hundreds of people from surrounding areas.

Travelling to regional and remote communities

This year we visited at least 59 regional and remote communities in NSW. We visited correctional and juvenile justice centres, conducted consultations for our investigations and audits of services, participated in community events and information sessions, and delivered presentations, training sessions and forums. These visits provide our staff with the opportunity to address other concerns raised with our office – including meeting with local agencies, service providers or community representatives to assist with critical issues.

We delivered over 55 training workshops, presentations and information sessions in regional NSW this year. For more details, see page 101 in Community education and training.

For more information about our work in regional and remote communities, see page 105 in Working with Aboriginal communities.

Places visited 2010-2011

Albury	Lismore	
Balranald	Lithgow	
Batemans Bay	Menindee	
Bathurst	Moree	
Bega	Moruya	
Bourke	Mudgee	
Broken Hill	Muswellbrook	
Canberra	Nambucca Heads	
Coffs Harbour	Narooma	
Cooma	Narrabri	
Dubbo	Newcastle	
Eden	Nowra	
Forster	Oberon	
Gosford	Orange	
Goulburn	Port Macquarie	
Grafton	Purfleet	
Griffith	Quirindi	
Gunnedah	Richmond	
Guyra	Springwood	
Hunter Valley	Tamworth	
Illawarra	Taree	
Junee	Terrigal	
Kariong	Toomelah-Boggabilla	Wallaga Lake
Karuah	Tuggerah	Wellington
Katoomba	Tweed Heads	Wollongong
Kempsey	Wagga Wagga	Woy Woy
Lightning Ridge	Walgett	Wyong



Visiting juvenile justice and correctional centres

We have systems in place to ensure that detainees have reasonable access to our services while they are in a juvenile justice or correctional centre. Our staff are available to detainees in a number of ways – primarily by phone, but also via secure post and through our visits to centres across NSW.

When we visit a centre, our role as an impartial observer enables us to ensure decisions made about detainees are fair and just. It also gives detainees the opportunity to raise issues directly with us. Where possible, staff from our Aboriginal Unit take part in these visits – ensuring that Aboriginal detainees have an opportunity to speak with another Aboriginal person about any concerns.

This year we conducted 38 correctional centre visits and 16 juvenile justice centre visits across the state. At least 15 of these visits were to regional and remote areas. For further details on our work see page 36 in Corrections and page 73 in Human Services.

Strengthening our relationships with young people

Engaging with young people, youth advocates and agencies that provide services to children and young people is a

central part of our efforts to ensure that our services are accessible, relevant and effective.

In June 2010, we appointed a new youth liaison officer (YLO). The YLO plays an important role in raising awareness about problems affecting young people and focusing our complaint-handling work on systemic issues. They also work directly with young people and their advocates to increase their awareness of the work we do with agencies that provide services to young people.

A new youth issues group

Our YLO has undertaken a major internal review of how we handle youth-related enquiries and complaints to assess how we help groups with particular needs. As an outcome of this review, we are considering a number of changes – especially the need to improve how we record and report on our work in this area. The YLO has established a youth issues group made up of frontline staff and investigators from across the office. This group aims to monitor and improve our capacity to address concerns raised by young people and their advocates, especially concerns about new or emerging systemic issues. By critically reviewing our practices we are able to help agencies be more strategic about the services they provide to children and young people.

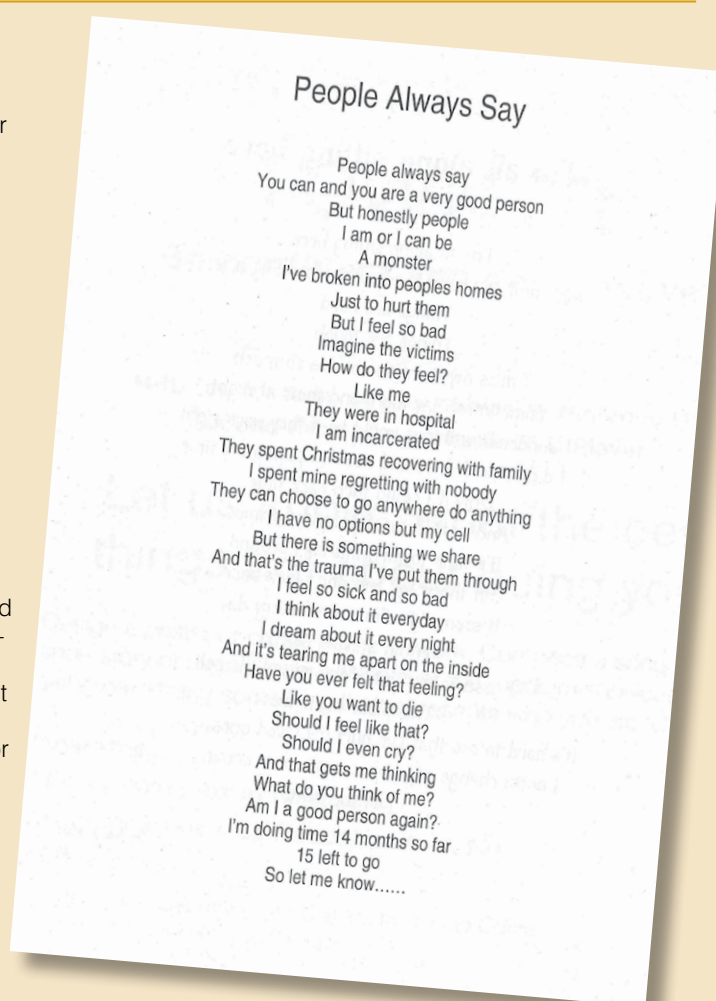
We have developed a youth web survey to distribute to services and agencies that work directly with young people.

Youth Week 2011

During Youth Week 1-10 April 2011, our YLO and other staff organised and participated in a range of activities. The week began with a staff morning tea featuring a guest speaker, an amazing young woman who shared her personal experiences about overcoming barriers in relation to being homeless. Throughout the week we sold balloons to staff in the office to raise funds for a youth-related charity nominated by our guest speaker. She requested that the money raised be donated to YPSpace, a service based in Kempsey.

Another highlight was our participation in the largest Youth Week event in NSW, the 'Bring it on Festival' at Fairfield Showground. We had an information stall and arranged for a giant jenga game as an ice-breaker to encourage young people to stop by, have some fun, and then speak with our staff. As an incentive to participate, we entered everyone who played the jenga into a draw to win an iPod nano portable music player. The winner was Natalie Zora of Fairfield.

To include young people in juvenile justice centres, we held a competition for them that used the Youth Week theme — 'Own It'. The competition invited young people to 'own it' by responding creatively to the question: What are the best things about being you? Young people were encouraged to design a poster, create some art work, or write a song or poem. We had a number of great entries. First prize went to a young man from Riverina Juvenile Justice Centre who submitted an outstanding poem called, *People Always Say*. He received a football jersey for his efforts. The runner-up prize of a portable DVD player was a joint entry from two brothers from Cobham Juvenile Justice Centre, who submitted a CD with an original song they had composed and performed.



The survey asks about their clients' needs, what issues they raise, and how our work with young people could be improved. The survey is intended to inform our outreach work with specific groups, particularly groups or youth services in areas that have little or no contact with our office.

Focusing on systemic issues

Our focus on systemic issues has led to a number of important initiatives in the youth area this year. For example, at the request of the Police Commissioner we recently brought together senior representatives of the NSW Police Force (NSWPF), Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) to identify changes needed to broaden and improve the use of diversionary options under the Young Offenders Act. We are also working with police to address ongoing concerns about bail compliance checks with young people and police acting on bail conditions that were no longer enforceable. For further details on this issue see page 108.

At the invitation of Legal Aid, we participated in a meeting with staff from the Children's Legal Service at a community agency in Western Sydney that provides outreach services to recent migrants. A group of young people alleged that they had been subjected to police harassment and racism. We took an oral complaint from one young person in relation to the use of OC spray and intend to monitor the complaint.

Recent feedback from youth services and informal complaints from other sources have highlighted difficulties that homeless young people encounter when trying to access different forms of emergency accommodation. Our YLO and our youth issues group will look at these access issues, as well as the support and services for young people at risk of homelessness, to assess the concerns raised and what can be done to address the problems.

We are also reviewing the information we provide to students about our services and encourage young people to visit our office. This includes a recent presentation to a group of legal studies students from Kempsey, with staff from each of our divisions providing overviews of what we do. We will continue our commitment to students by providing further opportunities for young people to visit our office.

Working with other agencies and groups

Our YLO plays a pivotal role in strengthening our relationships and communication with peak representative bodies and government agencies that work with young people. Throughout the year, she regularly met with groups such as the Youth Justice Coalition, YFoundations, and with staff from key agencies including the NSWPF, Juvenile Justice and Justice Health. Her work with these organisations helps broaden our links beyond our day-to-day complaint-handling, audit and oversight work. She also regularly attends and makes presentations at conferences, open days and youth events, and attends juvenile justice centre visits with other Ombudsman staff.

See pages 66-80 for more information about our work with children and young people.

Working cooperatively with agencies and key stakeholders

Holding regular liaison meetings with agencies, convening forums on specific issues, and participating in committees and advisory groups helps to keep us informed of current issues. This is an increasingly important part of our work.

Our audit, investigation and review work also enables us to work with a large number of agencies and service providers. For example, this year we have consulted broadly with the people involved in dealing with public interest disclosures and the people who make them – including public authorities, their staff, other investigating agencies, unions, academics, journalists and commentators, and interest groups such as Whistleblowers Australia. These sessions enabled us to provide information about our new role, as well as the roles and responsibilities of agencies.

This year we also provided briefings and information sessions to a range of services and community groups including Tranby Aboriginal College, the Aboriginal Community Gathering in Wollongong, Sydney Institute of Criminology's child sexual assault seminar, Southern Sydney Koori Interagency meeting, Western Region Professional Standards Duty Officer and Executive Officer Forum, and the Aboriginal Legal Service's annual conference in Terrigal.

Convening forums and workshops to identify and address concerns

A useful strategy for identifying and responding to complex problems is to convene forums that bring specialists, frontline staff and managers together to examine the issues and identify potential solutions. We have found that this approach is an efficient and especially useful way of dealing with systemic issues that require 'operational' input from a number of services and agencies. In many cases, frontline staff might be trying their best to respond to serious concerns – but issues such as a lack of coordination between agencies can prevent them from being able to achieve positive outcomes.

This year we hosted specialist forums and roundtables to seek the input of stakeholders from various agencies and services into investigating sexual assault, improving the police use of youth diversionary options under the Young Offenders Act and addressing poor school attendance at a remote school. We also organised roundtable meetings with disability, child, youth and family peak bodies to

canvass their views on current issues identified through our monitoring activities and to promote improved service delivery.

The value of this approach is demonstrated by the outcomes achieved by a roundtable forum that we convened in April 2010 to look for ways to improve probity standards in non-government organisations that are funded almost \$2 billion per year to deliver a range of community-based services on behalf of the NSW Government - see page 96.

Policing sexual assault

In April 2011, we invited a number of senior police officers to attend a roundtable to discuss issues related to the policing of sexual assault. The meeting – chaired by our Deputy Ombudsman (Human Services) who is also the

Community and Disability Services Commissioner – was well attended, with twelve officers from several operational and policy areas within the NSWPF participating.

The majority of the discussion was about our audit of the implementation of the NSW interagency plan to tackle child sexual assault in Aboriginal communities. We sought the views of attendees about a range of issues associated with the overall implementation of the interagency plan and related initiatives. In particular, we canvassed the particular challenges associated with policing child abuse in rural and remote locations, the availability of forensic medical examiners for victims of child sexual assault, and the management of offenders on the Child Protection Register. For more information about our audit of the Interagency Plan, see page 105 in *Working with Aboriginal communities*.

We also discussed two issues concerning employment-related child protection – problems arising from the existence of multiple CNIs, and the feasibility, benefits and risks of enabling relevant police intelligence holdings to be considered when a person applies for child-related employment. For further details about these issues, see page 78 in *Children and young people*.

As a result of the roundtable, it was agreed that we would convene a twice-yearly forum with the NSWPF to share information and provide feedback about systemic areas of common interest.

Promoting interagency communication

Sometimes individual complaints can alert us to serious or systemic concerns that necessitate bringing agencies together to resolve issues. For example, we were alerted to a matter where the agencies involved had not communicated effectively with each other so it was not clear whether any of them had taken the action needed to address urgent concerns about a child at serious risk of harm.

In case study 49 in the *Children and young people* section, we reported on our investigation into a matter involving a person on the Child Protection Register (CPR). A young girl disclosed that she had been sexually abused by this person, who was her mother's partner, over a period of three years. He was subsequently charged with a number of offences and has since been convicted. We found that Community Services had failed to take appropriate protective action on behalf of the girl when they were originally advised by Corrective Services and the NSWPF that the person intended to move in with the girl and her mother.

To discuss ways of strengthening interagency cooperation for managing individuals on the CPR and the potential risk they pose to children, we convened a meeting with all three agencies. As a result of the meeting, the agencies agreed to jointly draft an interagency document clearly setting out the respective roles, responsibilities, powers and limitations of each agency for managing child sex offenders. Community Services also reported that systems are now in place to alert senior staff when a report is made that involves someone registered or suspected to be registered on the CPR. They also agreed to improve expertise within their organisation for handling matters involving CPR registrants – including the need for timely and effective communication with Corrective Services and the NSWPF.

A range of additional initiatives aimed at addressing the deficiencies identified by our investigation were also agreed to by the agencies. For example, Corrective Services are revising their policies for managing child sex offenders. We will continue to closely monitor these agencies' progress against their commitments in this area.

See page 41 in *Corrections* for further details on community offender services.

Helping young offenders

At the request of the Police Commissioner, we held a roundtable meeting with Legal Aid NSW (the Children's Legal Service), the Aboriginal Legal Service (NSW/ACT) and the NSWPF in April 2011 to assess the adequacy and effectiveness of the current referral protocols and share information about the operation of the *Young Offenders Act 1997*. This followed a similar review in mid-2005 that succeeded in addressing key concerns raised by each of the agencies and led to improved outcomes for young people for some time afterwards.

The forum concluded with broad agreement on several key actions to reinvigorate and improve the use of the cooling off period through the young offender legal referral scheme, and support the involvement of respected community members in the cautioning of young people under the *Young Offenders Act*. See page 108 in *Working with Aboriginal communities* for more details.

Children, young people and families

In April 2011 the Community and Disability Services Commissioner, convened a roundtable of child and family peak organisations. This forum enabled us to update the child and family sector on key areas of our current work in the child protection area. This included:

- | our review of Aboriginal child sexual assault
- | our work in connection with service delivery to rural and remote communities in Western NSW
- | the transfer of the Child Death Review Team to our office
- | our monitoring of *Keep Them Safe?*
- | early intervention initiatives.

Supporting improved school attendance in Western NSW

Aboriginal students have consistently lower rates of school attendance than non-Aboriginal students, and many Aboriginal communities see improving school attendance rates as a priority.

A number of different school liaison positions are funded by the Office of Education to support school practices that promote regular attendance. However in regional and remote NSW these positions are hampered by the extensive geographical area they cover and the large numbers of schools they support.

In Wilcannia, school attendance and retention rates are a persistent concern. Disquiet among local community members about school suspension practices reached a peak in July 2010. As a result, we convened meetings with the then Director-General of the Department of Education, the CEO of Aboriginal Affairs and the NSWPF to discuss ways to address this issue. A number of principals that we have consulted over the past year have told us that a school

liaison police position can often exert greater influence over families than Education's home school liaison officers because of the authority that comes with being a police officer. For this reason, we raised the possibility of trialling a dedicated school liaison police position at Wilcannia to work with the school and parents to provide the necessary supports to get children to school each day. In March 2011, the Ombudsman and Deputy Ombudsman met with these agency heads to help consolidate their efforts towards trialling this position. We now understand that approval has been granted to establish the trial in Wilcannia. Discussions are currently taking place between the NSWPF and Aboriginal Affairs NSW about implementation details.

Disability issues

In February 2011, our Community and Disability Services Commissioner convened a roundtable of peak disability organisations. These meetings provide a useful forum for exchanging information about issues of concern affecting people with a disability, and the current work and priorities of our office and the organisations attending.

The issues we discussed included:

- | the closure of large residential centres and the compliance of replacement accommodation with the Disability Services Act
- | the rights of people with a disability in licensed boarding houses
- | access of people with a disability to social housing
- | self-directed funding and the need for planning about safeguards, probity and training
- | people with mental illness and their access to appropriate accommodation and support
- | current actions for early childhood intervention.

DFACS commits to strengthening probity standards – progress made

In December 2010, we tabled a special report to Parliament, Improving probity standards for funded organisations, explaining the need for government to help funded organisations improve their screening of prospective employees, board members and others involved in the planning or delivery of government-funded services to vulnerable people.

The report highlighted the growing importance of the estimated 3,000 non-government organisations (NGOs) that receive almost \$2 billion in funds and subsidies annually to deliver a range of community-based services on behalf of the NSW Government. We highlighted the apparently piecemeal array of probity checks currently used by NGOs in the health and human services sectors and recommended that the (then) Department of Human Services, in consultation with the NGO sector and NSW Health, take steps to create a streamlined probity checking framework that strengthened standards, addressed inconsistencies and reduced duplication and waste.

Our report centred on concerns raised by a roundtable forum that we convened in April 2010 to bring together NSW government agencies with responsibilities for health and human services (funding agencies), peak bodies that represent many of the thousands of NGOs funded to deliver

services (funded organisations) and oversight and regulatory bodies with responsibilities in this area. In summarising the concerns raised by forum participants, we argued that the system should include consistent baseline checks of all paid employees and others with key responsibilities in planning and delivering services (such as board members), take into account the vulnerability of clients who use these services, and have the flexibility to strengthen or relax checking requirements in appropriate circumstances.

We received a preliminary response to our report in June this year, when Ageing, Disability and Home Care (ADHC) asked for feedback on a chapter entitled 'Probity in Employment' and a 'policy settings matrix' that the agency had drafted for inclusion in a governance manual, It's Your Business. ADHC drafted the materials in conjunction with National Disability Services (NDS), a national industry association that represents 700 NGOs in the disability sector. The draft materials had a number of impressive elements, including sound advice on various 'best practice' strategies that NGOs could use to develop stronger, more consistent probity checking standards. In addition, ADHC and NDS were promoting the materials to funded services in the disability sector through a statewide program of training and workshops.

Although ADHC's draft guide recommended that funded organisations adopt stronger processes and standards, we were concerned that there were still no direct requirements for them to do so. Our feedback to the Department of Family and Community Services NSW (DFACS) praised the many positive elements of the draft materials. Nonetheless, we concluded that unless the guidance was also accompanied by stronger, clearly articulated minimum standards, then their contribution to the development of more consistent, efficient and rigorous probity checking across the health and human services sectors would remain limited.

In August we received a formal response from the Acting Director General of DFACS, endorsing the direction taken in our report and supporting many of our recommendations. DFACS indicated that the probity advice drafted for ADHC's It's Your Business manual would become the standard for all DFACS agencies, including ADHC, Community Services, Housing NSW and the Aboriginal Housing Office.

Significantly, DFACS noted its ability to use funding agreements to 'embed, request and monitor' adherence with probity policy. 'ADHC are planning to reflect this in funding agreements for next year, and this will be applied across the rest of the department as part of our broader work to reduce red tape'. This is a significant step forward. In addition, the inclusion of general probity requirements in funding agreements will be supplemented by 'targeted support and strengthening for some NGOs'.

As noted in our report to Parliament, a key challenge will be to streamline checking and strengthen standards, while minimising the associated costs or red-tape imposed on funded NGOs. DFACS promised to 'work closely with peaks, non-government organisations and NSW Health to address the issues outline by the report, with a focus on consistency of information, training and guidelines for funded services'.

DFACS committed to providing a progress report in December this year. By then, it expects to have a better understanding of 'the scope and possible impact of proposed National Regulator of Not-for-Profits, due to be implemented in July 2012'.

Ombudsman Outreach program

As part of our growing Ombudsman Outreach program, we visited Taree in March and Orange in May this year. These forums are aimed at community sector workers and consumers in regional and rural centres. At the forums, the Community Services and Disability Commissioner and senior staff from our community services division provide an overview of the role of our office, particularly the work we do in the community services sector. Although these events focus mainly on providing information to local services and individuals, they provide us with valuable feedback about issues and concerns affecting the regions we visit. We plan to hold four more forums in other regional centres in the second half of 2011. See page 103 in Community education and training for more details.

University complaint-handlers

In February this year we hosted our third annual forum for university complaint-handlers. These forums have been popular events for exchanging information and ideas about a range of issues concerning complaints in higher education.

In the past decade there has been a significant rise both in the number and complexity of complaints about universities. Following the release of our *Complaint-Handling at Universities: Best Practice Guidelines* in 2006, every university in NSW has introduced reforms to their complaint-handling structures. The forum in February offered an opportunity to find out how these changes have worked in practice. Guest speakers from a number of universities both in NSW and interstate also gave presentations on topics such as the implication of changes to the legislation for public interest disclosures in the university environment, procedural fairness in disciplinary decision-making and complaint-handling, the media and new social media.

Participants were keen to attend another forum next year, confirming the event remains a relevant and practical way for university complaint-handlers to share experiences and gain ideas.

Public interest disclosures consultation forums

Our newly formed Public Interest Disclosures (PID) unit hosted a consultation forum in May that was attended by a range of representatives from NSW government agencies, oversight bodies and whistleblower interest groups. It provided a useful opportunity to discuss the new *Public Interest Disclosures Act 1994* and the proposed role of the NSW Ombudsman. Participants also provided us with useful feedback on our draft model policy and guidelines.

Official community visitors

Each year we organise an annual conference for people involved in the official community visitors (OCV) scheme. The theme of this year's conference was substitute decision-making. The conference was opened by the Minister for Disability Services and addressed by key sector agencies on current issues and initiatives affecting residents of visitable services. We also ran complaint-handling workshops and training on developing skills as a mentor. For more information about this work, see the discussion on OCVs at page 87.

Deputy Ombudsman forum

In May this year we hosted the twice yearly Deputy Ombudsman Forum, which brings together deputies from Ombudsman offices across Australia and New Zealand. The meetings enable participants to showcase the work and achievements of their respective jurisdiction. It also provides an opportunity to discuss common concerns, as well as projects such as investigation training and managing unreasonable complainant conduct.



Deputy Ombudsman's Forum

Ombudsman investigators

In November 2010, in conjunction with our biannual National Investigation Symposium, we hosted a half day forum that brought together senior investigation officers from the Victorian, Queensland and West Australian Ombudsman offices. This meeting enabled investigators to share expertise and information about current work including:

- | investigative methodologies
- | significant investigative work being done
- | issues associated with managing complaints.

Maintaining good relationships

It is important for us to foster good working relationships with the agencies we oversee and investigate. Maintaining strong links and professional relationships with agencies helps give staff in those agencies the confidence to be more forthcoming with information and receptive to our recommendations. It also helps speed up preliminary inquiries and investigations, and enables us to reduce waste and reach better outcomes.

Holding meetings and discussions

We regularly meet with, give presentations to and convene discussions with a range of organisations that advocate on behalf of members of the public and advise government on policy issues. We also meet regularly with government agencies such as Community Services, Housing NSW, NSW Health, Juvenile Justice, Ageing, Disability and Home Care, the NSWPF, Aboriginal Affairs NSW (AANSW), and the Department of Education and Communities (DEC).

For example, this year we:

- | held a number of meetings with staff from the Commission for Children and Young People to exchange information and discuss arrangements to transfer resources to our office. The Commission transferred the Child Death Register and some administrative and child death files to us in February this year
- | attended quarterly meetings with the Independent Commission Against Corruption (ICAC) and the Division of Local Government to discuss local government issues and exchange information about complaints

- held quarterly meetings with senior officers from the NSWPF to discuss strategies for improving police complaint-handling systems, share information about current projects and initiatives, and resolve mutual concerns
- visited 10 NSWPF local area commands in metropolitan and regional locations to observe complaint management team meetings and to invite feedback about complaint trends and complaint issues generally
- attended the inaugural meeting of Disability Commissioners from across Australia to exchange information and identify systemic issues. These meetings also allow us to explore potential avenues for systemic work on a national level. We will be hosting the next Disability Commissioners meeting in November 2011
- attended quarterly meetings with representatives from the DEC's Employee Performance and Conduct Unit (EPAC) to discuss emerging issues and how they can be addressed
- met with representatives of agencies involved in protected disclosures and the implementation of the new Public Interest Disclosures Systems – such as the ICAC, DLG, Office of the Director of Public Prosecutions and the NSWPF – to discuss their various approaches to the new *Protected Interest Disclosures Act 1994*. These meetings will inform our work in the future, including recommendations for legislative changes
- consulted the NSWPF Sex Crimes Squad in relation to our child protection work. This has given us access to prompt information and advice and enabled us to give appropriate guidance to agencies responding to reportable allegations of a criminal nature. We also attend the quarterly Sex Crimes Squad & Joint Investigation Response Squad Advisory Council meetings which provide an opportunity for interagency liaison and case discussion about a range of child protection issues
- consulted with government agencies, non-government peak associations, and staff from child wellbeing units about policy and operational issues affecting the implementation of the new system for responding to children at risk of harm
- held three information sessions on protected disclosures for more than 65 public sector staff, briefing them on the changes to the Public Interest Disclosures Act and the changes to their agencies' responsibilities under the Act. This is the start of a much broader campaign to inform and educate agencies on their new responsibilities under the Act.



PID Forum

We gave regular presentations about our role to various stakeholders and staff from a range of agencies, peak bodies and community organisations including groups of police officers. We also provided information sessions and briefings for a range of other groups including schools, foster care support groups, area health services and a range of

inter-agency groups. See page 101 in Community education and training for more details of our work in this area.

Participating in committees and advisory groups

Our staff are also members of a number of advisory groups and committees. These groups help us keep informed of current issues and give us the opportunity to update agency staff on specialist areas of our work. For example, we have an expert advisory committee to help us perform our disability death review function. The committee provides the Ombudsman with valuable advice on complex disability death matters, policy issues and health practice issues.

We have been a member of the Police Aboriginal Strategic Advisory Committee (PASAC) for several years. PASAC is chaired by the Police Commissioner and includes representatives from Aboriginal peak bodies as well as Aboriginal Affairs NSW and the Attorney-General's Aboriginal Justice Advisory Committee.

Examples of the other forums and information sessions we have participated in this year include the Child Protection and Sex Crimes Squad Steering Committee, Out-of-Home-Care Interagency Forum, Youth Homelessness Forum, Tenants Advocacy Forum, Asbestos Co-Regulators Working Group, Corruption Prevention Network, and the Complaint-Handlers' Information Sharing and Liaison Committee – this is a network of complaint-handling schemes covering a range of jurisdictions that meet to share information, resources and opportunities for joint activities. See Appendix X for more details.

Working with other oversight agencies

As well as seeking feedback from the agencies we oversee, we also liaise with other oversight bodies to share good practice and exchange information. This year we:

- assisted the Australian Crime Commission's National Indigenous Intelligence Task Force to bring together Commonwealth stakeholders – such as the Coordinator General for Remote Services Delivery and the Commonwealth Ombudsman – with state oversight bodies such as the NSW Auditor General. They examined issues that require state and federal coordination – particularly better coordination around service planning and funding and accountability mechanisms for monitoring service outcomes
- co-hosted with the ICAC and the Institute of Public Administration a two day National Investigations Symposium. This attracted delegates from more than 80 agencies across Australia, plus some from New Zealand, Papua New Guinea and other Pacific countries
- participated in discussions with the Office for Children and Portfolio Coordination, Victoria to discuss the National Bill about children's services. Victoria is the lead jurisdiction with responsibility for drafting the Education and Care Services National Law Bill
- worked with Australian Ombudsman investigation officers to coordinate responses to legislation introducing increased oversight of private colleges for overseas students. This allowed us to share information, provide an update on legislation, and agree on a coordinated response

- worked with the ICAC to deliver training on better management of protected disclosures for 91 people from a range of public agencies, including local councils. These workshops provided information about protecting whistleblowers – people who report improper, corrupt or unlawful behaviour in the public sector – and managing their disclosures
- together with the Commonwealth Ombudsman visited the Metropolitan Remand Reception Centre (MRRC) to assess the management of immigration detainees who had been moved into corrections custody as a result of an incident at the Immigration Detention Centre.



National Investigations Symposium

From left to right: Nick Kaldas Deputy Commissioner NSW Police Force; Bruce Barbour; The Hon David Ipp AO QC Commissioner, Independent Commission Against Corruption; Richard Macrory, Professor of Environmental Law, University College London

- met with OCVs and the Office of the Children's Guardian to negotiate a memorandum of understanding that sets out how we will work together to promote the best interests of children and young people in statutory/ supported residential out-of-home care services
- worked with the Association of Children's Welfare Agencies, the Commission for Children and Young People and the Children's Guardian to promote awareness of child protection responsibilities in the out-of-home care sector
- met with the Queensland Commission for Children and Young People and exchanged information about child protection practices and the role of the Child Death Review Team
- suggested improvements to the model code of conduct for councils and will continue to work with DLG to improve clarity in this important area
- provided advice to Queensland's Crime and Misconduct Commission about our work in auditing police local area commands – this examined how well police implemented their NSW Police Aboriginal Strategic Direction. Our work in this area enables us to provide guidance to police about the key issues they need to address to ensure ongoing improvements in Aboriginal-police relations
- provided advice to the West Australian Ombudsman's office about our work with Aboriginal communities and information from our visit to the Kimberley region last year in relation to the outcomes of the WA Police Force's child sexual assault policing operations
- established a regular liaison meeting with the NSW Auditor General's performance auditing division to ensure that our work is complementary.

Engaging with our international partners

This year we maintained and strengthened our support for new and developing Ombudsman offices and other oversight bodies in our region by sharing our knowledge and experience on ways to promote effective and accountable public administration.

Much of our work in this area is through our membership of the International Ombudsman Institute (IOI), which includes membership of the Australasian and Pacific Ombudsman Region (APOR) chapter of the IOI, and through the Pacific Ombudsman Alliance (POA) and its member organisations.

Meeting with APOR members

On 23 March 2011 the Ombudsman attended the annual APOR members meeting at the Control Yuan in Taipei, Taiwan. At this meeting, members discussed the internal and external training modules they provided, the potential benefits of exchanging training materials, and the possibility of developing training initiatives for the Australasia and Pacific region.

All APOR members agreed to provide information about their current training so we can consolidate this information and assess the similarities and differences that exist between training programs. Our office agreed to coordinate the process and report back to the group on the information provided.

The APOR meeting was followed by a two day conference hosted by the Control Yuan, which focused on the international development of Ombudsman and human rights. At this conference, the NSW Ombudsman presented a paper on *Ombudsman and Human Rights: Working with vulnerable communities*.

Supporting the Pacific Ombudsman Alliance

The POA is made up of Ombudsman offices and allied institutions from countries that are part of the Pacific Islands Forum, and is funded by AusAID and the New Zealand Government.

We provide specialist training placements for our colleagues from overseas. This year this included providing in-house training and mentoring to Ombudsman staff from Vanuatu, Samoa, Papua New Guinea and from the newly established Ombudsman of the Republic of Indonesia.

In November 2010 we hosted a successful one day workshop for senior staff who were visiting Sydney to attend the National Investigations Symposium (NIS) in Manly. The visitors were from Papua New Guinea (Mr Daniel Taka, Mr Phillip Morris), the Solomon Islands Ombudsman (Mr James Maneforu, Mr Aaron Kodo), the Solomon Island Leadership Code Commission (Mr George Leslie Oli), the Cook Islands Ombudsman (Ms Jeannine Daniel), the Samoan Ombudsman (Mr Vaiao Eteuati, Mauala Pepe Seiuli), and the Vanuatu Ombudsman (Ms Patricia Kalpokas, Ms Charlotte Kellen).

Presentations by our Ombudsman, former Deputy Ombudsman Greg Andrews, the Commonwealth Ombudsman Allan Asher, the Commonwealth's former Deputy Ombudsman Ron Brent, and NSW Ombudsman staff focused on systemic investigation case studies and detailed the approach, analysis and outcome of each investigation. The feedback for the day was very positive as it allowed senior investigators the opportunity to learn from each other's experiences in a collegiate environment. The NIS conference that followed was also well received and provided attendees with exposure to a considerable range

of topics as well as the opportunity to meet and network with other investigators from across the region.

In December 2010 one of our senior managers, Brendan Delahunty, participated in a forum hosted by the Vanuatu Ombudsman to discuss proposed legislative reforms to the Vanuatu Leadership Code Act and the Ombudsman Act. Other specialist advice was provided by Mr Vergil Narakobi, Counsel, Ombudsman Commission of Papua New Guinea (OCPNG), and Ms Lynley Ducker, Director International, Commonwealth Ombudsman.

The Vanuatu Ombudsman convened a pre-forum workshop to discuss the matters that would be raised at the forum and to set the final agenda. Mr Narakobi gave a detailed presentation to staff of the Vanuatu Ombudsman's office on the OCPNG, its structure, operating methods, and its role under the organic law on the duties and responsibilities of leadership. Then, over the two days, representatives from relevant agencies, such as the police and the public prosecutor, discussed issues with community representatives and Ombudsman staff. Past difficulties were aired and solutions proposed. The forum provided a way for the reform to move forward, leading to a detailed set of proposed legislative amendments being put to Vanuatu's Council of Ministers.

In June we participated in the 2011 Annual Meeting of the POA in Honiara, the third annual meeting of the alliance since it was formed in October 2008. The two day meeting

was held in Honiara to coincide with the Solomon Islands Ombudsman's 30 year anniversary, the opening of their new office, their restructure and other key changes.

A key outcome of the meeting was an agreement to develop five-year action plans, tailored to the needs of each member country but based upon regionally identified challenges. Members also endorsed a regional approach to dealing with common issues, and developed an action plan for legislative reform, investigation skills training and information sharing. This involves working with the Pacific Island Forum to support Pacific leaders in promoting better governance, transparency and accountability throughout the region.

The two day meeting was opened by the Prime Minister for the Solomon Islands and was chaired by the Commonwealth Ombudsman. Representatives from NSW, New Zealand, Solomon Islands, Papua New Guinea, Samoa, Vanuatu, Tonga, Niue, Nauru, Palau and Timor Leste also attended – sharing information about the challenges facing new and emerging member organisations and discussing strategies to address those challenges. They also thanked our Deputy Ombudsman Greg Andrews, who retired this year. Greg was a part-time member of the Secretariat that supports the POA's work and also assisted in providing a range of expert advice on POA projects and training placements.

All of the delegates stayed on for a day long public event to celebrate the Solomon Islands Ombudsman's 30 year anniversary.



From left to right: Maiava Toma, Ombudsman, Samoa; Sprent Dabwido MP, Nauru; Lucio Ngirawet, Ombudsman, Palau; Justin Kamupala, Head of the Department of Justice, Lands and Survey, Niue; and NSW Ombudsman Bruce Barbour following the Pacific Ombudsman Alliance's third annual meeting in Honiara, Solomon Islands. The meeting coincided with an event to celebrate the 30th anniversary of the Solomon Islands Ombudsman's Office.

Community education and training

Our community education and training program provides workshops and other activities for public sector agencies, non-government organisations, consumers of community services, and a range of other community groups across NSW. It allows us to share information and expertise, build capacity, and increase community awareness of our work. It also gives us opportunities to get feedback from our stakeholders and identify critical issues of concern for members of the public.

The training we offer for public sector agencies and community services focuses on promoting good administrative conduct, fair decision-making and high standards of service delivery. We also provide briefings and information sessions, give presentations, and develop resources and publications. The audits and reviews we conduct with agencies and services, such as our complaint-handling reviews, are also an important part of our ongoing responsibility to educate our stakeholders. For more details about our work in this area, see page 94 in Stakeholder engagement.

In addition to these activities and the liaison and consultation work our staff do during projects and investigations, we have dedicated units and positions within our office that focus on working directly with the community. These include our Aboriginal Unit, our youth liaison officer and our community relations officer.

“ **The feedback I received about your training was excellent, and I hope to roll it out to other staff. A quality training session is hard to find, and yours is one.** ”

Our training program – who, what and where

Delivering training is a way for us to help the agencies we oversee maximise the efficient use of their resources. We provide training to state and federal government agencies, oversight bodies and other Ombudsman offices in Australia and overseas.

We also have a specific function under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA) to educate service providers, clients, carers and the community about standards for the delivery of community services in NSW.

Our workshops are designed to be highly interactive. They give participants clear guidance and practical strategies to improve both their own skills and knowledge and the service delivery standards of their organisations.

During 2010-2011 we offered more than 10 different types of training workshops. These workshops were offered on an ‘open’ basis on our public training calendar and on an ‘in-house’ basis tailored to suit the needs of a variety of organisations.

We delivered more than 150 workshops, reaching over 3,000 people. Of these workshops, 86 were delivered in Sydney, 44 in regional centres in NSW and 24 were delivered in other Australian states.

We continually review our training packages to ensure our materials are up-to-date, relevant and useful for participants.

During 2010-2011 we reviewed our employment-related child protection training packages, the toolkit we provide to consumers of community services, and our training package on the art of negotiation.

Feedback about our training

Of the 2,016 people that completed evaluations after participating in our training workshops in 2010-2011:

- | 98% (1,981) would recommend the workshop to others
- | 97% (1,964) rated our trainers as excellent/good
- | 97% (1,955) rated the content of the workshop covered as excellent/good
- | 95% (1,917) rated the resources provided as excellent/good.

” Our training focuses on providing easy-to-use frameworks and tools that can assist participants, including step-by-step models on how to handle a complaint or plan an investigation. Feedback also indicates that participants find workshops to be a useful opportunity to share experiences and network with other staff from their own and other sectors. Comments from participants show that they take away practical strategies they can apply when they return to their workplace, and even in their personal lives.

“ **The sessions were fantastic yesterday, everyone thought they were great and it has been an absolute pleasure to organise it with you.** ”

Figure 56: Training workshops delivered 2010-2011

Type of training	No. of workshops	No. of participants
General complaint-handling training workshops	91	1,954
Community services training workshops	41	747
Employment-related child protection training workshops	24	390
Total	156	3,091

Complaint-handling training workshops

Two of our flagship workshops are *Complaint-handling for frontline staff* and *Managing unreasonable complainant conduct*. Both workshops aim to help participants increase their understanding of the complaint-handling process and develop skills and strategies to effectively deal with complaints and resolve issues. Specific complaint-handling and complaint management workshops have been developed for the community services sector (see below). We also offer workshops on negotiation skills, Aboriginal cultural appreciation and disability awareness.

In the past year we delivered a total of 91 complaint-handling training workshops to 1,954 participants (not including the community-service specific complaint-handling workshops). We delivered 72 of these workshops 'in-house' and 19 workshops as part of our calendar of training. Of these 91 workshops, 45 were delivered in the Sydney metro region, 22 in regional NSW, 23 in other states (including ACT, Qld, SA, Vic), and one workshop was delivered in Canada. Some of the NSW regional centres we visited to deliver general training include Albury, Armidale, Bathurst, Coffs Harbour, Gosford, Newcastle, Nowra, Queanbeyan, Tamworth and Wollongong.

Managing unreasonable complainant conduct

Since 2006, the Australian Parliamentary Ombudsman Offices have been collectively working on the Managing Unreasonable Complainant Conduct Project.

The project's first stage produced a project report and the first edition of the practice manual. Although the strategies in this first edition cover most of the circumstances that can arise when dealing with unreasonable complainant conduct, some strategies can only be used by agencies that have the discretion to end their relationship with a complainant. Also, because some smaller service providers and those involved in remote service delivery have limited resources, they may have difficulties implementing some of the strategies suggested in the manual. As a result, the nine Australasian Parliamentary Ombudsman embarked upon Stage 2 of the project in early 2010.

As part of Stage 2, in conjunction with other Ombudsman offices, we held 27 focus groups across Australia and sent over 50 questionnaires to rural and remote agencies across NSW. The focus groups were attended by a total of 95 agencies, represented by 179 staff members.

As Stage 2 has progressed, we have also identified a need to help agencies develop policies and procedures for managing unreasonable complainant conduct. We have therefore developed an implementation framework and model policy to help agencies ensure that their policies and procedures are fair and consistent and comply with the approach advocated in our practice manual. These documents will be available in the upcoming months with the publication of the second edition of the practice manual.

Managing protected disclosures

Training with the ICAC

This year, together with the ICAC, the Deputy Ombudsman for public administration delivered five workshops on managing protected disclosures. Ninety one people from a range of public agencies, including local councils, attended these workshops. The information provided included how to protect whistleblowers – people who report improper, corrupt or unlawful behaviour in the public sector – and how to effectively manage their disclosures.

Our new public interest disclosures oversight role

From 1 July 2011, the NSW Ombudsman has a new oversight role for public interest disclosures. In June 2011, our Public Interest Disclosures (PID) Unit ran three information sessions to introduce the changes to the *Public Interest Disclosures Act 1994* and explain what public sector agencies need to do and when. These sessions were aimed at staff working in state and local government agencies.

We will continue to offer these information sessions in 2011-2012, including targeted sessions for specialist groups. The first of our new PID training packages will be available later this year.

The PID Unit have issued a number of guidelines and fact sheets, and more will be progressively released during 2011-2012. For more details about our work in this area, see page 48 in Public interest disclosures.

Community services training workshops

We provide a range of training workshops, awareness activities and resources for the community services sector to help service providers more effectively handle and manage complaints. These workshops also cover their complaint-handling obligations under CS-CRAMA.

Our workshops for consumers of community services and their families, carers and advocates cover information about community services in NSW, the role of the Ombudsman, and the rights of people who use community services. They also provide practical information and tips to build confidence in raising issues and resolving complaints with service providers.

In 2010–2011 we delivered 41 training workshops specifically tailored for community service providers, consumers and advocates, reaching more than 747 people. Of these workshops, 28 were delivered in-house to service providers, and seven were consumer-specific workshops. We delivered 19 of these workshops in regional centres, including Albury, Coffs Harbour, Dubbo, Kiama, Lismore, Newcastle, Orange, Queanbeyan, Tamworth, and Wagga Wagga.

During 2010-2011 we delivered 21 *Frontline skills for complaint-handling* workshops. This workshop helps community services staff that come into regular contact with clients to develop effective skills and appropriate strategies for complaint-handling.

Staff from the community services sector also regularly attend our other complaint-handling training and employment-related child protection training workshops, bringing the total number of people we trained from the sector during 2010-2011 to 1,078.

This year we once again participated in National Disability Services Regional Support Worker forums. We gave a presentation on frontline skills for complaint-handling to disability support workers in Tamworth and Wagga Wagga, and will present another workshop in Blacktown later this year.

During the past year, we also delivered a number of workshops to government agencies from the human services cluster. We delivered six general training in-house workshops reaching 124 staff, and a number of individual staff from Ageing, Disability and Home Care (ADHC), Community Services, Housing NSW and Juvenile Justice attended our 'open' workshops. For more information about our work in the community services sector, see page 80 and 86 in Human services section.

During 2010-2011 we also delivered the last of our domestic violence advocacy training workshops as part of the 'Reaching out for rights' Project – delivered in partnership

with Women's Legal Services NSW. This advocacy training aimed to provide workers in the community, health and legal sectors with the skills they need to help women experiencing family violence to successfully navigate the justice system. For more details about our work in the area of domestic violence, please see page 61 in Policing.

“ The most useful thing about this workshop was becoming aware that it is ok to complain. ”

Training for consumers of community services and their advocates

Our *The Rights Stuff* workshop is designed for people who use community services and their families, carers and advocates and explains an individual's rights as a service user. It also provides practical information and tips to build confidence in raising issues with service providers, assist people to build positive relationships with their service providers, and work with them to resolve complaints.

We are also regularly invited to deliver general information sessions to consumer and advocacy groups. This year we gave presentations to various community groups – including an Arabic Mothers group run by the Canterbury Child and Family Health team, newly arrived migrants at the Fairfield ACL, carer support groups in Albury and Dee Why, Central Advocacy Western Sydney (CAWS) Advocates, and the Tenants Advocacy Forum .

Employment-related child protection training workshops

Our employment-related child protection training is designed for people who undertake and review investigations of reportable conduct allegations involving employees. Together with our briefing sessions, resources and audits, our training workshops aim to help agencies to strengthen their responses to child protection allegations made against their employees. For more information about our work in this area, see page 74-79 in Children and young people.

We delivered 11 *Responding to allegations against employees workshops* during 2010-2011, reaching 117 people. Two of the workshops were delivered in regional NSW, and nine in the Sydney Metro region.

We also delivered 13 *Handling serious allegations workshops* to 219 participants.

“ This workshop is significant in all aspects of initial response, planning, managing and conducting investigations and the complexities of findings and interpretations. ”

“ On the day and informally, the workshop was voted by managers to be the best workshop ‘they have ever attended’! On behalf of our managers, thank you for providing us with such a fabulous learning opportunity and experience. ”

Safeguarding children seminar

In May 2011, we participated in a joint seminar with the Australian Childhood Foundation. The seminar was held in Perth and was aimed at strengthening organisational responses to the suspected abuse and exploitation of children and young people by staff or volunteers.

Community education activities

Our community education activities aim to lower barriers to access our services, make sure people understand the work we do, and help us identify issues that are important to the public.

These community activities include:

- | conducting forums
- | providing information sessions for specific groups
- | giving presentations at conferences, seminars and meetings
- | attending community events
- | hosting international delegations.

This year we delivered a total of 140 presentations, forums, information sessions and other educational activities reaching over 7,000 people in 32 different locations across NSW.

Ombudsman Outreach Forums

We held two of Ombudsman outreach forums this year – we visited Taree in March and Orange in May. Both forums were well attended, with over 150 participants in Taree and 70 in Orange. We plan to hold more forums during the second half of 2011 in Moree, Goulburn and Ballina.

“ I wish to express my appreciation for the opportunity to attend this forum. I found the information very informative, especially as I had no idea of how the Ombudsman's Office worked and the subjects they covered. I will certainly attend future discussions. Again, thank you. ”

For more information about other forums and roundtables we hosted for our stakeholders during 2010–2011, including roundtables for the disability services and child and family services sectors, see page 94 in Stakeholder engagement.

Information sessions for students

During 2010-2011 we delivered five information sessions to over 150 students and teachers in Orange, Taree, Meadowbank, Bankstown and Ultimo.

In 2010 the Ombudsman visited Mudgee High School to talk about the work of our office and present a prize to the student who won our 2009 Law Week competition. Our youth liaison officer and other staff from our office also regularly give presentations to legal studies and other students at high schools.

“ We also provide a range of resources for students on our website. ”

Information sessions for the NSWPF

Our staff regularly provide information sessions as part of the NSW Police Force's (NSWPF) training for executive officers, internal investigators and student police officers. During 2010-2011 we delivered 13 of these sessions

to approximately 1,500 police officers in Parramatta, Hurstville, Goulburn and Newcastle. These sessions covered our functions and role in the police complaints process as well as current issues affecting the police complaints system.

Presentations at conferences, seminars and meetings

In 2010-2011, we delivered over 75 presentations at events such as the following:

- | Australian and New Zealand Law and Education Association Conference – the Ombudsman gave a presentation to 200 delegates on our role in the child protection and education sectors
- | Corruption Prevention Network Conference – the Ombudsman gave a presentation to 300 delegates on public sector ethical standards
- | National Investigations Symposium – together with the ICAC and the Institute of Public Affairs Australia we hosted this symposium for public sector investigators and complaint-handlers in Sydney. We also delivered a managing unreasonable complainant conduct training workshop for delegates
- | National Local Government Customer Service Network Conference, Canberra – presentation on complaint-handling
- | Justice Health Consumer Group meeting – presentation with the Health Care Complaints Commission on the roles of our agencies in inmate health complaints
- | NSWPF Investigations Symposium in Parramatta – presentation to 80 delegates on the role of our Secure Monitoring unit
- | NSWPF Executive Officer's Forum in Dubbo – presentation by our Deputy Ombudsman (Police and Compliance) on complaint trends and current projects
- | National Disability Services Annual Conference – the Community Services and Disability Commissioner gave a presentation on our work in the community services sector
- | Association of Children's Welfare Agencies' Leaving Care Forum – presentation on the findings of our review of young people leaving care
- | provided briefing sessions on our employment-related child protection role delivered to the independent schools sector, and various education seminars including the Australian Teacher Registration Authorities Annual Network Meeting
- | Australasian Conference on Child Death Inquiries and Reviews, Brisbane – presentation on our child death review function
- | Aboriginal Community Transport Forum – presentation by the Director of our Strategic Projects Division to 70 delegates on our work to improve service delivery to Aboriginal people with a disability
- | Regional Youth Development Officer Network Conference – presentation by our youth liaison officer on the role of our office and our work with young people.

The Community Services and Disability Commissioner also spoke at meetings of various peak bodies – including the Aboriginal Child, Family & Community Care State Secretariat, Association of Children's Welfare Agencies and the Education Centre Against Violence – on our work in the community services sector, and to various local health networks (area health services) on the implementation of *Keep Them Safe*.

The Deputy Ombudsman (Public Administration) also made a number of presentations about complaint management and public disclosures at conferences, symposiums and forums organised by the Local Government Association, CEO's Breakfast, Commonwealth Alternative Dispute Resolution Inter-Agency Group, Administrative Law, Private Health Insurance Ombudsman, Government Lawyers Association, and Judicial Commission of NSW.

Attending community events

During 2010-2011 we participated at over 15 community events including:

- | The Association of Children's Welfare Agencies Conference 2010, the NSW Chapter of In Control Australia's BiG Event, Broken Hill's Disability Service Provider Expo, and the Inner West Disability Services Expo. We also provided information for distribution at the Home and Community Care NSW Aged Care Conference, and the Carers NSW 2011 Biennial Conference
- | Aboriginal Information Road Shows organised by the Department of Premier and Cabinet, and Good Service Forums in a number of regional locations
- | community events such as the Mardi Gras Fair Day 2011, 2011 Refugee Symposium and Refugee Week's Putting the pieces together forum, NAIDOC Week events, Sydney's Homeless Connect, Central Coast Community Legal Services Expo, and the Harmony Day Expo in Parramatta
- | shared information stalls with other oversight agencies at International Women's Day, Senior's Day at the Royal Easter Show, Eastwood Community Information Expo 2011, and the African Summer Festival.

Hosting international delegations

We regularly host visits from international delegations from a range of government agencies and oversight bodies and provide them with briefings on our jurisdiction and the work we do. During 2010-2011 we delivered 11 of these briefings to 215 delegates. Eight of these visits were by groups from the People's Republic of China – from agencies such as the Ministry of Justice, Ministry of Supervision and various courts. We also hosted a group of executive level Vietnamese public servants as part of their AusAID-funded Public Sector Management course, and another delegation from the Kenyan Anti-Corruption Commission. For more information about our international work, see page 99.

Producing publications and resources

Our community education activities also include producing a range of accessible resources, guidelines and newsletters. For example, this year we issued or updated fact sheets, guidelines, electronic newsletters, submissions, annual reports and special reports to Parliament. We also distributed subject-specific summaries of our 2010–2011 annual report to a range of peak bodies and organisations in the child welfare, disability, justice and Aboriginal community sectors.

This year we also contributed to the 2011 'Child Safety Handbook'. This is a resource distributed free of charge to primary school children throughout NSW and helps to increase community awareness of our role in the area of child protection.

Accessible resources

General information about our office is available in a range of accessible formats – including large print, braille, audio and accessible CD. These resources were distributed this year to key disability advocacy services through Vision Australia. Our toolkit for consumers of community services is also available in an audio format.

This year we also reviewed our community language information resources. We developed a multilingual brochure with basic information about our services in 26 community languages, and a fact sheet 'Making a complaint to the Ombudsman' translated into 46 community languages. These resources will be released later in 2011.

Fact sheets

During 2010-2011 we updated and issued new fact sheets for the Community Services sector on reviewable deaths, licensed boarding houses, and our work with Juvenile Justice and official community visitors. We also updated our public sector and council fact sheets, and our information sheets for women and for young people and the police. We issued an employment-related child protection practice update as well as a new factsheet to help agencies with Ombudsman inquiries and investigations.

Guidelines

The second edition of our *Effective complaint-handling guidelines* was released in 2010, as was our updated toolkit for consumers of community services in NSW – *The Rights Stuff: Tips for making complaints and solving problems*.

We also released the first set of our public interest disclosure (PID) guidelines and factsheets for public agencies. A series of additional PID resources will be released in stages throughout 2011-2012.

For the full list of the publications we updated or released during 2010-2011, see Appendix Q.

Ombo Info – our electronic newsletter

Our electronic newsletter *Ombo Info* is published at least twice a year and aims to increase public awareness about the work that we do. The newsletter features information on our current work, recent reports, new and updated resources, and news about our community education and training program and events. The newsletters we released in 2010-2011 covered topics ranging from improving probity standards for funded organisations, service provision to the Bourke and Brewarrina communities, responding to the asbestos problem: the need for significant reform in NSW, and police handling of domestic and family violence complaints.

Our PID unit also released their first electronic newsletter in 2011 with information to help public sector agencies implement the changes to their responsibilities under the amended *Public Interest Disclosures Act 1994*.

To subscribe to receive *Ombo Info* or the Public Interest Disclosures e-news, please visit our website at www.ombo.nsw.gov.au.

Working with Aboriginal communities

Increasingly, our work with Aboriginal communities involves looking for practical strategies to tackle major issues that impact on the health and wellbeing of Aboriginal people, particularly in relation to child protection, policing, out-of-home care, access to disability support and other critical services. We review the efficiency and effectiveness of service delivery to some of the most disadvantaged locations in NSW, and recommend ways that government can work with communities on the reforms needed to deliver real improvements.

Our Aboriginal Unit is part of our strategic projects division, a multidisciplinary team responsible for reviewing whole-of-government service delivery. The work of this unit, supported by our senior staff, has enabled us to establish and strengthen close links with Aboriginal communities, their leaders and with the frontline agencies and services that work with them.

Many of our current efforts to assist Aboriginal communities stem from our responsibility to audit the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011* (Interagency Plan), which we outlined in last year's annual report.



This year we visited the Cape York partnership communities to inform our own work with Aboriginal communities in NSW.

Addressing Aboriginal disadvantage

The broad goals of the Interagency Plan – which include reducing disadvantage and dysfunction in Aboriginal communities, building up Aboriginal leadership and increasing family and community safety and wellbeing – recognise that child sexual assault cannot be tackled in isolation from addressing broader issues of Aboriginal disadvantage.

While we are not required to report on the findings of our audit of the Interagency Plan until the end of 2012, we had intended to publish an interim report examining progress against the plan's three key areas – law enforcement and justice, early intervention and prevention, and strengthening Aboriginal communities – by mid 2011. However, as a result of our ongoing work in relation to the audit and our other related functions, we decided there was a need to urgently examine and report on a number of specific issues relating to Aboriginal disadvantage more broadly which, unless effectively addressed, will continue to undermine efforts to tackle child sexual assault.

In December 2010, we made a special report to Parliament detailing the findings and recommendations of our *Inquiry into service provision to the Bourke and Brewarrina communities*. The inquiry was instigated in response to longstanding concerns held by Aboriginal leaders about the quality of service delivery to vulnerable children and their families in both communities. While our report focused on addressing the critical challenges in Bourke and Brewarrina, its recommendations are directly relevant to other high-need rural and remote communities in NSW.

Making significant inroads into tackling Aboriginal disadvantage is dependent on better meeting the needs of these types of communities. While most Aboriginal people in NSW live in urban locations, compared with the population as a whole they are more likely to live in regional or remote areas. For a range of reasons – including vast geographical distances and more limited access to services, infrastructure and employment – rural and remote communities tend to experience increased disadvantage.

As our inquiry clearly demonstrated, simply directing additional funds to more Aboriginal programs is not the solution. Rather, what is needed is to rebuild the broader service system to achieve a more targeted response to those individuals and communities most in need of assistance and support.

Our report recommended that the Department of Premier and Cabinet, together with the (then) Department of Human Services, develop an action plan to:

- | rebuild the way services are planned and delivered to disadvantaged Aboriginal communities, including addressing chronic staffing shortages in Western NSW and building the capacity of the Aboriginal service sector
- | develop an 'intelligence-driven' child protection practice to identify the children and families at most risk
- | undertake a comprehensive needs assessment in these communities and a related integrated service planning and delivery approach which involves centralised planning and funding processes that bring together local, state and federal agencies to reduce duplication and improve efficiency
- | implement strong and effective leadership and governance arrangements, including accountability mechanisms for ensuring ongoing monitoring of service outcomes.

At the time of writing, we had not received a formal response to our recommendations.

Since issuing our Bourke and Brewarrina report, there have been a number of significant developments, including the election of a new government in NSW, which recently announced the establishment of a Ministerial Taskforce on Aboriginal Affairs. This announcement coincided with the preparation of our further report to Parliament, *Addressing Aboriginal disadvantage: the need to do things differently*.

The report was informed by our many years of work in relation to improving service delivery to Aboriginal people, who – despite significant investments by state and federal governments and modest improvements in some areas – continue to experience poorer outcomes than non-Aboriginal people across almost every economic, health and environmental measure. It also drew on our more recent consultations with Aboriginal communities, and the agencies that provide services to them, as part of our audit of the Interagency Plan and our Bourke and Brewarrina inquiry.

The report provided us with an opportunity to highlight a number of issues that have been repeatedly raised with us during these consultations, including poor school attendance by Aboriginal students, and severely limited access to forensic medical examinations for children who have been sexually assaulted living in remote parts of the state.

The report outlined the need for a critical 'rethink' about the way that government works with Aboriginal communities, and for reforms to the 'infrastructure' governing Aboriginal affairs in NSW more generally. In particular, the report discussed the need to:

- | recognise and practically support the important role of Aboriginal leaders in bringing about change
- | develop a clear plan to strengthen the Aboriginal service sector
- | Improve the capacity to respond to vulnerable children and adolescents, particularly in western NSW
- | facilitate innovative local approaches to education, with a particular focus on improving school attendance
- | develop an integrated, statewide strategy to build the economic capacity of Aboriginal communities.

The over-riding theme of the report was the urgent need to establish a stronger accountability framework for addressing Aboriginal disadvantage at a statewide level. The essential components of this framework are:

1. Strong leadership and governance arrangements to drive action and measure results, including establishing positions with sufficient authority to coordinate government action in regions and in identified priority locations.
2. Integrated decision-making at all levels of government about local service planning, funding and delivery, including streamlining the administration of funding arrangements with the non-government sector.
3. More rigorous and meaningful data collection, analysis and public reporting on progress made against key indicators at a local community and statewide level.
4. A statutory agency to provide independent scrutiny of the steps taken to implement the government's approach to addressing Aboriginal disadvantage and the outcomes achieved.

We will outline our examination of the government's response to our findings and recommendations in next year's annual report.

Reviewing a group of children and young people at risk

In last year's annual report we announced our intention to examine information holdings relating to all children (Aboriginal and non-Aboriginal) from two nominated locations in western NSW. This work follows on from previous work in western NSW and is part of our audit of the Interagency Plan.

We are currently reviewing the circumstances of 48 'at risk' children between the ages of nine and 12 from these two communities, who meet one or more of the following criteria:

- | a high level of non-school attendance
- | a high number of days absent due to suspension
- | a high rate of police contact
- | police included the child on their 'priority list'
- | police records indicated that the child was at risk of sexual harm or abuse/neglect
- | education records indicated that the child was at risk of sexual harm or abuse/neglect.

Our aim is to assist agencies develop a clear picture of information holdings and the number of families and children involved, and to determine the extent and nature of the existing need in these locations. This work should help agencies to identify what can and cannot realistically be done for the children and families identified.

After receiving key data from the NSWPF and the Office of Education about the identified risk factors, we undertook a detailed examination of each child's situation. This included their police and child protection history (via Community Services's KiDS system and the NSWPF's COPS database) and other information from police, education, health and the (then) Department of Human Services's Child Wellbeing Unit's WellNet database. We also reviewed the policing history of the parents or carers of these children.

Our reviews also included an analysis of how each child's case had been handled and an assessment of any immediate risks for the child or their siblings. Any cases that indicated imminent risks were immediately raised with Community Services.

We are now examining what the data reveals about whether and how the most vulnerable children and their families in the two locations are being identified, and the nature of collaborative work being undertaken by agencies at a local level to ensure adequate supports are provided to these families. This review will also allow us to test the effectiveness of some of the key reforms to the child protection system.

Our review has already underscored the extremely limited capacity of Community Services to provide a basic child protection service to high-need families in remote communities. In part, this is due to critical staffing shortages in the western region. Information provided to us recently by Community Services about current staffing capacity and caseloads across a number of western region community service centres, has confirmed that staff shortages are a critical problem.

In addition, our work to date has reinforced that police and education information holdings are pivotal in identifying and assessing risks to children. What we have seen so far has also confirmed our view that there is an urgent need for an 'intelligence-driven' child protection approach to be adopted.

Once our data analysis has been completed we plan to consult human service and justice agency representatives about our findings including any systemic issues identified.

Strengthening Aboriginal out-of-home care services

As at June 2010, Aboriginal children comprised one-third of the more than 17,000 children in out-of-home care (OOHC) in NSW.

Last year we began a comprehensive review of Aboriginal OOHC services. The purpose of our review was to examine the systems Aboriginal OOHC agencies have for handling complaints and how well they are fulfilling their child protection responsibilities under Part 3A of the *Ombudsman Act 1974*. Our goal is to strengthen these agencies by helping them to improve their systems and practices.

Our initial reviews of three of these services identified some excellent practice, but also revealed a need for agencies to improve their understanding of their legislative child protection responsibilities and their complaint-handling systems. There was a clear need for agencies to develop procedures based on the NSW legislative framework for the protection of children. Particular improvements were also needed to recording practices, and the information and training provided to employees of the services. Also identified was a need to develop separate procedures to handle complaints and staff grievances.

Given the many common issues raised by our audits, we provided training to Aboriginal OOHC agencies in December last year on handling employment-related child protection allegations, including allegations that involve criminal conduct. The training was funded by AbSec, the peak NSW Aboriginal body providing child protection and OOHC policy advice to the government and non-government sector.

In addition, the Deputy Ombudsman and the Children's Guardian met with the AbSec Board in April this year to discuss the need to better align the accreditation requirements of the Children's Guardian with the Ombudsman's notification requirements for employment-related child protection allegations. It was agreed that we would support AbSec's senior accreditation officer by providing training and resources to work with each out-of-home care service to ensure their policies and systems meet both sets of requirements. This individual assistance aimed to help minimise duplicated effort by oversight and regulatory bodies in creating policies about similar issues.

To allow agencies time to develop and implement the revised policies and procedures, we have delayed auditing the remaining five Aboriginal out-of-home care services until early 2012.

Aboriginal young people and the criminal justice system

Aboriginal people, including young people, are significantly over-represented in all levels of the criminal justice system – and this is directly related to the broader social and economic disadvantage faced by many Aboriginal communities. For example, young people who are Aboriginal and have come to the attention of police are more likely to be transferred to court and less likely to receive a warning than young people in similar circumstances who are not Aboriginal. Aboriginal defendants are also more likely to face a bail determination and the possibility of being unable to meet bail conditions, breach bail conditions or be refused bail.

Reviewing young offender legal referrals and Aboriginal cautioning

The *Young Offenders Act 1997* encourages police to divert young offenders – who meet certain conditions set out in the Act – from the criminal justice system. Young offenders who satisfy these conditions may be cautioned or participate in a youth justice conference, rather than face charges at court. One of the conditions is a requirement that the child admits the offence.

Since its introduction, the Young Offenders Act has included provision for a 'cooling off' period of between 10 and 21 days. This allows a young person time to seek legal advice and/or change their mind about whether they wish to admit to an offence and therefore potentially be eligible to be cautioned.

The Act also allows police to ask a 'respected member of the community' to caution young offenders under the Act. It specifically provides that 'a caution may be given by a respected member of the Aboriginal community if the child is a member of that community'.

We previously completed an investigation in 2005 into the police use of interventions under the Young Offenders Act. We were pleased with the way the NSWPF responded at that time to our recommendations aimed at addressing a number of issues identified through the investigation.

At the PASAC meeting in May 2010, information was presented comparing the numbers of Aboriginal and non-Aboriginal young people charged in recent years and the recorded reasons for these charges. PASAC considered how many of these young people might have been eligible for cautions under the Young Offenders Act if two key police protocols – the young offenders legal referral (YOLR) protocol and the cautioning young people (CYP) protocol – were more widely and effectively used.

The YOLR protocol provides practical guidance to police on ways to use the 'cooling off' period in 'after hours' arrest situations where it may not be practicable for a young person to consult a legal representative. It aims to facilitate the use of the 'cooling off' provision and increase the number of young people, especially Aboriginal young people, who are eligible for caution or conference – and therefore reduce the number of young offenders appearing before the courts.

The CYP protocol provides a framework for police – through youth liaison officers – to promote, recruit and train respected Aboriginal community members to take a role in cautioning.

After a request from the Commissioner of Police at another PASAC meeting later in 2010, we agreed to convene a

meeting with the NSWPF, Legal Aid NSW (the Children's Legal Service) and the Aboriginal Legal Service (NSW/ACT). The meeting, in April 2011, provided an opportunity for agencies to review the adequacy and effectiveness of the YOLR protocol and the CYP protocol and share information about the operation of the Young Offenders Act.

The meeting was very constructive, with robust consideration of key issues including:

- | the effectiveness of current referral processes
- | practical constraints on the capacity of Legal Aid and Aboriginal Legal Service (ALS) solicitors to provide quality legal advice by telephone after hours
- | ways to improve outcomes for young people with better use of the diversionary processes under the Act.

At the end of the meeting there was broad agreement on an action plan to reinvigorate and improve the use of the cooling off period through the YOLR, and support the involvement of respected community members in cautioning young people.

Specific agreement was reached to:

- | review the Legal Aid Youth Hotline protocol between the NSWPF and Legal Aid
- | better align the separate NSWPF agreements – with Legal Aid about the use of the Youth Hotline and with the ALS about use of the ALS Hotline
- | trial the revised YOLR and 'community cautioner' protocols in two busy local area commands in western Sydney.

In late May, we circulated an action plan to all parties and were pleased to see that everyone involved had responded by taking steps to implement the actions listed within the agreed timeframes. We can already report that significant progress on updating the Youth Hotline protocol has been made.

We received advice recently that Campbelltown and Macquarie Field's local area commands have relaunched the YOLR scheme with one young person accessing the scheme in the week after its launch. Information and statistical data will be gathered from these two commands to assist in reviewing the operation of the scheme. Discussions between NSWPF and the ALS are also well underway to develop a protocol for the use of the ALS hotline.

We will continue to monitor outcomes in coming months and provide support where appropriate.

Inquiry into Indigenous youth in the criminal justice system

Early intervention in the lives of children is critical to breaking the cycle of Aboriginal disadvantage and reducing the contact these vulnerable young people have with the criminal justice system. We have consistently argued – most recently in our report to Parliament, *Addressing Aboriginal disadvantage: the need to do things differently* – that addressing the high level of Aboriginal young people's involvement with the criminal justice system ultimately depends on improving agency strategies to identify and manage those young people and their families at greatest risk and provide well-integrated services to them. Unless young

people receive the care, support and services they need when they are very young, their involvement in the criminal justice system can begin early and escalate significantly.

On 21 June 2011, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released *Doing Time – Time for Doing*, the report of its inquiry into Indigenous youth in the criminal justice system. Our submission to the inquiry was extensively quoted in the report. For example, our argument that human services agencies should take an 'intelligence driven' approach to the early identification of vulnerable children and young people who are at risk, and undertake integrated case management to support them and their families, was specifically noted.

Among other things, the inquiry highlighted the need for a broad suite of safe accommodation options to be available to young Aboriginal people, something we also emphasised in our recent report to Parliament about addressing Aboriginal disadvantage.

Visiting juvenile justice and correctional centres

Staff from our Aboriginal Unit accompanied staff from our corrections unit and human services staff on 12 visits to juvenile justice and correctional centres this year. This helps to ensure that Aboriginal detainees have the opportunity to speak with another Aboriginal person about any concerns they may have. During our visits we also see if centres are making adequate efforts to meet the cultural needs of Aboriginal detainees and inmates.

Supporting Aboriginal people with disabilities

It has been almost a year since the release of our special report to Parliament, *Improving service delivery to Aboriginal people with a disability*, in which we reported on our review of the implementation of Ageing Disability and Home Care's (ADHC's) Aboriginal Policy Framework and Aboriginal Consultation Strategy. ADHC responded very positively to the report, providing a formal response in April this year, and a further update more recently.

ADHC has taken action to implement a number of significant initiatives in response to our recommendations. These include establishing an Aboriginal Advisory Committee, developing and launching a comprehensive accountability framework for its work to improve service delivery to Aboriginal people, and implementing programs to employ more Aboriginal staff.

Membership of the Aboriginal Advisory Committee includes ADHC's Chief Executive, the Deputy Directors-General and representatives of the Ministerial Advisory Committee on Ageing, the NSW Disability Council, the NSW Carers Council, the Home Care Advisory Board and the chair of the HACC Gathering Committee. According to the Aboriginal Cultural Inclusion Framework, the committee 'will inform a strategic and coordinated approach to ensure culturally inclusive service delivery'.

The Aboriginal Cultural Inclusion Framework 2011-2015 was developed in direct response to our recommendation that ADHC develop an accountability framework incorporating a range of key result areas, including raising awareness among and consulting effectively with Aboriginal communities; increasing Aboriginal employment; improving access to services and providing more flexible services. The framework consolidates ADHC's overall approach to providing services to Aboriginal people with a disability, their families and carers. Importantly, it articulates a strong commitment to improved monitoring and reporting in this area.

ADHC has also developed 'Aboriginal Jobs Together' – a workforce development initiative to build organisational capacity and increase Aboriginal employment – in response to our report. ADHC has indicated that it will work with Aboriginal Affairs NSW to increase Aboriginal employment in the NGO sector, contributing \$700,000 over two years as part of its Aboriginal Employment Capability and Development Innovations Fund. We are aware that expressions of interest for NGOs to partner with the National Disability Service have been received. Successful applicants

will be able to negotiate a tailored package of integrated services to support the ongoing placement of an Aboriginal trainee/cadet. We have requested further information about the range of incentives, tools and support for Aboriginal employment initiatives as well as the status of the employment trial and how many cadet traineeships positions have been filled.

As the above initiatives demonstrate, the progress that ADHC has made in response to our report has been positive. We will continue to monitor ADHC's implementation of these initiatives to assess their practical impact.

Handling complaints

Staff from our Aboriginal Unit regularly meet with local service providers, agencies and community members to talk about ways to improve outcomes for Aboriginal people. Handling complaints about policing remains an important part of our work, but Aboriginal communities and services also raise a range of other concerns with us.

Case study 78: Births, deaths and marriages

An Aboriginal woman contacted our office to complain that she was asked to pay for a change of name certificate by the Registry of Births, Deaths and Marriages. She is one of the Stolen Generation and only recently became aware of her birth name.

We advised the complainant that although the Registry was entitled to charge her for any service they provided, she could apply to them for special consideration to have the fees waived. We arranged for her to be contacted by an Aboriginal staff member from the Registry to discuss her concerns.

Although it appeared that this individual complaint was resolved, it drew our attention to how the Registry deals with clients from the Stolen Generation and how this is reflected in the public information available on their website and at individual registries.

We found that the Registry website had very little information for Aboriginal clients. There was no other information on the website specifically for them and no indication that their enquiry could be handled by an Aboriginal staff member on request.

Our Aboriginal Unit suggested a number of changes to improve accessibility for Aboriginal clients and to be more responsive and inclusive of their needs.

Following our suggestions, the Registry developed a fact sheet and changes to their webpage to inform Aboriginal clients of the services they provide – including the Registry's Indigenous Access Program and particular information relevant to those of the Stolen Generation.

Case study 79: Urgent need to find a new home

We try to address a complainant's concerns quickly and informally – especially when the issues are urgent.

A Sydney family contacted us a week before Christmas after a young nephew who was visiting from out of town was critically wounded outside the family's home. Their nephew had been talking with some young people who were not known to the family, when a fight broke out. Three shots were fired, hitting the nephew in his leg and hip.

Shots were also fired at the family's home. According to the family, the same young men returned later that night, shouting threats and attempting to gain entry. The family said they feared for their safety, and claimed that Housing NSW would not help them to find safe alternative accommodation. The men responsible for the shooting were at large and it seemed that police also held fears for the family's safety.

We contacted Housing NSW to discuss the family's situation and explain that, in our view, their fears were genuine. They then gave the family – including extended family members who were visiting for Christmas – access to emergency accommodation for a few days and arranged to meet with them to discuss a priority transfer.

In the days that followed we received several calls from the family. We explained Housing NSW's process for assessing priority transfers, the information they would need from the family, and how to request a review if the family was unhappy with the outcome.

Two days before Christmas the family called again, thanking us for our help. They advised that Housing NSW had approved the transfer and that they were about to pick up keys to their new home.

Case study 80: A proud family history

A man contacted our Aboriginal Unit about seeking a descendant claim for lost wages through the Aboriginal Trust Fund Repayment Scheme. He confirmed that he had difficulty with reading and understanding legal terms and asked for our assistance.

The man advised that his father, who was now deceased, had worked throughout his working life in the New England and North Coast of NSW as a labourer, stockman, station hand and shearer. This was before he enlisted in 1940 during World War II.

The man also asserted that – to the best of his knowledge – his father was not paid the wages due to him for this entire period. He explained that, through Aboriginal oral history and discussions with family members, he believed that his father's money – like so many Aboriginal people involved in similar jobs – was either paid into a trust fund administered by the Aboriginal Protection Board or by the Aboriginal Welfare Board.

After a number of phone calls, we were able to explain the process involved and assist the man in his journey with the Aboriginal Trust Fund Repayment Scheme Panel.

Case study 81: A successful conciliation

We received a complaint from the NSWALC about significant delays in processing land claims by the then Land and Property Management Authority (LPMA). A previous complaint on this issue had been resolved after additional funding had been made available to the LPMA's Aboriginal land claims unit. NSWALC complained to us again when it became clear that funding in and of itself would not resolve the concerns they had – which now also included communication difficulties between the two agencies.

We identified factors suggesting that conciliation might be a more appropriate solution than written

inquiries. This was because the two agencies have an ongoing relationship, the matter included issues of communication and trust better dealt with through face-to-face discussions, and they each have vested interests in resolving the problem. Both agencies agreed to take part in the conciliation and were willing to put to one side larger legal questions that were awaiting legal advice or a determination by a court.

The conciliation was successful, enabling both the NSWALC and LPMA representatives to 'clear the air' and lay the groundwork for a more constructive working relationship. They endorsed a 15-point agreement which included improved sharing of information, measures aimed at speeding up processing, giving priority generally to the oldest claims and other practical improvements. Both parties have since advised us that they were satisfied with the process.

The participants commented that the conciliation process had been effective and efficient, providing a chance to openly discuss previously contentious issues on 'neutral ground'.

Working with other agencies, organisations and community groups

Our partnerships with other agencies and organisations in NSW are critically important to our work in relation to Aboriginal communities. This year we facilitated several high level meetings with agencies to progress specific issues.

For example, in March this year the Ombudsman and Deputy Ombudsman met with the Director-General of Education, the Commissioner of Police and the CEO of Aboriginal Affairs NSW to discuss the need for innovative approaches to address the concerns of one particularly vulnerable Aboriginal community about poor school attendance and suspension practices. An outcome of this meeting was an agreement by the agencies to establish a trial of a dedicated School Liaison Police Officer in the community. See page 95 in Stakeholder engagement for more details.

Last year, we also convened a meeting with the Deputy-Director General of NSW Health, the Commissioner of Police, and the CEOs of Aboriginal Affairs NSW and Community Services, to explore a range of options for improving access to forensic medical examinations for victims of sexual assault in rural and remote locations, where many of the most disadvantaged Aboriginal communities are located. As a result of this meeting, a pilot forensic assessment triage service, which involves Aboriginal health workers carrying out an initial assessment of sexual assault victims to ascertain the need for a forensic examination to be performed by a paediatrician, was established in Walgett. This service has since commenced, and NSW Health is now considering establishing additional triage/assessment services in a number of western NSW communities.

This year we have also established close links with the Australian Crime Commission (ACC). With our assistance, the ACC recently convened a meeting in Canberra to discuss how best to progress the findings of their National Indigenous Intelligence Taskforce around abuse of power and fraud in Aboriginal communities. The ACC led discussions about the difficulties encountered in proving fraud when a service's financial documentation is very poor. This also raises questions about the adequacy of

existing agency requirements on funded organisations to report on funding expenditure and service outcomes, and the robustness of agencies' monitoring of compliance. In this regard, our recent report on addressing Aboriginal disadvantage highlighted the need to streamline the administration of the NGO sector and strengthen probity standards.

There was support from meeting participants for the adoption of a consistent approach by all state and federal agencies in relation to funding reporting requirements and related accountability measures. As a result, we convened a meeting with NSW oversight agencies and Aboriginal Affairs NSW to ensure that we all work collaboratively on this issue.

Other federal government agencies are also increasingly taking an interest in our work with Aboriginal communities. For example, during the year we met with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Coordinator General for Remote Indigenous Services – who oversees the performance of Australian government agencies in meeting their commitments to implement the National Partnership Agreement on Remote Service Delivery (RSD).

During the year we also met several times with the Audit Office to discuss our audit of the implementation of the Interagency Plan and how our offices can better work together in relation to issues affecting Aboriginal people. The Audit Office discussed the proposed scope of their performance audit of the Two Ways Together plan and advised us that our report about service delivery to Bourke and Brewarrina report would be a key source of information for their audit. A regular liaison arrangement was agreed so that both of our agencies can take into account each other's planned activities when developing work programs for the coming year.

We also share information about our work with Aboriginal communities with other Ombudsman offices and oversight bodies through regular forums and targeted visits.

During 2010–2011, we also:

- | met regularly with Aboriginal representative organisations, Aboriginal service providers and Aboriginal staff in key agency roles to discuss service delivery issues and gather information to inform our audit work
- | liaised with Aboriginal Affairs NSW – at both a corporate and local level – to discuss our audit programs, provide feedback and exchange information about service delivery in the regions we visit
- | provided briefings to the Aboriginal Child Sexual Assault Ministerial Advisory Panel (MAP), an expert advisory panel set up to advise the Minister for Aboriginal Affairs on implementing the Interagency Plan
- | met with the National Indigenous Intelligence Taskforce (NIITF) to discuss their role in examining child sexual assault and abuse of power in Aboriginal communities, and how we can best discharge our responsibilities to share information with the NIITF when required

| attended the Education National Aboriginal Attendance Forum – this forum brought together seven representatives from each state's education department as well as the Department of Education, Employment and Workplace Relations (DEEWR) and the NSW Aboriginal Education Consultative Group (AECG). Since our participation in this forum, the NSW Department of Education and Communities has indicated that they are keen to discuss the issues that have arisen from our consultations with Aboriginal communities and education staff about school attendance.

Community groups

Much of our current work in Aboriginal communities is focused on practical ways to improve child protection and wellbeing. We also reach out to communities through a number of established programs, such as the Good Service forums. These forums give us the opportunity to inform Aboriginal communities about our role and their right to complain about difficulties with government or non-government agencies. This year, staff from our Aboriginal Unit attended Good Service forums in Tamworth, Gunnedah, Guyra, Muswellbrook, Karuah, Taree, Nambucca Heads, Narrabri, Toomelah and Boggabilla.

This year we began participating in the Aboriginal Community Information & Assistance Road Shows organised by the Department of Premier and Cabinet. We visited several centres in the Far South Coast region, enabling us to promote awareness of our role and reach many community members. A key outcome of the Far South Coast event was an informal roundtable discussion with key stakeholders including Aboriginal Affairs NSW, the NSWPF Aboriginal Community Liaison Officers and Community Justice Centre mediators from Sydney.

During 2010–2011, we also:

- | participated in five NAIDOC week events, informing hundreds of community members of our role
- | gave a presentation to 80 people about our work with Aboriginal communities to a statewide gathering of Aboriginal Home and Community Care workers in Wollongong
- | participated in a workshop of 80 people at the Quirindi Women's Aboriginal Forum, presenting information about our role in auditing the Interagency Plan and leading a discussion on related issues. Participants at the forum included the Education Centre Against Violence, Attorney General's Department staff, Wirringa Baiya Aboriginal Women's Legal Centre and community members
- | gave a presentation to a group of 20 students at the Tranby Aboriginal College, an organisation delivering education to Aboriginal students from across Australia, about the role of the Ombudsman and our Aboriginal Unit.
- | responded to an invitation from IDEAS NSW, a disability peak organisation, to deliver a presentation to their staff on the role of our office and in particular, our work in auditing ADHC's service provision to Aboriginal people with a disability
- | gave a presentation at the Mount Druitt Aboriginal Community Forum, on behalf of the Western Region Aboriginal Education Team, about the role of our Aboriginal Unit and our work in relation to examining education outcomes for Aboriginal students and ways to improve school attendance.

- | gave a presentation about the findings of our review of the implementation of ADHC's Aboriginal Policy Framework to 20 staff members from ADHC at their Aboriginal Employee Network Forum
- | attended the Foster Carer's Carnival, organised by the Association of Children's Welfare Agencies, and met with and distributed promotional materials including fact sheets and brochures to over 200 community members
- | gave a presentation at the AusAid Child Protection Forum in Melbourne on the key principles of complaint-handling and practical strategies for identifying and responding to the needs of children and families in small, remote communities that have limited access to services. This was based on our experience working with Aboriginal communities
- | provided a briefing on the work of our Aboriginal Unit at the Aboriginal Education Consultative Group Information session held in Katoomba
- | gave a presentation to the NSWPF's Western Region Professional Standards Duty Officer and Executive Officer Forum in Dubbo to discuss the role of our Aboriginal Unit and how we handle complaints. The session was opened by Assistant Commissioner Peter Gallagher – the Western Region Commander and Aboriginal Corporate Spokesperson – and included NSWPF inspectors and executive officers
- | gave a presentation to 90 people at the Aboriginal Legal Service Conference held in Terrigal about our role in handling police complaints and matters involving the care and protection of children.

On behalf of the Working Group for the Aboriginal Women's Forum against Child Sexual Assault, we would like to thank you for your involvement in the forum ... without your support the forum would not have been as successful as it was, and again we thank you

— The working group of the Aboriginal Women's Forum Against Child Sexual Assault, Quirindi.