



Annual Report **2010 - 2011**

cision...quality...operation...commitment...administration...good conduct...development...independence...organisation...accountability...sc



Our vision

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

Our mission

In our own organisation and those we oversight, we work to promote:

- | good conduct
- | fair decision-making
- | protection of rights
- | provision of quality services.

Our purpose

We aim to:

- | help organisations meet their obligations and responsibilities and promote and assist the improvement of their service delivery
- | deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems
- | be a leading watchdog agency
- | be an effective organisation.

Our values

We will act in accordance with the following values:

- | **Integrity** – acting lawfully, honestly, ethically, with good judgement and high professional standards
- | **Impartiality** – acting in a non-political manner, as an advocate for the public interest independent of government
- | **Fair play** – focussing on fair and reasonable procedures, consistency and proportionality
- | **Adding value** – bringing clarity to problems and identifying practical solutions and improvements that benefit the community
- | **Respect** – treating complainants, people within our jurisdiction and colleagues with dignity and respect.

Our guarantee of service

We will:

- | consider each matter promptly, fairly and provide clear reasons for our decisions
- | where we are unable to deal with a matter ourselves, explain why, and identify any other appropriate organisations where we can
- | help those people who need assistance to make a complaint to the Ombudsman
- | add value through our work.



This annual report is the first document to be branded with our new logo.

Eleven years ago we introduced a logo that, we felt, represented our core objectives of an Ombudsman – that of providing focus and clarity. The elements that we used at that time were a blurry square and a magnifying glass. These elements, when put together, depict the Ombudsman looking at the facts with a magnifying glass. As the Ombudsman does this, the blurry square becomes sharply defined and a new colour of clarity is created.

As our office has undergone considerable growth and change, we decided that it was time to update our look and the way we present ourselves to the wider community. Our publications area worked with the Ombudsman to revise our logo. The new logo is a more contemporary interpretation of our old logo and continues to represent our core objectives of providing greater focus and clarity.

Instead of using the blurry square, we are using the 'O' of the Ombudsman as the visual graphic element to be scrutinised and magnified. We are still looking at the facts with a magnifying glass, but as the magnifying glass focuses on 'O' we see things in better focus and with greater clarity.

Letter to the Legislative Assembly and Council

26 October 2011

The Hon. Donald Harwin MLC
President Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon. Shelley Hancock MP
Speaker Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr President and Madam Speaker

I am pleased to present our 36th annual report to the NSW Parliament.

This report contains an account of our work for the 12 months ending 30 June 2011 and is made pursuant to ss.30 and 31 of the *Ombudsman Act 1974*.

The report also provides information about my office's functions under the *Police Act 1990* and information that is required pursuant to the *Annual Reports (Departments) Act 1985*, *Annual Reports (Departments) Regulation 2005*, *Government Information (Public Access) Act 2009*, *Law Enforcement (Powers and Responsibilities) Act 2002* and *Disability Services Act 1993*.

The report includes updated material on developments and issues current at the time of writing (July – September 2011).

Yours sincerely



Bruce Barbour

Ombudsman

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A year in review

Each year in our annual report I talk about our work and the way we do it continually changing. As this year shows, for us to be an effective organisation – and provide the community with the outcomes and quality work we have developed a reputation for – we must be flexible and innovative in the way we meet the challenges posed by change. We also have to achieve this in a time of increasing demands and a need for greater efficiency.

This observation is not intended to be a negative one, but a reflection on an organisation that is now well established, innovative, hard working and outcome-focused. We impose high standards on ourselves and work to meet the high expectations of those in the community. Our aim is to provide a quality service to the people of NSW – and to all the services, agencies and organisations we come into contact with.

New functions and responsibilities

In February this year we became responsible for supporting the work of the Child Death Review Team (CDRT). They were previously supported by the Commission for Children and Young People. I am now the Convenor of the CDRT and our office supports and assists the team to perform its functions. This new responsibility brings together the broad and important work of the CDRT with our more targeted reviewable child death work. Regrettably, an effective transition has been hampered by a range of unresolved issues that I have raised for some time with government.

In November 2010, we made a Special Report to Parliament on *Unresolved Issues in the Transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman*. Many of the issues raised in this report are still unresolved and this is clearly a significant concern. I am however hopeful that negotiations with the current government will ultimately lead to a successful resolution.

This year we also acquired an important new function arising from the amendment of the *Protected Disclosures Act 1994*. That legislation – now renamed the *Public Interest Disclosures Act 1994* – sets out new responsibilities for the whole public sector in relation to handling public interest disclosures (PIDs).

We are now responsible for monitoring the way agencies handle PIDs made by members of their staff, promoting public awareness of the new legislation, and helping public sector agencies and investigating authorities meet their obligations under the Act. This is an exciting new area of work, and we have a dedicated PID unit providing agencies with information about their new responsibilities and developing training packages, guidelines and model internal reporting policies.

The benefits of a broad mandate

We have a broad jurisdiction and range of responsibilities. Almost all public sector agencies, local councils and many non-government service providers now come within our jurisdiction. Increasingly, we find that systemic issues causing disadvantage to individuals or the broader community are not simply the deficiency of a single agency – but the failure of multiple agencies to work effectively together to ensure a more seamless service and response to the community.

Our broad mandate places us in a strong position to work with all those involved to ensure services are delivered efficiently and effectively and problems addressed as soon as they arise. We have continued to expand our cross jurisdictional work and this has enabled us to provide constructive assistance to agencies and share information to address important issues.

One of the best examples of this is our audit of the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. This work goes across many government and non-government agencies. It requires us to understand the delivery of services to Aboriginal communities from all three levels of government and work in multiple communities – each with differing needs and levels of engagement with a range of service providers.

This audit work has resulted in a number of complementary projects, including a review of children at risk in two towns in western NSW. This involved assessing records from police, schools, health services, community services and other agencies working in those towns. We are also working with NSW Health and the NSW Police Force, Community Services and Aboriginal Affairs to improve the availability of forensic medical examiners for child victims of sexual assault in regional and remote communities; and with the Office of Education to improve school attendance by Aboriginal children.

Working with others

Often, some of the most valuable lessons we learn are from the experiences of others. Actively engaging with and listening to our stakeholders is crucial to the ongoing development and effectiveness of our office, as is strengthening our relationships with other Ombudsmen both here and overseas.

This year I visited several Ombudsman offices for meetings, including the Solomon Islands Ombudsman in Honiara and the Control Yuan of Taiwan. We have also been in regular contact with many other Ombudsmen and oversight bodies throughout the world, and we enjoy – and benefit from – sharing information with them and helping them develop and improve the work that they do. I expect our international work will increase in the coming years, particularly in the Australasia and Pacific region.

This year I also hosted a meeting for all Australian Parliamentary Ombudsmen here in Sydney. This meeting – attended by the Commonwealth Ombudsman and the Ombudsman from each state and territory – provided a rare opportunity for us as a group to discuss our work and the many and varied challenges we face. Based on the successful outcomes of the day, we have now agreed to meet every six months.

Our new logo

Eleven years ago we introduced a new logo to represent the Office of the NSW Ombudsman. Since then, our office has grown and undergone significant change – so we felt it was time to update our look and the way we present ourselves to the wider community.

This annual report is the first document that will be branded with our new logo. It is essentially a more contemporary interpretation of our old logo and continues to represent our core objectives of providing focus and clarity.

In addition to a new look, we are working to create a new website that will be more accessible, user friendly and easier to navigate. This work is based on feedback from both our internal and external stakeholders.

Our staff

Our office has continued to experience significant change. The one thing however that has remained constant is the high level of commitment and enthusiasm of our staff. Without doubt, our staff remain our greatest asset and their dedication is fundamental to our continued success as an oversight agency. I would like to thank all my staff for their hard work and professionalism over the past year.

In this context, I also want to mention my former Deputy Ombudsman, Greg Andrews. Greg exemplified this passion and dedication during his many years of service with our office, until he retired as Deputy Ombudsman of the Police and Compliance Branch in November 2010. I thank Greg for his significant contribution and lasting legacy to our work. A more detailed farewell message for Greg is on page 23.

The coming year will, I am sure, bring many new challenges. My staff and I look forward to working hard to continue to 'get the job done'.



Bruce Barbour
Ombudsman



“For us to be an effective organisation – and provide the community with the outcomes and quality work we have developed a reputation for – we must be flexible and innovative in the way we meet the challenges posed by change.”

Who we are and what we do

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

- | agencies delivering public services – including police, correctional centres and state-owned corporations
- | organisations delivering services to children – including schools and child-care centres
- | organisations delivering community services – including services for people with disabilities, people who are homeless and elderly people
- | agencies conducting covert operations – including the Crime Commission and the Independent Commission Against Corruption.

We have other specific functions that relate to:

- | the causes and patterns of deaths of children and people with disabilities in care
- | decisions made by public sector agencies
- | public interest disclosures
- | the administration of the Official Community Visitors scheme
- | the administration of the witness protection program
- | the implementation of new pieces of legislation conferring additional powers on police.

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

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

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

Managing our organisation

Following our restructure the previous year, 2010-2011 was a period of consolidation and systemic review. We saw the benefits of the changes we made to our structure with better coordination of our training activities resulting in a substantial increase in revenue. As well, the amalgamation of the community service and the employment-related child protection divisions into the human services branch has seen improvements to work practices and a more coordinated approach to dealing with agencies and issues. We will continue to integrate the work of the branch in the coming year.

We aim to be a flexible and adaptive organisation, responsive to change. This was evident when we were given new responsibilities for public interest disclosures which required us to establish this function, recruit staff to provide guidance and support to agencies in a short period of time to meet legislative requirements.

Good governance is critical to an organisation such as ours. We continually review our processes, policies and procedures to ensure that we comply with legal requirements as well as our own standards. To support this, we developed and implemented a new set of across office key performance indicators (KPI). These KPIs will improve reporting and accountability.

We aim to be an employer of choice and are committed to the ongoing support and development of our staff. Our success is the result of their hard work and commitment.

As our work is about promoting good administration and effective accountability, we believe that we must work to the same standards that we promote. Our structure, governance systems, performance monitoring and development of our staff all contribute to making us an effective organisation. These matters are outlined in this chapter.



Highlights

- | Completed 24 audits of child protection agencies and audited 8,259 police records, 385 records of controlled operations and 770 surveillance device warrants. [SEE PAGE 9](#)
- | Generated increased revenue from our training courses and publications to help us manage our budget constraints. [SEE PAGE 19](#)
- | Expanded some of our divisions to manage the additional responsibilities and roles we have been given. [SEE PAGE 6](#)
- | Developed and implemented a new set of cross-office KPIs. [SEE PAGE 14](#)
- | Worked with our JCC to review administrative support in our business areas and develop a range of personnel policies. [SEE PAGE 24](#)
- | Started a review of our OH&S program, including the impact of the new WHS laws. [SEE PAGE 27](#)

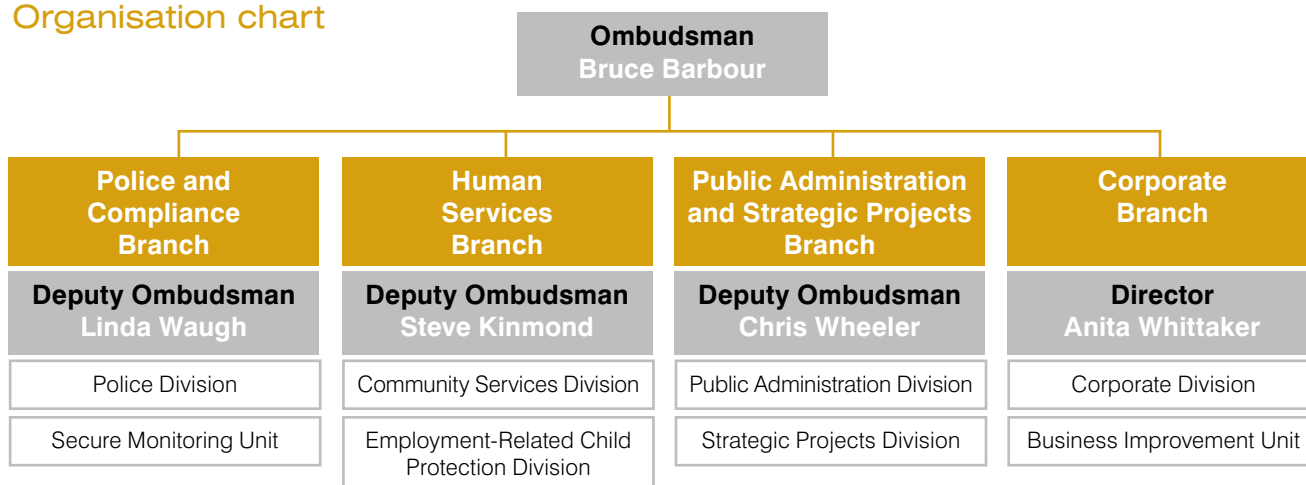
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Our structure

Following our major restructure in 2009, our new structure has provided an increased level of consistency and flexibility across the office and is effectively meeting our needs in a rapidly changing environment.

Organisation chart



Police and Compliance Branch

This branch consists of our police division and our secure monitoring unit (SMU).

The police division is responsible for ensuring the NSW Police Force handles complaints about police fairly and correctly. They also review new police powers as requested by the NSW Parliament.

The SMU handles appeals and complaints under the Witness Protection Act. They also inspect the records of eligible authorities and law enforcement agencies to assess and report on their compliance with certain legislation, such as the exceptional powers provided to police to detain people without charge to prevent suspected imminent terrorist acts under the *Terrorism (Police Powers) Act 2002*.

See pages 51-64 for more information about the work of the police and compliance branch.

Human Services Branch

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

The community services division handles complaints about, and monitors and reviews the delivery of, community services as well as reviewing their complaint-handling systems. They deal with a number of human services agencies, including Family and Community Services and Ageing, Disability and Home Care, as well as non-government community service providers. This division is also responsible for our work with Juvenile Justice, Housing NSW and NSW Health.

The employment-related child protection division oversees the investigation of certain agencies into allegations against their employees that involve inappropriate or abusive behaviour towards children. The heads of all government and some non-government agencies – including non-government schools, children's services and out-of-home care agencies – are required to notify us of any reportable allegations or convictions involving their employees within 30 days of becoming aware of them. The division also looks at the systems agencies have in place to prevent these types of reportable conduct occurring in the workplace and to respond to any allegations against their employees.

In February this year, the Child Death Review Team (CDRT) was transferred to our office. The CDRT reviews the deaths

of all children in NSW, with a view to preventing and reducing child deaths. Considering the nature of the work of the CDRT, it was logical that responsibilities for supporting the work of the team be located in the human services branch.

See pages 65-88 for more information about the work of the human services branch.

Public Administration and Strategic Projects Branch

The public administration division (PAD) deals with complaints about public authorities, local councils and correctional centres. It also includes our inquiries and resolution team – often the first point of contact for people who complain or inquire about government agencies.

This year, a new unit was established within the PAD to manage our responsibilities under the *Public Interest Disclosures Act 1994*. The public interest disclosures (PID) unit has an important role in supporting public agencies to meet their new obligations under the amended legislation. More information about the new PID unit can be found at page 47.

The strategic projects division (SPD) is responsible for leading major projects and investigations, particularly those that cross the jurisdictions of the Ombudsman's various operational areas. It has a focus on Aboriginal and youth issues, so includes our youth liaison officer and aboriginal unit. The SPD is also responsible for our community education and training unit.

See pages 29-50 for more information about the work of the public administration division and pages 89-112 for information about the work done by the SPD.

Corporate Branch

The corporate branch provides support to the whole of our office. They provide strategic planning, personnel, staffing, payroll, internal training, accounting, records, information technology, publications, media and public relations services.

As mentioned in last year's report, we established within the Police and Compliance Branch the business improvement unit (BIU) to examine our business systems and processes to identify areas for improvement. The BIU was transferred to the Corporate Branch in 2010.

Executive team



Bruce Barbour

Ombudsman
LLB

Bruce has been the NSW Ombudsman since June 2000. He has over 25 years experience in administrative law, investigations and management. Bruce has led the office through significant change and growth. Bruce was regional vice president of the International Ombudsman Institute for seven years, representing the Australasian and Pacific Region Ombudsman. Bruce is currently a member of the Board of the Pacific Ombudsman Alliance. Before his appointment as Ombudsman, Bruce was a senior member of the Commonwealth Administrative Appeals Tribunal and a member of the Casino Control Authority.



Chris Wheeler

Deputy Ombudsman
BTRP MTCP LLB (Hons)

Chris Wheeler has been a Deputy Ombudsman since 1994. He has over 25 years experience in complaint-handling and investigations, as well as extensive experience in management and public administration. Chris has responsibility for the public administration and strategic projects branch of the NSW Ombudsman. He has specific responsibility for public interest disclosures and Ombudsman publications, and is the sponsor of the Australasian Ombudsman management of the Unreasonable Complainant Conduct project.



Steve Kinmond

**Deputy Ombudsman and
Community and Disability Services
Commissioner**
BA LLB Dip Ed Dip Crim

Steve has been a Deputy Ombudsman and the Community and Disability Services Commissioner since 2004. Prior to this, Steve was the Assistant Ombudsman (Police) for eight years. Steve has close to 30 years of investigative experience, and extensive involvement in the community services field. Steve has also worked as a solicitor and ran his own consultancy practice.



Linda Waugh

Deputy Ombudsman
BA Post Grad Dip Psych MBA

Linda commenced as Deputy Ombudsman in April 2011 with responsibility for our police and compliance functions. Linda has previously worked at the Queensland Criminal Justice Commission, the Queensland Crime and Misconduct Commission, the NSW Independent Commission Against Corruption and as a fraud and corruption specialist in the professional services industry. During her career she has worked in a range of areas including investigations, research, crime prevention and education. Linda was also the chair of the conference organising committee for the inaugural Australian Public Sector Anti-Corruption Conference.



Anita Whitaker

Director
PSMO BCom MIIA (Aust)

Anita has been with the Office since 1985 and has over 30 years experience in the NSW public sector. She has headed the corporate area of the Office since 1995. Anita has extensive experience in public sector administration and in financial and human resource management. In her current role she has responsibility for personnel, finance, information technology, records, publications and general office administration. Anita was awarded the Public Service Medal in 2000 in recognition of her outstanding service and her ongoing contribution to the Ombudsman's Office.



Julianna Demetrius

Director
Dip Law (LPAB)

Julianna Demetrius has held several investigative and management positions during her 11 years at the NSW Ombudsman's office. Julianna managed the Ombudsman's Police Division for four years and established the Cross Agency Team in 2007 and is currently leading the Ombudsman's audit of the *Interagency Plan to Tackle Aboriginal Child Sexual Assault*. Julianna is now the Director of the Ombudsman's Strategic Projects Division. Julianna has extensive experience in conducting large-scale systemic investigations across the human services and justice sector.

How we keep organisations accountable

Agencies delivering public services

Who we scrutinise

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

How we keep them accountable

We investigate and resolve:

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

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

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

Organisations delivering services to children

Who we scrutinise

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

How we keep them accountable

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

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

Organisations delivering community services

Who we scrutinise

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

Family and Community Services and Ageing, Disability and Home Care provide many of these services. Non-government organisations providing these services also fall within our jurisdiction if they are funded, licensed or authorised by the Minister for Family and Community Services or the Minister for Ageing and Disability Services.

How we keep them accountable

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

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

We also:

- | visit certain services where children, young people and people with disabilities live
- | support the Child Death Review Team
- | coordinate the official community visitors scheme
- | provide information and training to consumers of community services and organisations about complaint-handling and consumer rights
- | promote improvements to community service systems and access to advocacy support for people who are receiving, or are eligible to receive, community services.

Agencies conducting covert search warrants

Who we scrutinise

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

How we keep them accountable

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

Facts and figures

This year we received a total of 33,064 complaints and notifications from a diverse range of people – including members of the public, families of people who are receiving community services, Members of Parliament and staff who work in the public sector. This included 8,917 formal complaints and notifications and 24,147 informal complaints and inquiries, a slight increase on last year.

Figure 1 shows a breakdown of the formal and informal complaints and notifications we received during the year by subject area.

Figure 1: Complaints and notifications we received in 2010–2011

Subject area	Formal	Informal	Total
Departments and authorities	1,381	2,903	4,284
Local government	912	1,979	2,891
Correctional centres and Justice Health	864	3,350	4,214
Juvenile justice	77	279	356
Human services agencies (Housing NSW, NSW Health)	393	1,228	1,621
Freedom of Information	52	127	179
Child and family services	488	1,000	1,488
Disability services	154	167	321
Other community services*	45	81	126
Employment-related child protection**	865	647	1,512
Police	3,256	2,596	5,852
Outside our jurisdiction	430	6,504	6,934
Requests for information	0	3,286	3,286
Total	8,917	24,147	33,064

* Includes complaints about Community Services, ADHC and non-government agencies.

** Formal includes 804 notifications and 61 complaints received.

Responding to complaints and notifications

Our jurisdiction covers a range of agencies and specific functions under a number of pieces of legislation, so we categorise matters to ensure that we provide the most appropriate response.

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

Each year the number of complaints and notifications we receive varies. There were small decreases in some areas of our work this year, but no discernable pattern. However several of the complaints we received warranted close scrutiny and, in some cases, complex investigations. Our investigative work is outlined in the 'Business activities' section of this report, see pages 29-112. There were also increases in other areas of our work – such as complaints received about local government and police.

How we handle different types of matters

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

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

People who may be considered vulnerable include inmates of correctional centres, people with disabilities, young people and Aboriginal people – particularly those living in remote locations. We may also arrange Telephone Typewriter services and interpreting and translation services for people from culturally and linguistically diverse communities.

Informal matters

We categorise most telephone calls, visits to our office and inquiries made to our staff when they are working out in the field as informal. In these cases, we are usually able to help people by giving them information or an explanation, referring them to another agency or the agency they are inquiring about, or advising them to make a complaint to us in writing.

Formal matters

This year we finalised 9,485 formal matters (see figure 2). Our response may range from a clarifying phone call to the agency concerned to conducting a full-scale investigation – and may take anywhere from a few days to several months.

This is the fourth consecutive year that we have finalised more formal complaints and notifications than we received (see figure 3).

Figure 2: Formal complaints and notifications finalised

Subject Area	08/09	09/10	10/11
Departments and authorities	1,310	1,414	1,382
Local government	672	875	924
Correctional centres and Justice Health	714	722	898
Juvenile justice	73	62	78
Human services agencies (Housing NSW, NSW Health) *	n/a	n/a	386
Freedom of Information	224	136	89
Community services**	704	720	716
Employment-related child protection	1,715	1,483	1,304
Police	3,094	3,093	3,278
Agency outside our jurisdiction	397	276	430
Total	8,903	8,781	9,485

* Following internal changes for handling human services agencies (Juvenile Justice, Housing NSW and NSW Health) in 2009-2010, we are reporting complaints about human services separately in 2010-2011.

** Includes formal matters finalised in relation to child and family services, disability services and community services.

Figure 3: Formal complaints and notifications received and finalised

Year	06/07	07/08	08/09	09/10	10/11
Received	9,692	9,320	8,742	8,712	8,917
Finalised	9,576	9,544	8,903	8,781	9,485

The main pieces of legislation that govern this aspect of our work are the *Ombudsman Act 1974*, *Community Services (Complaints, Reviews and Monitoring) Act 1993* and the *Police Act 1990*.

Although we have coercive powers to require agencies to provide us with documents or answer our questions, we generally try to resolve individual complaints without using them. Most agencies that we contact are cooperative and understand that resolving a person's dissatisfaction with their organisation is usually beneficial for all concerned.

If we do use our coercive powers, we classify the complaint as being 'formally investigated'. The actions that we take to finalise complaints include:

- | persuading the agency concerned to take some action
- | providing detailed information or advice to the complainant
- | making inquiries and finding no wrong conduct
- | undertaking a formal investigation and making findings and recommendations – this year we finalised 35 matters this way, see figure 4.

Figure 4: Number of formal investigations finalised

Branch	Total
Human Services	19
Police and Compliance	4
Public Administration and Strategic Projects	12
Total	35

In addition to conducting formal investigations, we also carry out proactive and systemic work such as conducting reviews and audits – see figure 9.

Reviews of our decisions

When we finalise a complaint that we have been dealing with directly, we write to the complainant and give reasons for our decision. If they are not happy with the decision and ask us to reconsider, we:

- | explain our decision-making process in more detail – including the evidence and factors we took into account in making the decision
- | respond to any requests for a further review of our decision by having a senior officer – who was not involved with the original decision – review the file and provide advice to the Ombudsman.

The Ombudsman will then consider the matter and write to the complainant explaining the outcome.

Figure 5 shows the number of requests for reviews we received in 2010-2011. It also shows that, compared with the number of formal complaints we finalised during the year, the percentage of cases where we were asked to review our decision was very low.

The majority of our work in the child protection area is overseeing how agencies handle allegations of conduct by employees that could be abusive to children. Only a small part of that work is handling complaints made directly to our office about how those allegations have been handled or about agencies' child protection systems.

We deal with those complaints in much the same way as with complaints about NSW public sector agencies – we may decide to decline the complaint, make preliminary inquiries or investigate.

Figure 5 shows that, of the 53 complaints we finalised about employment-related child protection, three complainants asked us to review the decision we made on how to handle the complaint.

Although the system of handling complaints about police requires the NSW Police Force (NSWPF) to directly investigate each complaint and we play an oversight role, our police division considers all requests to review the way a notifiable complaint about a police officer was handled as a request to review our decision about the NSWPF outcome. Of the 3,278 complaints about police officers that we oversighted this year, 72 complainants asked for the outcome to be reviewed.

Figure 5: Requests for a review of our decision as a percentage of formal complaints finalised

Subject Area	Number of		Percentage				
	requests for review	formal complaints finalised	06/07	07/08	08/09	09/10	10/11
Employment-related child protection*	3	53	2.5	7.1	8.3	12.2	5.7
Community services**	8	716	1.4	0.4	0.9	0.6	1.1
Juvenile justice	0	78	n/a	n/a	n/a	n/a	0.0
Human services agencies (Housing NSW, NSW Health)***	8	386	n/a	n/a	n/a	1.5	2.1
Correctional centres and Justice Health	12	898	3.0	1.5	1.1	1.7	1.3
Freedom of information	2	89	3.4	3.0	4.5	4.4	2.2
Local government	78	924	10.2	11.8	7.7	8.0	8.4
Other public sector agencies	61	1,382	7.0	6.5	6.9	5.2	4.4
Police	72	3,278	1.7	1.7	2.0	1.4	2.2
Outside our jurisdiction	2	430	1.0	0.8	1.8	0.4	0.5
Total	246	8,234	3.6	3.5	3.3	2.9	3.0

* The total in this figure excludes the 1,251 child protection notifications we finalised this year.

** Includes requests for a review of our decision in relation to child and family services, disability services and community services. Juvenile justice was previously reported with corrections and Justice Health.

*** Following internal changes for handling human services agencies (Juvenile Justice, Housing NSW and NSW Health) in 2009-2010, we are reporting complaints about human services separately in 2010-2011.

Figure 6 shows that in 89% of cases the Ombudsman considered that the original decision made by the delegated officer was correct. As each review may take days or weeks to complete, some reviews may not be finalised in the same year that the request is received. This makes the total review finalised figure different from the total review request figure.

Figure 6: Outcome of reviews conducted in 2010-2011

Subject Area	Original outcome affirmed after		Resolved	Reopened	Total
	reviewing the file	further inquiries			
Employment-related child protection	3	0	0	0	3
Community services	5	0	0	1	6
Human services agencies (Housing NSW, NSW Health)	8	0	0	1	9
Corrections	10	1	0	1	12
Freedom of information	2	0	0	0	2
Local government	51	18	4	5	78
Other public sector agencies	38	13	2	8	61
Outside our jurisdiction	1	1	0	0	2
Police	64	4	1	3	72
Total	182	37	7	19	245
Percentage of total reviews	74	15	3	8	100

Compliments and complaints

Compliments and complaints help us to identify the aspects of our work that we do well, the areas of our service that need improvement, and expectations that exceed what we can reasonably deliver. We have an internal compliments and complaints policy, and we inform people who use our services about how to make a complaint about us.

This year we recorded 112 compliments about the quality of our advice, the assistance we gave to customers, and the information provided to agencies within our jurisdiction. While we do receive formal compliment letters from members of the public and agency representatives about how our work has benefited them, we also often receive informal feedback during our consultative work or after a training, information or briefing session.

Against the 33,632 formal and informal complaints and notifications we finalised this year, we received 14 complaints about our work (see figure 7). If a complaint is justified, we will generally take some form of action to resolve it.

Figure 7: Outcome of complaints about our office in 2010–2011

Outcome	Total
Unjustified	5
Justified or partly justified	0
Some substance and resolved by remedial action	9
Total	14

Figure 8: Complaints about our office

Issue	06/07	07/08	08/09	09/10	10/11
Bias/unfair treatment/tone	6	6	5	8	0
Confidentiality/privacy related	2	1	1	3	4
Delays	6	5	3	6	1
Denial of natural justice	1	1	1	1	0
Failure to deal appropriately with complaint	13	11	9	8	5
Lack of feedback/response	4	5	3	5	3
Limits to jurisdiction	0	0	0	0	0
Faulty procedures	4	2	3	1	1
Inaccurate information/wrong decision	8	2	8	7	1
Poor customer service	17	5	5	7	5
Corruption/conflict of interest	2	2	0	3	0
Other	6	3	2	1	1
Total issues	69	43	40	50	21
Total complaints	44	27	26	28	14
Percentage of all formal matters finalised about our office	0.46	0.28	0.29	0.32	0.15

Our proactive and systemic work

In addition to handling complaints and notifications, we undertake proactive and systemic work such as conducting audits and reviews – including legislative reviews – and visiting communities and regional centres throughout NSW.

Figure 9 outlines some of the proactive and systemic work we have done during 2010–2011. Details of this work are included in other chapters of this report.

Figure 9: Proactive and systemic work

Category	Type of work	08/09	09/10	10/11
Audits	Police records audited	10,400	7,250	8,259
	Controlled operation records audited	433	342	385
	Surveillance device warrants audited	374	449	770
	Covert search warrants audited	n/a	48	20
	Witness protection appeals	3	0	2
	Child protection 'agency' audits conducted	18	11	24
	Criminal organisation search warrant records audited	n/a	19	6
	Scrutinising NSWPF complaint-handling systems	n/a	n/a	1

Category	Type of work	08/09	09/10	10/11
Police powers under review	Reviews of legislation conferring new police powers completed	2	1	1
	Reviews of legislation conferring new police powers in progress	4	3	1
Visits	Hours spent on visiting services (OCV program)	8,867	5,941	5,927
	Visits to residential services (OCV program)	3,239	3,335	7,494
	Correctional and juvenile justice centre visits	60	65	54
	Regional and remote communities visited	73	61	59
Reviews	Complaint-handling systems	20	34	n/a
	Individual reviews (section 13) of the circumstances of children and other people in care	35	50	63
	Reviews of the delivery of community services	7	0	8
Consultations	People consulted during systemic investigations and reviews	1,328	1,839	1,466

Corporate governance

Developing, implementing and maintaining a robust system of corporate governance helps us to be an effective organisation – one of our key aims. Our governance system must support and keep pace with our responsibilities and the resources available to us.

In our last annual report, we announced the development of a new office-wide strategic planning framework designed to better support our Statement of Corporate Purpose and strategic direction. In 2010–2011 we have worked within this framework to better target our work and resources in responding to challenges within a changing environment – with our Statement of Corporate Purpose providing high level direction for our work.

Strategic planning

This year our office has experienced considerable change – and we have used our strategic planning framework to guide our actions in responding effectively to these changes.

Each division held a planning day, which provided all staff with the opportunity to contribute to our strategic plan and help to identify priorities. We will also use feedback from these planning days to inform our future strategies.

Being flexible

We operate in a complex and changing environment, so we have to be able to effectively respond to a range of challenges. Having a flexible structure allows us to respond to emerging priorities but, at the same time, continue to deal with the day-to-day work of the office.

During the year, we were assigned new roles and responsibilities and we needed to expand some of our divisions to manage the additional work. This included establishing a new unit within our public administration division to manage public interest disclosure activities.

The human services branch has also undergone structural change to meet our new responsibilities arising from the transfer of the Child Death Review Team to our office. This change resulted in two senior officer positions being created – one with responsibilities for systemic projects across our human services jurisdiction and the other with

responsibilities for systemic reviews, including reviewable child deaths and the Child Death Review Team.

Our strategic projects division recruited staff with specific technical skills to support their work in auditing the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. Our activities in this area have also resulted in the initiation of a number of smaller strategic projects, identified as issues of importance during the course of the audit. The end product of these smaller strategic projects will be a suite of special reports to Parliament.

Taking a consistent approach to all stakeholders

We established an internal committee to look at how we engage with our stakeholders. This committee has worked to improve our processes to ensure we are more inclusive where possible, that we have a consistent approach to dealing with our stakeholders, and our information is targeted appropriately.

We implemented our disability and multicultural action plans. To help us to identify and address any gaps in our stakeholder engagement activities we developed internal tools to capture information that will inform our future approach to stakeholders. More information about our stakeholder engagement activities is included at page 91.

Developing our staff

Our staff are given regular opportunities to undertake training courses in a variety of areas including disability awareness, merit selection, cultural awareness, unreasonable complainant training, presentation training and strategic thinking. For more information about our learning and development activities, see page 27.

In our last annual report, we noted establishing a leadership development program to ensure our senior staff are able to effectively meet current and future management challenges. As part of this program, all senior staff participated in an Executive Development Program, which included 15 hours of compulsory continuing professional development to strengthen their management and leadership abilities. See page 28 for more information.

Improving business processes

Our business improvement unit (BIU) works to identify areas for improving our systems and processes.

This year, the BIU worked closely with divisions to:

- | improve our case management system to make it more responsive to business needs
- | develop business requirement briefs for better case management reporting
- | enhance the electronic sharing of information between our office and the NSW Police Force
- | scope the electronic transfer of information between our office and the Department of Education and Communities.

Using input from each division, the BIU developed and implemented a new set of cross-office key performance indicators (KPIs). This required changes to how we collect and record information in our case management system. We will be able to monitor and report our performance against these KPIs, with senior staff receiving reports monthly.

The KPI project is currently in stage two of the implementation phase, which involves the non-complaints area of our work. Several of our new KPIs are used in this annual report.

Managing our office

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

The SOG is made up of the Ombudsman, three Deputy Ombudsmen and the Directors of the corporate branch and strategic projects division. They usually meet weekly to update each other on their work and discuss any significant issues.

The DMG is made up of the managers of each division. They usually meet at least once a month to discuss operational issues and any changes to office policies and procedures.

Having effective policies

Any effective system of corporate governance has to be built around clear, effective and up-to-date policy documents. Our policies – which are a statement or instruction from the Ombudsman that sets the way particular issues are to be addressed or particular decisions are to be made – ensure consistency of work practices throughout the office. Staff are made aware of any new or changed policy, and complying with all office policies is a requirement of our code of conduct.

We aim to review all our office policies every two years. This year we have reviewed or created 15 policies – including policies relating to equal employment opportunity, grievance and dispute management, conflicts of interests and corporate governance.

We also plan to implement a new social media policy to provide our staff with clear direction on when, why and how to use different forms of social media as part of their work. This policy will provide advice and guidance on the potential risks involved in the personal use of social media, particularly when they can be identified as an employee of our office.

How we are held to account

We expect public sector agencies to be accountable for their actions and decisions. Our office is no different, and there are a number of ways in which we are held to account.

Reviews of decisions

We always provide complainants with reasons for the decisions we make. Some people will be unhappy with these reasons. If they believe our decision is wrong, they can ask for a review. Each matter will only be reviewed once.

When we receive a request for a review, we call the complainant first and try to resolve the matter quickly and informally. If this is not successful, the review is allocated to a member of staff who has had no previous involvement in the complaint. This staff member assesses the original complaint as well as any issues raised in the review request. When they have completed the review, they give the file to the Ombudsman along with their recommendation. The complainant will receive a letter from the Ombudsman outlining the outcome of the review. In some cases, this letter will also outline any restrictions on the complainant's future contact with our office.

This process provides members of the public with an avenue of review, but it also gives us an opportunity to improve the way we handle matters – particularly the way we communicate our decisions. Information about review requests from this year is included at page 10.

Our Parliamentary Joint Committee

Our work is overseen by the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission (the PJC). This ensures our independence as it means we are accountable to Parliament, rather than to the government of the day.

If someone is unhappy with the way we have dealt with them, they can take their complaint to the PJC. The PJC can consider the way in which we have handled their matter and will often contact us for additional information. However, the PJC cannot:

- | investigate a matter relating to particular conduct
- | reconsider a decision we have made to investigate, not to investigate or to stop investigating a particular complaint matter or conduct
- | reconsider findings, recommendations or determinations the Ombudsman has made about a particular investigation or complaint.

The PJC is made up of representatives of both Houses of Parliament, including representatives from both major parties. They have not held a general meeting with our office since our last annual report. The PJC was re-established on 22 June 2011 as a result of the state election. A list of the new members of the PJC is available on the NSW Parliamentary website.

Other oversight bodies

The PJC is not the only external body that oversees our office. Like other public sector agencies, we come under the scrutiny of the Auditor-General, the Independent Commission Against Corruption, the Information Commissioner, the Privacy Commissioner, the Anti-Discrimination Board, State Records and the NSW Treasury.

We also produce a number of separate annual reports about our work and make information about what we do available on our website.

Managing risk

Like any organisation, it is important that we identify and effectively manage any risks relating to our work. Our fundamental asset is our reputation for independence and impartiality. The key tool we use in effectively performing our work is the information we gather. We must focus on protecting that information as agencies and members of the public need to be confident that the information they give us will be handled appropriately. Using an information security management system model, we identify any potential risk factors relating to our work and put in place the necessary controls to either eradicate or reduce those risks. This relates to our paper based systems as well as our computer network and databases.

Our information security management processes work alongside programs to manage risk in other areas such as occupational health and safety, business continuity planning, accounting, leave management and payroll.

The risks we face fall into the following categories:

- | unauthorised or inappropriate disclosure of information held by our office
- | unauthorised or inappropriate access to information in agency databases to which we have access
- | significantly inaccurate or incomplete information used in reports, correspondence or as the basis for findings, recommendations, suggestions or decisions
- | inadequate documentation or unintended destruction of business information or corporate knowledge
- | software and hardware problems resulting in major operating systems being out of action for significant periods
- | an inability to comply with statutory obligations.

Our security and information management steering committee has been re-named the risk, information and security committee (RISC) and continues to meet on a monthly basis. The RISC is made up of representatives from each division and is responsible for ensuring we have appropriate systems in place to identify and effectively manage any risks that may arise. This is particularly important when we make changes to our processes or start work in a new area. The committee works closely to identify these changes and plan our response to any potential risks.

We have an Audit and Risk Committee that provides us with another level of assurance about our risk management practices. Although both of these committees have different responsibilities, they work closely to ensure that our risk management framework meets our ongoing requirements.

This year we reviewed and updated our risk management policy, which includes a formal risk assessment framework for our office. The new policy and framework complies with the standard for risk management – AS/NZISO 31000:2009 – and has been endorsed by our Audit and Risk Committee.

To make sure we have the best possible information security systems in place, we have accreditation against international information security standards. This accreditation and our compliance with the standard is monitored through yearly audits. Our last audit was in 2010 and no major issues were identified.

Our Audit and Risk Committee

In our last annual report, we outlined the NSW Treasury internal audit and risk management policy – including establishing an Audit and Risk Committee with a majority of independent members.

The membership of our Audit and Risk Committee has remained the same with Mr Jason Masters as the independent chair, Ms Carolyn Burlew the independent member, and the Deputy Ombudsman Chris Wheeler as our office representative. The committee met on five occasions during 2010–2011.

During the year, we consolidated our internal audit activities, including developing an internal audit charter, manual, plan and register.

We also updated our risk management matrix, reviewed our policy and supporting tools, redesigned our risk register, and started a range of other projects – including reviewing our legislative compliance and updating our administrative delegations.

In 2011–2012, we will be reviewing our risk profile, engaging our internal audit provider, and reviewing the performance of our Audit and Risk Committee.

The Ombudsman – following advice from the Audit and Risk Committee – attests to compliance with the six core requirements of the NSW Treasury policy. The attestation statement follows.

Internal Audit and Risk Management Statement for the 2010–2011 Financial Year for NSW Ombudsman

I am of the opinion that the NSW Ombudsman's Office has internal audit and risk management processes in operation that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*. These processes provide a level of assurance that enables the senior management of the NSW Ombudsman's Office to understand, manage and satisfactorily control risk exposures.

I am of the opinion that the Audit and Risk Committee for the NSW Ombudsman is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08. The Chair and Members of the Audit and Risk Committee are:

- | Chair – Mr Jason Masters (three year appointment).
- | Independent member – Ms Carolyn Burlew (three year appointment).
- | Non-independent member – Mr Chris Wheeler, Deputy Ombudsman (Public Administration and Strategic Projects Branch).

Yours sincerely



Bruce Barbour
Ombudsman

Our performance statement

Purpose and goals	Performance for 2010–2011
<p>1. Help organisations meet their obligations and responsibilities and promote and assist the improvement of their service delivery:</p> <ul style="list-style-type: none"> review and report on the service, systems and conduct of agencies monitor and report on compliance with legislative obligations and responsibilities make recommendations and suggestions for agency improvements and/or for improving the circumstances of individuals promote best practice standards for agency service delivery and good conduct provide training in delivery of service, good conduct and the rights of consumers to quality services. 	<ul style="list-style-type: none"> Tabled seven reports in Parliament about: our audit of police responses to domestic violence-related complaints; people with disabilities and the closure of residential centres; improving service delivery to Aboriginal people with a disability; improving probity standards for funded organisations; our inquiry into service provision to the Bourke and Brewarrina communities; the need for significant reform to the management of asbestos; and unresolved issues relating to the transfer of the child death review team. SEE PAGE 172 Completed major reviews into: the implementation of key aspects of <i>Keep Them Safe</i> including the capacity of the new system to respond to reports of significant risk of harm; progress made by the NSW Government in addressing Aboriginal disadvantage including significant issues relating to our function to audit the <i>NSW Interagency Plan to Tackle Aboriginal Child Sexual Assault</i>; the need for boarding house reform – each culminating in the preparation of reports for tabling in Parliament. SEE PAGES 66, 85, 105-106
<p>2. Deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems:</p> <ul style="list-style-type: none"> implement and promote best practice investigation and complaint-handling methodologies within the office use client feedback to improve our work implement and promote best practice investigation and complaint-handling methodologies in agencies we oversight help achieve redress for justified complaints identify systemic causes of complaints and propose solutions. 	<ul style="list-style-type: none"> Issued a practice update for employers to clarify the types of behaviours that fall within the definition of sexual misconduct; and worked with the NSWPF to improve their handling of employment-related child abuse allegations. SEE PAGES 78-79 Provided feedback on ADHC’s revision of the disability services standards relating to complaints and disputes. Finalised a report on our review of the NSWPF’s procedures for handling complaints about bullying, harassment and discrimination in the workplace and its guidelines for handling complaints more generally. SEE PAGE 60 Conducted a number of direct investigations into the NSWPF’s handling of complaints about police conduct. SEE PAGES 57-58
<p>3. Be a leading watchdog agency:</p> <ul style="list-style-type: none"> create positive relationships and work collaboratively with other Ombudsman and watchdog organisations promote professional work practices with other Ombudsman and watchdog institutions continuously improve our work practices. 	<ul style="list-style-type: none"> Worked with the CCYP and the Office of the Children’s Guardian to develop a framework for exempting certain employment-related child protection matters in the substitute residential care sector from notification to both agencies. SEE PAGE 80 Participated in the Complaint Handler’s Information Sharing and Liaison Group and the Corruption Prevention Network meetings, and occasional seminars for complaint handlers and an annual conference. SEE PAGES 98, 104 Co-hosted with the ICAC and the Institute of Public Administration a two-day National Investigations Symposium. SEE PAGE 104 Worked with other Ombudsman offices across Australia on phase 2 of the Managing Unreasonable Complainant Conduct Project, and conducted our third forum for University complaint handlers. SEE PAGES 97, 102
<p>4. Be an effective organisation:</p> <ul style="list-style-type: none"> have appropriate structures, policies and systems to support and enhance our service delivery attract, develop, support and encourage skilled and committed staff capture, use and share information and knowledge to support and enhance our service delivery be an effective public sector agency that complies with applicable laws and policies and is accountable for our actions and decisions. 	<ul style="list-style-type: none"> Established a PID Unit within our Public Administration Division, recruited and inducted new staff, and developed internal policies and procedures. SEE PAGE 47 Endorsed a leadership development program for our senior staff, covering financial management, leadership and strategic planning. SEE PAGE 28 Reviewed our data capturing processes and reporting tools for our employment-related child protection work to more accurately report on our handling of high risk matters. SEE PAGE 22 Rolled out OCV online – a new database for the Official Community Visitors – undertook a comprehensive review and redesign of our IT network architecture, implemented network sub-netting VLAN to improve network security and efficiency, and standardised our software development platform. SEE PAGE 21

Future goals

- | | |
|--|---|
| <ul style="list-style-type: none"> Conducted investigations into: the behaviour management program at Kariiong Juvenile Correctional Centre; the way the NSW Trustee and Guardian makes financial decisions on behalf of vulnerable clients; and the use of in-car video footage by police. SEE PAGES 35, 37-38, 58 Conducted investigations into important areas of child protection including how agencies should respond to criminal allegations about their employees. SEE PAGE 78 Reviewed restoration support provided to 63 children on short-term care orders and made recommendations to inform Community Service's review of its restoration practices and associated training and guidelines. SEE PAGE 72 Delivered more than 296 education and training activities reaching over 10,091 people including a total of 156 training workshops on handling child-related employment allegations; frontline complaint-handling skills, effective complaint management; and workshops for consumers of community services. SEE PAGES 101-104 | <ul style="list-style-type: none"> Complete our audit of the implementation of the <i>NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities</i>. Complete our second review of Taser use by the NSWPF (see progress report). Start legislative reviews of new police powers introduced by the <i>Summary Offences Amendment (Intoxicated and Disorderly Conduct) Act 2011</i> and the <i>Identification Legislation Amendment Act 2011</i>. Report to Parliament on reviewable child deaths and disability deaths and the underlying causes of those deaths. Work with the NSWPF to finalise their procedures for handling employment-related child abuse matters, the audit handling of reportable allegations against employees and preventing reportable conduct in independent schools, and finalise our audit of how juvenile justice centres and a sample of juvenile justice community service centres handle and try to prevent employment-related child abuse allegations. Report to Parliament on the significant challenges associated with the implementation of <i>Keep Them Safe</i>, boarding houses and the need for reform; and the findings from our Kariiong investigation. Finalise our investigation into the NSW Trustee and Guardian. Implement training programs on public interest disclosures, and meet our statutory obligations by developing and publishing a series of guidelines. Develop new packages to help agencies handle complaints and investigate allegations more effectively. |
| <ul style="list-style-type: none"> Facilitated a successful conciliation between the NSWALC and LPMA. SEE PAGE 110 Worked with the Registry of Births, Deaths and Marriages to help them to be more responsive to the needs of their Aboriginal clients. SEE PAGE 109 Assisted the NSWPF, Legal Aid and the Aboriginal Legal Service to develop an action plan for improving the use of diversionary options under the Young Offenders Act. SEE PAGE 108 Produced model internal reporting policies for agencies and local councils, and five practice notes to promote the effective implementation of the PID Act. SEE PAGE 48 | <ul style="list-style-type: none"> Work with the NSWPF to ensure their complaint system is enhanced to meet PID Act requirements, and audit their complainant consultation processes. Finalise a decision-making tool to help agencies determine what types of employment-related child protection allegations are exempted from notification. Develop a training package and annual complaints reporting tool for disability services, and start discussions on developing a national complaints reporting system for disability services. Incorporate the strategies developed in stage 2 of the unreasonable complainant conduct project into our guidelines for agencies. Review and update our most commonly used administrative guidelines. Deliver an e-learning program to help agencies educate practitioners and inform staff about public interest disclosures, and audit agency compliance with the PID Act. |
| <ul style="list-style-type: none"> Provided specialist training placements and mentoring for Ombudsman staff from Vanuatu, Samoa, Papua New Guinea and the newly established Ombudsman of the Republic of Indonesia. SEE PAGE 99 Completed the transfer of the NSW Child Death Review Team to our office, and hosted a master class presented by Dr Marian Brandon, a UK expert in child death review. SEE PAGE 71-72 Reviewed our practices for managing high risk employment-related child protection matters, and implemented new work processes to ensure that we deal with these cases efficiently and effectively. SEE PAGE 80 | <ul style="list-style-type: none"> Issue revised definitions of 'employment-related child protection reportable conduct' that are clearer and more narrowly prescribed. Prepare revised guidelines for employers about handling employment-related child protection matters. Communicate to agencies in the substitute residential care sector the types of matters that are exempted from notification to us and to the CCYP under the new class or kind agreement. Work with other Ombudsman offices to develop and implement a methodology for peer reviews of complaint-handling processes. Conduct research nationally and internationally to gather intelligence on best practice programs for dealing with public interest disclosures. Finalise review of procedures manuals. Develop stage 2 key performance indicators. |
| <ul style="list-style-type: none"> Developed a new case type in our case management system to support information gathering and analysis for our project work. SEE PAGE 14, 22 Developed and implemented a new set of office-wide KPIs and enhanced other management reporting tools. SEE PAGE 14 Installed a new SAN — Storage Area Network — to help launch one of our largest IT projects – the desktop virtualisation. SEE PAGE 22 | <ul style="list-style-type: none"> Redesign and redevelop the reviewable child death, reviewable disability death and the Child Death Review Team databases. Enhance Resolve, our case management system to more accurately record the 'value added' by our work. Finalise our website redevelopment and launch our new logo. Introduce electronic self service (ESS) for certain personnel activities Rollout VM View (virtual desktop) to improve information system reliability and efficiency. Review and update our file classification plan as well as our approved disposal authorities. Undertake a comprehensive risk assessment, updating our risk profile and risk management policies and plans. Finalise our chart of accounts. |

Progress report on our future goals from 2009-2010

Each year we identify priorities or future goals for the next reporting period. The following table lists the goals we set for 2010-2011 and provides a short statement on our achievements – with references, where appropriate, to some more detailed information about this goal in our report.

Purpose	Goals for 2010-2011	Result	
Help organisations meet their obligations and responsibilities and promote and assist the improvement of their service delivery	Review police practice about the way complaints are informally resolved and how they measure complainant satisfaction.	We decided to postpone the review but it has been scheduled for 2011-2012.	—
	Work with the Commission for Children and Young People to review existing arrangements with agencies that exclude the notification of reportable allegations and relevant employment proceedings.	We have provided input into the review. This review has not yet been finalised.	—
	Provide NSW Health with a report summarising the recommendations from our two year audit project.	We will provide a report summarising the compliance of Local Health Networks (LHN) when we have received final compliance reports from LHN's.	—
	Complete our analysis of causes of death for people with disabilities in care, and report on our consultations with families of children with disabilities who live at home.	The analysis has been completed and a report was tabled in Parliament in September 2011. SEE PAGES 83, 84	✓
	Deliver complaint-handling and employment-related child protection training to Aboriginal out-of-home care services.	We have delivered training to Aboriginal out-of-home care services. SEE PAGE 107	✓
	Work with the NSWPF to draft standard operating procedures for use by LACs to prevent excessive delays in assessing matters referred to them that involve a person engaged in child-related employment.	Standard operating procedures for local area commands have now been finalised, in consultation with our office. SEE PAGE 78	✓
Deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems	Review our procedures manual and our compliments and complaints policy.	Compliments and complaints policy updated and individual procedures manuals currently under review.	—
	Review the way complaints have been assessed under the NSWPF's Complaint Handling Guidelines.	We completed our review. SEE PAGE 54	✓
	Collect information from the substitute residential care and independent school sectors to help us target our auditing and education projects.	A comprehensive database of independent schools has been developed and analysis undertaken of reporting rates in the sector.	✓
	Incorporate the findings from our research into our investigation procedures to enhance agency engagement, particularly in developing recommendations.	We updated our procedures manual and templates and developed a fact sheet for agencies on our investigation processes.	✓
	Develop a complaint-handling training program, in consultation with National Disability Services NSW, to meet the needs of the disability services sector.	Further scoping of the substitute residential care sector is underway.	—
Be a leading watchdog agency	Co-host the 8th National Investigation Symposium with the ICAC and the Institute of Public Administration in November 2010.	Co-hosted Symposium, delegates attended from 80 agencies across Australia, New Zealand, Papua New Guinea and other Pacific countries. SEE PAGE 98	✓
	Continue our work with other Ombudsman offices across Australia on phase 2 of the managing unreasonable complainant conduct project.	Incorporated the strategies developed in phase 2 of the project into our guidelines to be used by agencies. SEE PAGE 102	✓
Be an effective organisation	Review our chart of accounts to improve expenditure classification, monitoring and reporting.	Commenced our review, incorporating the recent adoption by all Australian governments of a single chart of accounts. Review will be finalised 2011-2012. SEE PAGE 114	—
	Implement our disability and multicultural action plans and upgrade our HR system.	Both plans were approved and implementation is on schedule. Our HR system was upgraded. SEE PAGE 21	✓
	Enhance Resolve, our case management system.	Resolve enhancement implemented.	✓
	Finalise improvements to our website.	We are currently developing the website architecture/wireframes. SEE PAGE 22	—
	Implement desktop virtualisation to streamline IT processes and reduce IT costs.	This project was delayed as we needed to review our network structure. SEE PAGE 22	—

Measuring our performance

To retain the independence of the Ombudsman, the position is not responsible to an individual Minister. Instead, the Ombudsman appears before the PJC to answer questions about the performance of our office.

Information about the quantity, quality, timeliness and impact of our work is essential to achieving our corporate goals. Performance benchmarks measuring these factors are established at the corporate, team and individual staff level and workflow statistics are used to inform procedural changes.

Our performance statement (see page 16-17) is a summary of our achievements during the year against the purposes outlined in our corporate plan.

Tracking performance

We track our performance at two levels – in relation to individual matters including complaints and projects, and in relation to our systems and structures for completing work.

Data from our case management system is used to monitor turnaround times and identify where there may be backlogs, delays or inefficiencies. For example, we periodically review all files that have been open for more than six months and develop strategies to address any issues that may be causing unnecessary delay.

The integrity and accuracy of the data we keep is crucial to the effectiveness of our work and our ability to monitor our performance. We regularly conduct internal audits of the recording of information on our case management system to check that it is accurate.

Ensuring quality decision-making

Our assessment of complaints and notifications needs to be sound and consistent. We have systems for consultation and discussion to ensure that the appropriate decision is made at the outset. We also make sure that if a complainant asks for a review of our decision, a more senior member of staff conducts the review.

We use supervision and file audits to review the quality and consistency of our work. This helps ensure that the decisions we make are sound and files are managed efficiently and effectively.

It is also important that any correspondence and reports we send out are factually accurate and properly reasoned. We have rigorous procedures for supervising, checking and authorising these documents.

Balancing our books

Most of our revenue comes from the government in the form of a consolidated fund appropriation. Our final consolidated fund allocation for 2010-2011 was \$21.804 million. The government also provided \$1.394 million for certain employee entitlements such as long service leave. We received \$369,000 for our capital program – this was spent on purchasing desktops and laptops, upgrading hardware, purchasing new office equipment, and updating and improving our fit out.

Our funding from government was increased by \$118,000 in 2010-2011 because we were not given sufficient funding for the Child Death Review Team (CDRT) (see page 71). We also received a funding supplementation of \$318,000 (although we only spent \$226,000) to establish a public interest disclosure unit (see page 47). Funding of \$1.14 million has been provided in 2011-2012 for our public interest disclosure role.

We generated \$861,000 through the sales of publications, bank interest, fee-for-service training courses and our consultancy work. Other than the appropriation, our main source of revenue is from conducting fee paying training courses (see pages 101 and 115).

Most of our revenue is spent on employee-related expenses including salaries, superannuation entitlements, long service leave and payroll tax. We spent more than \$19.2 million on these items in 2010-2011 and the day-to-day running of our office cost over \$4.6 million.

In 2010-2011 we were required to absorb unfunded pay increases of 1.5%. This has had a significant and ongoing impact on us as about 80% of our expenses are employee-related – and absorbing unfunded pay increases leads to staffing cuts.

This year we conducted training for senior managers on interpreting financial information, acknowledging the importance of our senior staff being able to use financial information in their business planning and decision-making. We also consolidated the role of our Audit and Risk Committee that was established last year. See page 15 in Corporate governance for more details about our Audit and Risk Committee.

Figure 10: Financial summary

	09/10 \$'000	10/11 \$'000	Change %
Operating revenue including government contributions	21,968	24,428	11.20
Operating expenses	21,135	24,297	14.96
Total assets	3,363	3,253	-3.27
Total liabilities	2,675	2,423	-9.42
Surplus/(Deficit)	832	142	-82.93
Total equity	688	830	20.64

As indicated in the financial summary table, our operating revenue increased by 11.20% in 2010-2011 and our operating expenses by 14.96%. The major area of change in our revenue base was the \$483,000 increase in our revenue generating activities such as training. There was a \$446,000 increase in the acceptance by the crown of employee benefits and other liabilities. We had estimated that there would be an increase in this revenue item, but not to the extent realised.

We had a decrease in our asset base, with a slight reduction in cash and cash equivalents. Our liabilities also decreased more than anticipated, however employee entitlements increased by over \$170,000 from the previous year. During the year we returned some unspent appropriation to the consolidated fund due to drawing down more funds than required in 2009-2010, as detailed in our statement of compliance with financial directives.

For more details about our financial position, see the 'Our financials' section of the report at page 113.

Environmental program

The NSW Government sustainability policy commits NSW public sector agencies to sustainable water and energy use, reducing greenhouse gas emissions and waste, improving fleet management and sustainable purchasing. Our environmental program focuses on implementing this policy as well as working to improve the environmental performance of the building in which we are located. We

are a member of the building management committee's environmental performance forum, which discusses current initiatives and future plans to enhance the environmental performance of the building.

We continue to meet our green building rating of four stars and we are investigating ways to improve this further. We purchase six per cent green power and encourage our staff to adopt energy efficient practices. Our tenancy is fitted with light sensors and timers, we buy energy efficient equipment, and only have a small number of fuel efficient cars.

In 2010-2011 our environment strategies included:

- | monitoring our energy usage through auditing, preventive maintenance, staff education programs and buying energy efficient equipment
- | investigating ways to further improve our green building rating
- | monitoring the type of waste generated in our office and implementing strategies to reduce contamination of the waste stream
- | improving our fleet performance through reduced petrol consumption, using fuel efficient vehicles, and achieving or exceeding the government fleet performance target for passenger vehicles
- | recycling 100% of our toner cartridges and waste paper
- | negotiating improved environmental commitments as part of our lease renegotiations
- | developing a new website to better present our online reports and resources.

Energy management

Our energy management strategies focus on reducing our greenhouse footprint – by improving our motor vehicle fleet performance and using less electricity.

Fleet management

Although we only have a small fleet of three cars, there are a number of strategies we use to improve our environmental performance. These include:

- | leasing more fuel efficient cars based on NSW clean care benchmarks – see performance indicator for fuel consumption below
- | undertaking vehicle maintenance according to the manufacturer's recommendations to help ensure optimum fuel efficiency and emission performance
- | leasing vehicles that are compatible with E10 blends of fuel
- | encouraging staff to use public transport where practicable.
- | meeting the average environmental government fleet performance score target, sourced from the Green Vehicle Guide Air Pollution rating and Greenhouse Emissions rating for 2010-2011

- | we proactively monitor the need to maintain a fleet and seek justification from our business areas before any new cars are purchased. We also make sure that any replacement car is fit for its purpose – in both size and fuel efficiency.

Electricity consumption

Our electricity consumption decreased during the reporting year – see performance indicator for electricity consumption on page 21. This was because we replaced our supplementary air conditioning unit and our uninterrupted power supply (UPS) in January 2011 with smaller more energy efficient models. We expect a further reduction in 2011-2012, after a full 12 months of operation of the new equipment.

Waste reduction and purchasing program

We have a range of strategies to reduce waste, increase recycling and purchase recycled content. We continue to reduce the number of guidelines, reports and fact sheets we print by making these resources available on our website or distributing them electronically via email. Some of our publications are now released in electronic format only.

We use Australian 80 per cent recycled paper with the remaining fibre sourced from sustainably managed forests. We encourage staff to check documents on screen to reduce print waste.

Staff are made aware of our recycling and purchasing program as part of their induction. They are updated on new initiatives and progress reports through email, and we do waste audits to improve our recycling systems.

Reducing the generation of waste

We promote email as the preferred internal communication tool and encourage staff to print double-sided. We have an electronic record management system that allows staff to access information such as policies, procedures and internal forms – reducing the need for paper copies. Our publications are available to download from our website so we only print small quantities.

Resource recovery

We have individual paper recycling bins at workstations and larger 240 litre bins throughout the office for secure paper destruction. All office wastepaper, cardboard, glass, plastic and aluminium is collected for recycling and we participate in a resource recovery program.

Using recycled material

Our stationery and publications are printed on either recycled, acid free or chlorine free paper with vegetable inks. We only use external printers who have a certified environmental management plan (ISO 14001).

Performance Indicator: Fuel consumption (E10)

	06/07	07/08	08/09	09/10	10/11
Fuel (l)	4,787	4,145	3,250	2,835	2,521
Total (GJ)	162	142	111	97	86
Distance travelled (km)	35,086	32,963	38,064	33,818	29,849

Performance Indicator: Electricity consumption

	06/07	07/08	08/09	09/10	10/11
Electricity (kWh)	311,713	348,358	302,172	367,273	320,053
Kilowatts converted to gigajoules	1,222	1,254	1,088	1,322	1,152
Occupancy (people)(full-time equivalent)	180	176	170	166	185
Area (m2)	3,133	3,133	3,133	3,133	3,133

Access and equity programs

Our access and equity programs focus on the needs of vulnerable groups. In the 2009-2010 year we undertook a comprehensive review of our access and equity programs as it is essential that our office is accessible to anyone who needs us. This review resulted in the development of our disability action plan (DAP), our multicultural and service program (MPSP) and our Aboriginal policy.

This annual report meets our annual reporting obligations under the *NSW Disability Services Act 1993* and the *Community Relations Commission and Principles of Multiculturalism Act 2000*.

Disability action plan (DAP)

This plan outlines our commitment to achieving the outcomes for people with disabilities set out in the NSW state plan and guidelines for disability action planning by NSW government agencies. Our DAP, which complies with Section 9 of the *NSW Disability Services Act* guides the delivery of programs and services to people with disabilities until the end of 2014.

For further details on our DAP see Appendix P.

Multicultural policies and services program (MPSP)

Under MPSP, all NSW government agencies must implement and report on their strategies to enhance and promote multiculturalism. Internally we call our program MAP - our multicultural action plan.

This year we undertook a comprehensive review of our language resources updating the text and expanding the number of community languages from 25 to 46. We also produced a multi-lingual pamphlet for use at multicultural events and to provide to migrant resource centres.

An annual reporting requirement for MPSP is to outline the strategies that we will implement in the next reporting year. We plan to consolidate the work that we have achieved this year, particularly embedding MPSP into all levels of our planning. We will also raise the awareness of staff about issues affecting our culturally diverse community. We also plan to consult with community groups about their needs to better inform our planning processes.

For further details on our MAP/MPSP see Appendix P.

Aboriginal policy

This policy outlines our commitment to improving our services to Aboriginal people as well as working with key agencies to improve the delivery of their services (see the Working with Aboriginal Communities section, page 105). It details strategies we have or will have in place to comply with our legislative obligations or policy responsibilities applicable to NSW government agencies.

Supporting the business

We have a small corporate team that supports our operational areas and is responsible for providing personnel, business improvement, accounting, information technology (IT), information management, publications design and layout and administrative and project support. The work of our personnel and the business improvement unit is discussed in this chapter and our accounting activities are discussed in Our financials, see page 113. Our access and equity work is reported in this chapter as well as in the Stakeholder engagement section, see page 91 and in Appendix P.

Our corporate staff have delivered on a range of significant projects that will transform how we do business into the future including designing or upgrading our databases to better inform business decisions or updating our technology to improve how we respond to the public or how we perform our work. We have also continued to improve our own internal systems and processes to better focus our resources on our business activities. Our key projects, not discussed elsewhere in the report, are mentioned below.

As with all areas of the office, the work of our corporate team is informed by our corporate and other planning documents. During the year we reviewed the IT strategic plan, and began developing a number of strategic plans to support our human resource, finance and business improvement work.

OCV Online... on line!

The long awaited OCV Online became active on 1 July 2010, replacing the previous paper-based system and simplifying the process for both us and the official community visitors (OCVs). Feedback from the OCVs is extremely positive and they are finding the new system easy to use. As with any IT system, as soon as it was rolled out, work commenced on enhancing it. A major enhancement of OCV Online was rolled out in late 2010 fixing a number of minor bugs and adding functionality that was not initially included in the project specifications.

SAN Upgrade

The SAN – Storage Area Network – is a vital component of the NSW Ombudsman data storage. It serves as the central data repository that feeds almost every server. The SAN has been playing a far greater role in supporting our IT systems and was particularly instrumental in enabling us to proceed with the virtualisation of 80% of our Servers in 2009-2010.

With the increased push for online storage the dependency on this device outgrew the capacity of the existing SAN. During the year we installed a new SAN which is a much faster, larger and flexible device. The SAN is the backbone for one of our largest IT projects – desktop virtualisation.

VLAN

Prior to rolling out desktop virtualisation we needed to review a number of IT systems and processes. We conducted a number of workshops with our IT staff and from those workshops developed an action plan.

With a growth in IT services over the last several years a significant outcome of this action plan was to enhance network performance and security to accommodate future growth and change, particularly in the areas of remote access, data storage and desktop virtualisation.

With virtually no capital outlay, virtual local area networks (VLAN) were designed and implemented using our existing switch infrastructure. The business is now enjoying faster network response times.

Desktop virtualisation

Last year a number of staff participated in our desktop virtualisation trial using VMware View. Despite a few hiccups the results from the pilot were largely positive, and following deliberations by the Risk, Information and Security Committee (RISC) the roll-out of desktop virtualisation was approved. There are obvious benefits of desktop virtualisation for our IT area. It will simplify software and platform upgrades, operating system and, application patching and will reduce the cost of licensing and on-going maintenance.

Our business units will benefit from improved stability of the network and smoother IT processes such as application upgrades and patching. The desktop virtualisation will also provide the platform for remote access to office applications.

Remote access

The Ombudsman approved a recommendation of the RISC to trial remote email access. As network security is critical, any remote access would have to ensure that we do not expose our network to additional risk or unauthorised access.

At the time of writing, the trial, which involves only selected staff, was in progress. The RISC will make the final decision as to the ongoing need for staff to access email remotely, following an assessment at the conclusion of the trial.

Resolve enhancements and on-going changes

In August 2010 we rolled out a significant enhancement to Resolve, our case management system, which converts issues, management actions and case outcomes into sub-cases. This has given us more flexibility in recording actions taken by agencies as well as being able to record multiple outcomes per case. These changes mostly affect the police division and employment-related child protection division.

There were also some changes to the standard case screen particularly relating to complainant information.

We commenced a project to change the agency hierarchy following the structural change to the public sector and the creation of the super-agency framework. We will need to review our agency hierarchy again following the recent reduction in the number of and the transfer of responsibilities between super-agencies.

Website review

In order to keep providing our stakeholders with quality programs and services we decided to create a new website that conforms to mandatory government requirements, is widely accessible and can be effectively navigated. In addition, we will create a simple website management system that can be easily maintained and updated, with a scalable platform for future internet technologies.

We researched alternate web options and how other agencies have determined their website builds, looked at government based templates, content management systems and various web programming and application development technologies. We also met with several web development companies.

We have consulted with senior management, our business areas and key external stakeholders to ensure needs and expectations are communicated. We are currently working on the information architecture for the new site and have begun the design process.

New logo

Our publications area has worked with the Ombudsman to revise our logo – as we felt that it was time to update our look and the way we present ourselves to the wider community. The new logo is a more contemporary interpretation of our old logo and continues to represent our core objectives of providing greater focus and clarity. Details of the meaning of the logo can be found on the inside front cover.

Our people

We have 207 people working for our office on either a full or part-time basis. These people are an energetic and diverse mix of experience and skill and come from a range of backgrounds – including investigative, law enforcement, community and social work, legal, planning, child protection and teaching. This collective experience gives us insight into the agencies we keep accountable and helps us to be a persuasive advocate for change.

Figure 11: Staff levels

	06/07	07/08	08/09	09/10	10/11
Statutory officers	6.00	5.00	6.00	4.00	4.00
Investigative	66.17	65.90	74.13	70.18	73.26
Investigative support	34.00	35.65	25.60	21.00	24.50
Project and research	16.60	15.60	14.10	20.66	25.66
Training and community education	3.58	3.50	3.30	2.30	1.50
Inquiries	9.00	10.00	7.00	9.94	9.54
Community visitor support	3.00	2.80	2.80	2.80	2.80
Systemic review	12.10	13.40	12.81	10.10	16.16
Corporate	29.43	23.97	24.74	25.17	27.77
Total*	179.88	175.82	170.48	166.15	185.19

* This figure represents the full-time equivalent, not the actual number of staff

Greg Andrews retires

One of our longest serving and most experienced investigators retired this year. As Deputy Ombudsman, Greg Andrews led the Police and Compliance Branch. Prior to that, as Assistant Ombudsman he led the Police Division for two years and the former General Team for over 15 years. Greg personally investigated some of the most complex, serious or politically sensitive matters, often exercising Royal Commission powers. He prepared numerous reports to Parliament on significant public interest as well as directing other major inquiries. These covered a wide variety of public administration issues from the running of juvenile detention centres and use of force in prisons to the system for land valuation. He also directed major reviews researching the operation and impact of controversial new laws relating to juvenile justice and extended powers of correctional officers and police officers. An experienced mediator, he was also responsible for incorporating alternative dispute resolution techniques into our case work.

As a statutory officer and key member of our executive management team, Greg made a lasting contribution to the strategic development of the office, devising many of our business processes. He wrote or was a major contributor to many of our guidelines and procedure manuals that have been adopted by other Ombudsman agencies around the world.

He was the architect of our first electronic complaints management system and oversaw many of its enhancements over the years as well as directing the successful implementation of our electronic document management system. He continued this interest by heading our office wide business improvement unit.

Greg initiated our external training program and made a significant contribution to the development of staff in other agencies as well as our own. He trained staff in Ombudsman Offices in Western Australia, Tasmania, Hong Kong, Thailand and Indonesia. As well, he developed skills in complaint system design, effective complaint-handling, investigation planning, and document and information management through training courses to staff from a wide range of other public sector agencies. He inaugurated, and with colleagues



“Through his professionalism, integrity and good judgement, Greg embodied the best attributes of Ombudmanship.”

from the ICAC, has planned since its inception in 1996 the biennial National Investigations Symposium which is the premier administrative investigations conference in Australia.

His wide experience has been used to mentor staff from integrity agencies in Indonesia, Papua New Guinea, and the Pacific Islands through institutional strengthening projects funded by the Commonwealth Government. With colleagues from the Commonwealth Ombudsman, he was instrumental in the establishment of the Pacific Ombudsman Alliance, a key outcome of an initiative under the Pacific Plan.

Through his professionalism, integrity and good judgement, Greg embodied the best attributes of Ombudmanship. We thank him for his significant contribution to our office and for the skilled and dedicated officers who remain with us whose growth and development owes much to Greg’s direction and leadership.

Human resources

Any exceptional movement in wages, salaries or allowances

In September 2008, the Industrial Commission endorsed the agreement (the MOU) of the NSW Government and the Public Service Association (PSA) to award conditions and workforce reforms in a number of areas – including sick leave, excess staff and annual leave liability reduction. This agreement approved wage increases of 4% per annum over a three year period starting in July 2008, with an increase of 4% effective in July 2010. This decision affected all non-senior executive staff at our office.

Although increases of 4% were approved, funding of only 2.5% was provided in agency annual budget allocations. The expectation was that the MOU would result in savings to fund the unfunded component of the pay increases. If the MOU changes did not find sufficient savings, agencies were required to identify other strategies to meet their ongoing obligations to pay the awarded pay increases. The only strategy available to the Ombudsman was to reduce staff expenses, including reducing positions.

The Ombudsman has no role in negotiating pay increases for his staff as the Director General, Department of Premier and Cabinet (DPC) is the employer for industrial purposes.

From October 2010, a 4% increase was also paid to our statutory officers including the Ombudsman.

Personnel policies

Our staff are employed under the provisions of the *Public Sector Management and Employment Act 2002*. This Act, associated regulations and the Crown Employees (Public Service Conditions of Employment) Award 2009 set the working conditions of all public servants, including our staff. We therefore have little scope to set working conditions and entitlements for our staff. The Director General of DPC is the employer for this purpose and negotiates conditions and entitlements with the relevant unions.

This year we continued to systematically review our personnel-related policies and systems to ensure that they help achieve purpose 4 of our Statement of Corporate Purpose – to be an effective organisation. We created, reviewed and/or updated our purchased leave policy, grievance management policy, equal employment opportunity policy and reasonable adjustment policy. We started reviews of a number of other policies including occupational health and safety (OH&S), the recording of time worked, and the co-lateral flexible working hours agreement. These reviews are still to be finalised. All personnel-related policies created or reviewed are negotiated with our Joint Consultative Committee (JCC).

We mentioned last year that we would be implementing 'KIOSK', a self service facility enabling staff to directly access and change their personal information in our personnel database and apply for leave online. This project was initially delayed due to staffing changes in our personnel section, but it has now started – and we expect KIOSK to be available to staff by the end of 2011.

Working with our JCC

The most significant matter the JCC considered this year was the review of administrative support in our business areas. This review considered changes to work practices and processes over time as well as changes in office priorities. It recommended the deletion of some positions, resulting in a number of voluntary redundancies being offered to staff. The involvement of the JCC, and in particular the staff representatives, ensured that affected staff were supported throughout the review.

The JCC also considered a range of personnel policies including our purchased leave policy and equal employment opportunity policy.

Chief and senior executive service

Our office has four statutory positions – the Ombudsman and three Deputy Ombudsman. The number of statutory positions was reduced by two following our office restructure in October 2009.

The deputy positions are senior executive service (SES) positions. Due to significant changes in responsibilities after the restructure in 2009, the three deputy positions were externally re-evaluated during the year. Two of the positions were determined to be SES Level 5 and the other at SES Level 4.

As at 30 June 2011, one of our statutory officer positions was filled by a woman. Please see figures 12 and 13 for details of the levels of our senior positions and as well as the remuneration for the Ombudsman.

In addition to chief and senior executive service staff, we employ a number of senior officers. This is a public sector classification with equivalent pay scales to the SES. Details of all our executive team, both our statutory officers and senior officers, can be found in figure 14. As at 30 June 2011, 7 or 58% of our executive team were women. This is a significant increase from the previous year.

Figure 12: Chief and senior executive service

	06/07	07/08	08/09	09/10	10/11
SES Level 5	0	0	0	0	2
SES Level 4	2	2	2	3	1
SES Level 2	3	2	3	0	0
CEO*	1	1	1	1	1
Total	6	5	6	4	4

* CEO position listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, not included in Schedule 2 for the *Public Sector Employment and Management Act 2002*.

Figure 13: Executive remuneration

Position	Ombudsman
Occupant	Bruce Barbour
Total remuneration package	\$444,449
\$ Value of remuneration paid as a performance payment	nil
Criteria used for determining total performance payment	n/a

Figure 14: Executive (senior) officers with remuneration equal to or exceeding equivalent of SES level 1

	06/07	07/08	08/09	09/10	10/11
Total number	9	8	9	7	12
Number of women	4	4	4	2	7
% of women	44	50	44	29	58

Equal employment opportunity

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

- | recruitment, selection and promotion practices that are open, competitive and based on merit
- | access for all staff to training and development
- | flexible work arrangements that meet the needs of all staff and create a productive work environment

- | grievance handling procedures that are accessible to all staff and deal with workplace complaints promptly, confidentially and fairly
- | sound communication channels that give staff access to information and allow their views to be heard
- | management decisions made without bias
- | no unlawful discrimination or harassment in the workplace
- | respect for the social and cultural backgrounds of all staff.

The NSW Government has established targets for employing people from various EEO groups. Measurement against these targets is a good indication of how effective our EEO program has been. The following performance indicators compare our performance against these government targets. As can be seen, we exceed the target for the employment of women and our representation of people with disabilities has increased. However, we have had a reduction in the representation of Aboriginal people and people whose first language was not English.

Performance indicator: Trends in the representation of EEO groups

EEO Group	Target	Percentage of total staff				
		06/07	07/08	08/09	09/10	10/11
Women	50	71	73	71	72	72.9
Aboriginal people and Torres Strait Islanders	2.6	2	2.5	3.6	3.6	2.4
People whose first language was not English	19	17	20	21	21	17.5
People with disabilities [#]	n/a	7	6	7	7	9.2
People with disabilities requiring work-related adjustment	1.5	2	2	2.6	2.6	2.4

[#] Percentage employment levels are reported but a benchmark has not been set.

Performance indicator: Trends in the distribution of EEO groups

EEO Group	Target	Result				
		06/07	07/08	08/09	09/10	10/11
Women	100	90	88	90	87	91
Aboriginal people and Torres Strait Islanders*	100	n/a	n/a	n/a	n/a	n/a
People whose first language was not English	100	89	86	85	83	86
People with disabilities	100	n/a	n/a	n/a	106	n/a
People with disabilities requiring work-related adjustment	100	n/a	n/a	n/a	n/a	n/a

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

* Figure not reported as numbers are small.

Figure 15: Staff numbers by level

Level	Total staff (no.)	Breakdown by EEO group								
		Respondents	Men	Women	Aboriginal & Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with disabilities	People with disabilities requiring work-related adjustment	
< \$39,670	0	0	0	0	0	0	0	0	0	0
\$39,670 - \$52,104	4	4	1	3	1	3	2	1	0	0
\$52,104 - \$58,249	14	14	1	13	0	7	6	0	0	0
\$58,249 - \$73,709	44	43	8	36	1	11	10	4	0	0
\$73,709 - \$95,319	87	87	22	65	2	21	14	7	4	0
\$95,319 - \$119,149	46	46	19	27	1	5	4	5	1	0
> \$119,149 (non SES)	9	9	3	6	0	0	0	1	0	0
> \$119,149 (SES)	3	3	2	1	0	0	0	1	0	0
Total *	207	206	56	151	5	47	36	19	5	0

* This figure represents the actual number of staff as at 30 June 2011 — not the full-time equivalent.

Our personnel practices

Our personnel practices support EEO by ensuring a diverse and skilled workforce, fair work practices and behaviours, and employment access and participation by EEO groups. Figure EM shows the gender and EEO target groups of staff by salary level. For more details about our personnel policies, see the Human resources on page 24.

We continued to develop our use of the e-recruitment system developed for the NSW public sector. This includes using the system for publishing all permanent vacancies and long term contract positions as well as for managing notifications to unsuccessful applicants. The e-recruitment system provides a range of opportunities and in 2011-2012 we will continue to explore how we can maximise our use of this system.

Preventing harassment and promoting respect

During the year we reviewed and updated our grievance handling and resolution policy. This policy provides a framework for managing grievances promptly, sensitively, impartially, justly and confidentially.

To promote respect for the social and cultural backgrounds of staff and our clients, we continued our in-house training on Aboriginal cultural appreciation. We also continued our disability awareness training which uses attitudinal and practical sessions to illustrate issues facing people with a disability. This training also focused on improving our work practices, by giving practical suggestions on how to engage people with disabilities.

Access and equity

Our access and equity programs focus on the needs of vulnerable groups. Our disability action plan (DAP), our multicultural policies and services program (MPSP), and our Aboriginal policy all support EEO outcomes. See Appendix P for more details about our DAP and MPSP.

Flexible work arrangements

We promote flexible work options to enable staff to balance their work and personal commitments. We offer part-time work, flexible working hours, working at home arrangements and a range of leave options. We have 52 staff who work part-time.

We progressed our review of our flexible working hours agreement through our JCC. This review was initially delayed due to broader sector wide discussions on the issue. A purchased leave policy was developed and approved by the Ombudsman.

The year ahead

Priority projects in 2011-2012 will include finalising the KIOSK, reviewing and streamlining our recruitment policies and practices, and completing the reviews of position descriptions and selection criteria.

Occupational health and safety

As an employer, we are required to provide a safe work environment for our staff. We are subject to the provisions and responsibilities outlined in legislation such as the *Occupational Health and Safety Act 2000* as well as public sector occupational health and safety (OH&S) policies. We take a risk management approach to our OH&S activities and have approved policies and supporting programs that provide guidance to both managers and staff in a range of areas.

These include OH&S strategies and procedures, a return to work program, a first aid plan and workplace inspections.

Reasonable adjustments

During the year we modified a number of work areas or work processes to assist staff who have either ongoing medical conditions or other specific needs. These included desk

adjustments, changing the placement of lights and installing special software. Some of these modifications were made after medical or other professional assessments. We also reviewed and updated our reasonable adjustment policy.

Emergency evacuation procedures

We continued to participate in our building's emergency evacuation training program with all wardens required to attend training at least twice a year. We also participated in the building's emergency evacuation drills.

As a result of changes to the Australian standard for planning emergencies in facilities (AS3745-2010), both the building emergency evacuation procedures as well as our own required amendments. The main change was the need to develop a personal evacuation plan for anyone deemed to be mobility impaired for a prolonged period of time.

We are a member of the building emergency planning committee, which meets on an annual basis to discuss the building evacuation preparedness and processes.

Other programs to support OH&S

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

- | an employee assistance program (EAP) – with a free 24-hour counselling service for all staff and their families
- | hepatitis vaccinations — staff who visit correctional centres are vaccinated against Hepatitis A and B
- | flu shots — we organise flu shots for staff to prevent high levels of absenteeism during the flu season
- | basic first aid — we have a number of staff who are first aid officers and can respond to minor workplace injuries. We cover the costs of any initial and any ongoing training and pay them a yearly allowance for undertaking this role.

Workers compensation

We participate in the NSW Treasury Managed Fund, a self-insurance scheme for the NSW public sector. There was a decrease in the number of claims reported to our insurer in 2010-2011 compared to the previous year, with eight claims being reported – see table figure 16. As at 30 June 2011, we had five open workers compensation claims.

The Treasury Managed Fund contracted Employers Mutual to manage our workers compensation claims. The transition to Employers Mutual was smooth and we have a productive working relationship with them.

Figure 16: Workers compensation

Claims entered in the year	07/08	08/09	09/10	10/11
Claims brought forward	9	6	2	4
New claims	6	5	9	8
Claims closed	9	9	7	7
Open claims 30 June	6	2	4	5

In June 2010 the NSW Government released its new 'working together' strategy to reduce the incidence and severity of injury and illness to public sector workers, decrease the duration and cost of workers compensation claims, and improve return to work outcomes.

During 2010-2011 we began a review of our OH&S program to ensure we complied with this strategy. Specific strategies we addressed this year were training for managers and supervisors and taking a more proactive approach to managing workers compensation claims. This included working more closely with rehabilitation coordinators to facilitate an early return to work for injured staff.

New work health and safety laws

There are currently nine different work health and safety (WHS) laws across Australia. There is a commitment by all Australian governments to having uniform standards in place by January 2012. The new laws will:

- | reduce compliance costs and red tape for employers
- | maintain a strong work, health and safety framework
- | keep businesses accountable
- | make laws easier to understand while protecting workers.

We are currently reviewing the impact of the new WHS laws and will be modifying our OH&S program accordingly. The new laws strengthen the consultation requirements, so any changes we make will follow discussions with staff and our joint consultative committee.

Learning and development

One of the goals of our Statement of Corporate Purpose is to attract, develop and encourage skilled and committed staff. One way of achieving this is to provide learning and development opportunities that enable staff to effectively perform their current role and gain skills to assist them progress their careers within the office and the public sector.

This year we provided a range of training courses including coordinated induction sessions, job specific training and in-house workshops held by external training providers. Staff also attended a range of external courses to gain job specific skills.

Developing professional skills

Attending conferences – such as the IPAA state conference, the Australian Child Death Review conference, the ACWA conference, and the National Indigenous Domestic Violence conference – gives our staff the opportunity to learn from industry experts, improve their understanding of contemporary issues impacting on our work, and network with people with similar roles, experience and skills.

This year our staff also attended:

- | a range of external training – including courses on internal audit, word processing and job evaluation
- | the public focused training sessions run by our own training staff – including the art of negotiation and dealing with unreasonable complainant conduct
- | the National Investigations Symposium we organised with the ICAC and IPAA in November 2010.

We also provided our supervisors with training on supervisory skills, performance management, merit selection and OH&S.

Figure 17: Workers compensation incidence rate

	06/07	07/08	08/09	09/10	10/11
Number of injuries reported	5	6	5	9	8
EFT number of employees	179.88	175.82	170.48	166.15	185.19
Incidence rate (%)	2.78	3.41	2.93	5.42	4.32

Figure 18: Training expenditure

Year	06/07	07/08	08/09	09/10	10/11
Expenditure	\$220,000	\$180,000	\$125,000	\$101,000	\$165,000

Investing in leadership skills

We have made a commitment to investing in the development of our senior staff. As a group, our senior staff are less likely to attend training or other professional development activities. This can mean that they may not have the requisite skills to address contemporary management/strategic issues. However they need these skills to lead our office, particularly during periods of continual change.

Our leadership development program was endorsed in August 2010. This program requires all senior staff to attend a set of training courses over a two year period covering financial management, leadership and strategic planning. In addition, senior staff are expected to undertake 15 hours of independent professional education to improve/develop their leadership/management knowledge and skills. This program can include reading management publications as well as attending briefing sessions and training courses. All senior staff must report to the Ombudsman annually on their compliance with these requirements.

To support this program we ran a number of in-house training sessions using external training providers. This program will be developed further in 2011-2012.

Raising awareness

One focus of our training program is improving how we deal with the public. Attendance at both our disability awareness and Aboriginal cultural awareness in-house training courses is compulsory as we decided that all staff would benefit from a better understanding of the needs and issues affecting both groups.

Better equipping new staff

Our formal induction program ensures that all new staff receive consistent information about the office and our policies, processes and obligations. Within the first three months of joining us, new staff attend training on our electronic document management and case management systems, and an information session where representatives from across the office provide a brief overview of the role and structure of their area. We also run 'Ombudsman: What, When, Where and Why' training sessions to inform all new staff about the functions of our office, our jurisdiction and our responsibilities.

Supporting other study programs

Staff development also means encouraging staff to undertake further study to enhance their skills. In 2010-2011, thirteen of our staff used study leave provisions to undertake tertiary education courses.

The year ahead

In 2011-2012 we will continue with our leadership development and core training programs.

We will need to take a more strategic approach to training to ensure that we maximise our limited resources. For example, we are reviewing our in-house investigation training course and working with other Australian Ombudsman to develop a single investigation training course for all our offices.

Figure 19: Time spent on training

Number of	Total
Courses attended	81
Full-time equivalent staff	185.19
Total time spent - hours	3,075
Total time spent - days	439
Days training per staff member	2.37