

Our reference: ADM/1704P04

1 February 2013

The Hon Catherine Cusack MP
Chair
Committee on the Office of the Ombudsman,
Police Integrity Commission
and the Crime Commission
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Dear Madam Chair

**18th General Meeting of the Committee and Second General Meeting with the Convenor
of the Child Death Review Team**

Please find attached answers to your Questions on Notice for the 18th General Meeting with
the NSW Ombudsman and the Second General Meeting with the Convenor of the Child Death
Review Team.

Yours sincerely



Bruce Barbour
Ombudsman

Enc.

18th meeting of the Joint Parliamentary Committee with the Ombudsman

Answers to questions on notice

Complaints

1. **In 2011/12, the NSW Ombudsman received over 7500 complaints and notifications which were categorised as outside of its jurisdiction. Is the NSW Ombudsman doing anything to address this issue, such as refining the information outlining its jurisdiction on this website?**

Our office provides a great deal of information on our website about which matters fall within our jurisdiction. Our online complaint form, for example, involves a number of questions designed to ensure we are the most appropriate body to deal with a complaint. If a member of the public chooses an organisation or subject matter outside of our responsibility, they are provided with the contact details for the relevant agency. We are continually reviewing the information provided on the website, and are currently considering linking a short survey to the site to seek feedback and suggestions for improvement.

As an established and recognisable oversight and integrity body, our office will always be contacted in relation to matters that do not fall within our jurisdiction. In many of these situations, we are able to provide assistance in directing people to the more appropriate body. This can involve providing them with some additional information, such as the various avenues available to them, an email address or contact telephone number. For some people, this can be invaluable, as they may not be able to locate this information themselves.

2. **In 2011/12, the NSW Ombudsman received over 3075 complaints and notifications categorised as requests for information. Is the NSW Ombudsman undertaking any work to increase access to this information that would not require individuals to avail themselves of the complaints and notification system?**

We strive to make as much information and guidance available and easily accessible. This is done through our website, but also through our various publications and training. However, there will always be circumstances where individuals will want or need to contact our office to seek advice.

As figure 1 at page 11 of the report shows, all of the requests for information received in 2011/12 were dealt with as informal matters. These are matters that we are able to resolve relatively quickly, but can still be very worthwhile for the person who contacted our office.

3. **Can you explain the increase in the number of complaints and notifications in the subject areas of Custodial Services and Justice Health, Juvenile Justice, and Police during 2011/12, as reported in the Annual Report (at Fig.1 and 2)?**

In relation to Custodial Services, page 49 of the report states that:

We experienced a significant increase in complaints about some correctional centres. Both the Metropolitan Special Programs Centre and the Metropolitan Remand and Reception Centre and the Metropolitan Remand and Reception Centre had between 80 and 100 more complaints made about them than in previous years. Both of these centres have experienced significant and regular lockdowns – confining inmates to their cells for all or part of the day. An increase in the contacts about South

Coast Correctional Centre is recognised as being the result of the centre now accommodating more inmates than in the previous year.

In relation to Juvenile Justice, the report notes that while there has been an increase in the number of matters we deal with formally (from 77 to 92), there has been a similar decrease in the number of informal resolutions (279 to 205). There has been a similar trend with Justice Health matters. The report suggests this may be the result of the inclusion of our juvenile justice work within the custodial services unit, which is staffed by people with a *'specific focus on dealing with issues arising in custodial environments and identifying those matters most open to immediate resolution or that need further investigation.'*

There has been a slight increase in the number of police complaints, and there is no one issue or issues that have contributed to this rise.

4. The Annual Report 2011/12 shows a decrease from the previous year in complaints and notifications in relation to Employment-related Child Protection, and that the numbers in this area have been decreasing for a number of years, approximately halving between 2007/08 and 2011/12. Can the decrease be explained?

As Table One illustrates, the number of complaints and notifications received has fluctuated over time – notifications peaking at 2,473 in 2002/03 and dropping to 804 in 2010/11; and complaints peaking at 87 in 2002/03 and dropping to 40 in 2009/10.

Table One: Part 3A - notifications & complaints received and investigations commenced

Year	No. notifications received	No. complaints received	Investigations commenced
1998-1999*	82	33	0
1999-2000	1,153	68	16
2000-2001	1,379	56	3
2001-2002	1,458	70	16
2002-2003	2,473	87	3
2003-2004	1,620	78	8
2004-2005	1,815	71	5
2005-2006	1,786	80	10
2006-2007	1,995	80	2
2007-2008	1,850	68	2
2008-2009	1,667	41	3
2009-2010	1,366	40	4
2010-2011	804	61	9
2011-2012	1,157	64	4

*notifications received from the commencement of Part 3A of the Ombudsman Act on 7 May 1999 to 30 June 1999

We believe that, initially, we received lower numbers of notifications because agencies may not have been aware of their obligation to notify the Ombudsman of reportable allegations, did not understand what had to be notified, or were reluctant to notify because of their concerns about the potential ramifications of making a notification. Even so, the number of notifications received in the first full year of operation was far in excess of that initially projected during the initial design of the system.

As staff within agencies undertook training and became better at identifying reportable conduct and more aware of their obligation to notify the Ombudsman, the number of notifications received each year increased significantly until it reached a peak of 2,473 in 2002-2003. In recent years, there has

been a decrease in the number of notifications requiring direct oversight by the Ombudsman. This is due to a number of factors, including the legislative amendment that clarified the types of matters that are required to be notified to the Ombudsman, the Ombudsman entering into ‘class or kind determinations’ with certain agencies to exclude certain types of alleged conduct from notification to the Ombudsman, and the improvements to agencies’ systems for preventing reportable conduct as a result of ongoing education and training.

There are currently 22 class or kind determinations with agencies, some of which have been revised and extended over time.

The overall decrease in notifications has allowed us to give greater priority to the more serious allegations. One of the ways we have done this is through our investigative work.

5. **The figure provided in the Annual Report 2011/12 for Police records audited excludes police records examined to scrutinise police complaint handling systems under s 160 of the Police Act 1990 in order to limit the category to records audited to scrutinise police complaint-handling systems only. This practice differs to the reporting in 2009/10 and 2010/11.**

- a. **Please expand on the reasons for the change in reporting practice?**
- b. **In order to allow an accurate comparison, please provide amended figures for Police records audited in 2009/10 and 2010/11 using the parameters applied in 2011/12.**

In preparing the annual report for 2011/12 it was noted that the “Police records audited” figure from 2010/11 included the number of records inspected during audits and inspections conducted under s.160 of the *Police Act 1990* (our statutory function to scrutinise police complaint handling systems annually) as well as records examined by Ombudsman staff to inform our understanding of data and complaint trends across local area commands.

We determined that these two figures should not be combined. Our inspection and audit work under s.160 serves to discharge our statutory function of scrutinising the police complaints systems annually, while our examination of police records informs our Police Division’s work more generally. As the figure containing this information in the annual report is primarily concerned with records audited for particular statutory functions (e.g. controlled operations inspections, surveillance device warrant inspections) it is logical to have the “Police records audited” function to be those done in connection with our function under s.160 of the Police Act.

Table two provides police records audited or examined from 2009 – 2012 distinguishing between those audited under s.160 of the Police Act and those records audited or inspected for other activities within the Police Division.

Table two: police records inspected by financial years (2009-2012)

Financial Year	Records inspected for section 160 audits	Records accessed for complaint profiles and trends	Total
2009-2010	7250	1665	8915
2010-2011	5419	2840	8259
2011-2012	2708	630	3338

6. **The Annual Report 2011/12 (p.37) details the sources of complaints received in relation to Police (Fig 27) and also the subject matter of the complaints (Fig 28). Using only the complaints made by police officers during 2011/12, please provide the number of allegations across subject matters.**

Table three below contains the number of complaints made by Police officers against the subject matter categories in the annual report. This number is higher than the number of officers who made complaints because some complaints involved more than one allegation.

Table Three: number of allegations made by police officers by subject

Subject Matter of Allegations	Number of Allegations
Arrest	19
Complaints	99
Corruption / misuse of office	147
Custody	26
Driving	59
Drugs	65
Excessive use of force	101
Information	327
Investigation	203
Misconduct	1072
Other criminal	195
Property/ exhibits/ theft	107
Prosecution	234
Public justice offences	47
Search/entry	12
Service delivery	134
Total	2,847

7. **According to the Annual Report 2011-12 (p.42), the NSWPF has been slow in implementing the Ombudsman's recommendations in relation to workplace equity and allegations of workplace misconduct. Please update the Committee about this issue and outline what steps the NSW Ombudsman is undertaking to ensure these recommendations are implemented.**

We have been advised by NSWPF that the Human Resources Command is working with the Professional Standards Command on revised policies and guidelines to implement the Ombudsman's recommendations. We anticipate further consultation and being given the opportunity to review the draft guidelines in early 2013.

8. **What was the reason for the increase in the auditing of surveillance devices from 449 in 09/10 to 882 in 11/12 by the NSW Ombudsman?**

Under the *Surveillance Devices Act 2007* we are required to report to the Attorney General on the outcome of our inspections every six months. In each six month period we inspect the records of all surveillance device warrants issued to each law enforcement agency. Any change in the number of records inspected is therefore not caused by an increase in our activities, but rather a change in the number of surveillance activities being undertaken in law enforcement.

The number of inspections included in the 2009/10 Annual Report was the figure for the six month period from 1 July 2009 to 31 December 2009. In the 2010/11 and 2011/12 Annual Reports, the figures included was for the 12 months from 1 July to 30 June.

9. What was the cause of the decline in complaints received by the NSW Ombudsman in relation to Community Services in 2011/12?

The number of complaints received in relation to Community Services has decreased by 14% this year – from 1,261 in 2010/11 to 1,080 in 2011/12. This number includes Community Services’ child protection, children’s services, family support services, out of home care and adoption functions.

The concerns most frequently raised regarding Community Services relate to the quality of its casework, case management and decision-making for children and young people in out of home care and in relation to reports of risk of significant harm; and the assessment, planning and provision of services relevant to the needs of the children and young people in care.

Table four provides information about the trend in complaints in relation to Community Services over time. Over the past seven years, there have been some fluctuations in the number of complaints received. The significant increase in both formal and informal complaints in 2007/08 can be largely attributed to the 2008 Special Commission of Inquiry into Child Protection Services, which provided an avenue for some people to raise their concerns about child protection and related services. Following the conclusion of this Inquiry, complaint levels increased slightly but have now returned to approximately the same level as 2006/2007.

Table Four: seven year comparison of complaints received regarding Community Services

Year	Formal complaints received	Informal complaints received	Total
2005/2006	312	634	946
2006/2007	321	716	1,037
2007/2008	755	1,222	1,977
2008/2009	402	773	1,175
2009/2010	485	821	1,306
2010/2011	423	838	1,261
2011/2012	377	703	1,080

Over the past few years, we have closely monitored Community Services as it has reformed the way that complaints about Community Services are handled. Community Services has devolved some of its complaint handling from its central Complaints Unit to the regions, and we are beginning to see overall improvements in its complaint management as it improves its responsiveness to complaints (due to both better direct access and more timely attention to matters). Community Services has also developed better referral and resolution systems for dealing with low risk matters.

10. The Annual Report discusses the technical issues experienced with JusticeLink and Computerised Operational Policing System (COPS) which resulted in the arrests of persons for breaches of bail conditions which no longer existed (p.43). How many such wrongful arrests occurred?

In early 2011 we received complaints from eight people relating to unlawful arrests. During our investigation we were advised by the NSWPF that they are not able to provide accurate data about the number of persons wrongfully arrested for breach of bail. Our investigation of these issues is ongoing.

11. Complaints and notifications in relation to Human Services Agencies are reported in the Annual Report as part of the departments and authorities figures (p.11). Please provide the individual figures for complaints and notifications in relation to Human Services Agencies.

Individual figures for complaints and notifications relating to Human Services Agencies (Housing NSW and Health) are listed in Appendix C of the Annual Report. The total number of complaints for these agencies for 2011/12 is 435. This includes:

- Housing Appeals Committee: 3
- Housing NSW: 355
- NSW Ministry of Health: 25
- Local Health Districts: 52

12. The Annual Report discusses NSW Ombudsman visits to correction centres (p.53). The Report mentions that often one inmate will be delegated to present the visiting NSW Ombudsman staff with a list of problems for a particular wing or entire centre.

- a. **How is this inmate selected to be the delegate?**
- b. **Are correction centre officials aware of the identity of the delegate? If so, do you have concerns in relation to this system, for example retribution being issued by officers to the inmate for making complaints?**
- c. **Does the NSW Ombudsman revisit correction centres to ensure that issues it raises are addressed by the correctional centre?**

The decision to select an inmate referred to at page 53 is generally an informal one, made by the inmates themselves. Frequently this is the inmate 'sweeper' for the area – an inmate who has domestic responsibility for that area and so readily becomes aware of systemic problems through their daily interaction with other inmates. Each correctional centre, however, should have an Inmate Delegate Committee (IDC) consisting of inmates elected by others in their accommodation area to meet regularly with management to raise their issues. Occasionally these IDC members will be nominated to raise systemic issues with us during our visits, or over the phone. We also sometimes ask to meet with an IDC member for a particular area when we visit a centre, particularly if there are many more people wanting to see us than we anticipated, or if our pre-visit information gathering indicates such a meeting would be useful.

Centre staff are aware of the identity of inmates who come and speak to us during visits, whether they do so for themselves or on behalf of a group. This does not mean staff are aware of the issues we have discussed with them. It is also common for an inmate to be advised by Centre staff to approach us with their complaint, particularly if it is about a matter outside of the correctional system but still within the Ombudsman's jurisdiction (eg police, housing, health). If we became aware of any alleged threats of retaliation or actual retaliation resulting from making a complaint to our staff we would take such an allegation very seriously.

As the report states, staff from our office made 53 visits to correctional and juvenile justice centres in 2011-12. Before we leave the centre at the end of our visit we hold an exit interview with the General Manager and any other senior staff they invite. We use this meeting to raise the urgent and systemic issues we have identified during our visit either by inmate interviews, tours of the centre or checking of documents. Within 48 hours of returning to the office we then provide the General Manager with a schedule of each issue raised, an outline of the action we agreed would be taken at the exit interview, and request their confirmation the agreed action has been taken or reasons why not. The General

Manager is requested to return the schedule to us within 7 days. All of the information gathered during the visit is logged into our complaint database on our return to the office, and compiled as a report in our corporate records. Our complaint database is updated with the information we receive when the General Manager returns the visit feedback schedule so it is available to all staff who may take any follow up calls from inmates we interviewed.

When we return to a centre, we will follow up on previous issues raised with centre management. These could have been raised either during earlier visits or by telephone. We are also able to monitor improvements and changes by telephone, email and correspondence. The response provided by a centre general manager included on page 53 is a good example of this.

Previous Responses to Questions

- 13. In a previous response to the Committee, you forecasted complaints from public housing tenants to be 59 in 2011/12. What was the actual number of complaints received?**

The final number of contacts about community housing organisations for 2011/12 was 87. The number provided to the Committee should have been provided as the year to date number, rather than a forecasted number.

- 14. Your office conducted an investigation into the management of a contract by the Department of Services, Technology and Administration for asbestos surveys in schools. You previously told the Committee that the final report was due to be released to the Minister for Finance and Services by the end of April 2012. According to the Annual Report 2011/12, this report is yet to be completed. What delayed the publication of this report and what is the revised date for completion?**

As the annual report notes at page 64, our office has completed its investigation into the management of a contract for asbestos surveys in public schools by the now Department of Finance and Services (DFS). The final investigation report was provided to both DFS and the Department of Education and Communities (DEC). The DFS has agreed to conduct an independent review of the adequacy of their compliance procedures for contracts, and the DEC has started to take action to rectify issues identified in the report. We will continue to monitor the departments' responses to our recommendations.

- 15. You have previously expressed concerns to this Committee in relation to prisoner phone calls. Please update the Committee on work done by the NSW Ombudsman to address this issue.**

As we have noted previously to the Committee and in our recent annual reports, the telephone is now the main way inmates and detainees make contact with this office. With the exception of 2008/2009 the number of contacts has increased by between 3% and 6% each year.

To manage these increases we regularly review our procedures and the application of our limited resources within the custodial services area. It is imperative, however, we maintain our ability to deal with the volume of contacts while ensuring that significant individual and systemic issues are identified for investigation by our staff, and that appropriate advice and referral information is provided for more minor issues.

As well as the volume of contact by phone the fact calls made to us by inmates and detainees are restricted to 10 minutes each also provides challenges and we monitor not only the performance of our

staff in this area in terms of the accuracy and consistency of the advice being given and the decisions made about matters to investigate, but also ensuring they receive sufficient and appropriate support and training.

Engaging the community

16. Please inform the Committee of projects undertaken to educate the public about the NSW Ombudsman? Has the NSW Ombudsman conducted any research on the public's awareness of its functions and responsibilities?

The education and training courses offered by the office are aimed primarily at improving the provision of public services, and are targeted at staff within the public sector. However, our office does offer training to consumers of community services. The Rights Stuff is a free workshop that aims to help consumers of community services, as well as their families, carers and advocates, to understand their rights. The workshop and accompanying toolkit include information about the role of our office and particularly our role in relation to those providing community services.

As the answer to question 17 below demonstrates, staff from the office attend a wide range of forums and public events, providing information about our office as well as advice and assistance. If someone raises an issue that requires further discussion or asks for additional information, the staff member they speak with will take their details and contact them once they return to the office. This year, our office hosted stalls at a number of community events, including:

- the Easter Show
- the Gay and Lesbian Fair Day
- Youth Week's Bring it on Festival
- the Retirees and Lifestyle expo, and
- Homeless Connect days in Sydney, the Hunter and the Central Coast.

The answer to question 19 below refers to a planned complainant satisfaction survey, which will provide an opportunity to gauge community awareness and understanding of the office's functions and responsibilities.

17. How does the Office ensure that it engages with all sectors of the community, including those with limitations in English?

Our office works hard to engage with all sectors of the community, including those with a disability, those with limitations in English and Aboriginal people.

Strategies we use to connect with these groups include our multicultural, disability and youth action plans, as well as the work of our Aboriginal Unit.

Multicultural Action Plan

Under our Multicultural Action Plan, all of our frontline staff are trained in the use of interpreters and translators.

We provide interpreting and translation services and a register of our use of these services is maintained to inform our decision-making in developing community language information.

We use the Community Language Allowance Scheme (CLAS) to enhance our capacity in engaging with all sectors of the community, including those with limitations in English. We have developed a register of staff who have bilingual skills as well as cultural and community knowledge to assist in our

communications with clients. Four of our staff members receive the CLAS allowance jointly cover 5 community languages. Staff providing language assistance record these instances in a central register and the information helps inform the planning process.

A number of our publications have been translated into other community languages, including:

- our multilingual brochure includes information about our services in 26 community languages
- our fact sheet ‘making a complaint to the Ombudsman’ is available in 46 community languages
- we translated a factsheet ‘removal of face coverings for identification purposes’, (used for one of our legislative reviews) into 6 relevant community languages. For the same legislative review, we also published an issues paper in 7 different languages

All of our information in community languages has been checked by community ‘readers’ for language and cultural appropriateness and is available on our new website via a prominent link on our homepage.

We have also participated in multicultural events such as the Community Information Expo in Eastwood to raise awareness of our office and have promoted our services to newly arrived migrants through migrant services such as the Sydwest Multicultural Services.

Disability Action Plan

We take part in community events to raise awareness and understanding of the role of the Ombudsman in community services and the rights of those receiving such services. For example, we have attended Carers Day Out, the Disability Expos in Tamworth and Campbelltown and the National Disability Service’s NSW Annual State Conference.

Our general information brochure is available in a range of accessible formats, including large print, Braille, audit and accessible CD. Our toolkit for consumers of community services in NSW is also available in audio format.

We are currently exploring ways to include accessible information on our website and have produced our brochure ‘know your rights as a consumer of community services’ as an Auslan video.

Our office is accessible to both staff and clients with disabilities and we also use a range of assistive tools such as the TTY and the National Relay Service to assist communication with people with a disability.

We regularly work with service providers and consumers to achieve best outcomes for people with disabilities in accessing community services, for example – we have held roundtable discussions with peak disability bodies, as well as an outreach forum in Condobolin to provide information about our role to community sector workers and those using community services.

Youth Action Plan

Our office has a Youth Issues Group (YIG) that is led by our Youth Liaison Officer (YLO) and is made up of frontline complaint-handling staff and investigation officers from across the office. Our YIG has developed a youth policy outlining our commitment to ensuring our services are accessible to young people and their advocates and are of a high quality. We also have a youth action plan, which outlines strategies for improving our stakeholder engagement activities and our awareness of issues affecting young people. The YIG has also organised a number of events for Youth Week, such as a stall at the ‘Bring it on Festival’ at Fairfield Showground.

Our new website also has a link on the main page to a page that contains information and resources for young people on how to make a complaint.

In the last year, our YLO:

- Met regularly with young people, their advocates, peak youth bodies and agencies that provide services to young people, including the Youth Justice Coalition
- Attended the National Homelessness Summit, HACC Community and Agency Forum, and the Youth Health Forum's Journey of Hope, supporting the wellbeing of young refugees.
- Presented at the YFoundations' End Youth Homelessness Conference, the Youth Health Forum on Youth Participation and to NSW Youth Services Managers at Mission Australia.

Our Aboriginal Unit

Staff from our Aboriginal Unit meet frequently with local service providers, agencies and members of the community to talk about the quality of service provision to their communities. These visits complement our telephone inquiries role and allow us to connect with people who otherwise may not have made contact with our office. We regularly help Aboriginal people address a range of problems that affect them directly, as well as broader concerns that have an impact on their community.

We regularly engage with a range of key Aboriginal stakeholders as well as Aboriginal community members and have given presentations on our work at a range of meetings, conferences and forums including:

- presenting the findings from our Addressing Aboriginal Disadvantage report to the Social Determinants of Indigenous Health Conference in Sydney, attended by a range of representatives from community and health services
- addressing a meeting of the Ministerial Taskforce on Aboriginal Affairs
- discussing our work on child sexual assault in Aboriginal communities at the Effects of Domestic Violence on Children Forum and at the Aboriginal Women's Child Sexual Assault forum in Coraki
- attending the NSW Aboriginal Rugby League Knock Out Carnival in Bathurst, where we had a stall to raise awareness of our services
- participating in NAIDOC week events across Sydney as well as several Aboriginal Community Information & Assistance road shows organised by the Department of Premier and Cabinet.

18. How does the Office ensure that it communicates with the public in plain English?

Staff from our office are encouraged to take part in plain English writing courses. Any templates and example responses prepared to assist staff drafting correspondence and reports are written clearly and simply. In addition to this, all staff in supervisory positions ensure letters are clearly written, do not include unnecessarily complex and technical language and can be easily understood.

Our special reports to Parliament are prepared in accordance with the Commonwealth Style Manual, and a number of our larger reports, such as the office-wide annual report and the report into the use of Tasers by police were reviewed by a plain English editor.

19. Has the Office conducted research into how complainants become aware of the Office of the Ombudsman?

The office brought in an external consultant in 2007 to conduct exit surveys with people who called our office. They had the option to opt out, and it was clearly stated that the person taking their answers was not an Ombudsman staff member and their responses would be anonymous. 114 callers took part out of 489 callers during the sample period. Similar surveys were conducted in 2000 and in 1995.

The survey was primarily aimed at gauging complainant satisfaction, but callers were also asked how and where they heard about the office. Some respondents heard about our office from more than one source. The results are included below:

- Friends/relations – 47.46%
- Media – 5.08%
- Pamphlets – 2.54%
- Website – 8.47%
- Legal Advice – 9.32%
- Politician/MP – none
- Community legal or advice centre – 5.08%
- Public authority/police – 2.54%
- Knew from previous contact – 16.95%
- Other – 2.54%

We are planning to conduct a similar survey later this year, subject to budgetary considerations.

20. The Annual Report states that the new website was designed to be more user-friendly and more accessible.

- a. What has been the response to the changes so far?**
- b. Has there been any noticeable effect on website traffic?**
- c. Has this had any effect on call volumes?**

While we have not sought formal feedback on the new website, several organisations, including Vision Australia, have contacted us to provide positive comment. We will be designing a brief optional questionnaire for those who access the site in the next six months, and are happy to provide the Committee with the results.

Table five provides the last twelve months of website visits. We will continue to monitor website traffic and report results to the Committee at future meetings.

Table five: website visits

	Old website visits	New website visits
January 2012	10,523	
February	13,951	
March	16,298	
April	14,223	
May	16,458	
June	14,031	

	Old website visits	New website visits
July - August	Not available (transition)	Not available (transition)
September		10,890
October		14,773
November		17,173
December		9,693
January 2013		10,159

It is difficult to assess the impact the new website has had on the number of enquiry calls the office receives. The following are some comparative enquiry call figures which may be of use to the Committee:

- 1 September 2011 – 31 January 2012 9,186
- 1 September 2012 – 31 January 2013 10,839

Financial

21. In relation to purchasing goods and services, who are the customers of the NSW Ombudsman?

We deliver training and community education to a range of public and private organisations, including:

- state and federal government agencies – including agencies from other jurisdictions
- local councils (from within NSW and from other states)
- non government organisations – both within jurisdiction (community and disability services providers) and outside jurisdiction (e.g. aged care and community housing providers, peak bodies)
- educational institutions – schools, universities
- other oversight bodies – including other Ombudsman offices, and
- private sector agencies – e.g. private health insurance funds

We offer a range of different training packages which are skills-based and applicable across a number of sectors such as our *Complaint handling for frontline staff* and *Managing Unreasonable Complainant Conduct* workshops.

We have also developed tailored workshops to address specific sector issues and concerns, for example complaint handling and management workshops for the community services sector. These workshops are relevant and useful to all community and disability service providers whether they fall within our jurisdiction or not, as are our workshops based on best-practice models for complaint handling.

22. How does the NSW Ombudsman avoid conflicts of interest in relation to the sale of goods and services to Government departments and agencies for which it has oversight responsibilities?

We have a dedicated Community Education and Training Unit that coordinates all training activities for the office. This Unit is managed by the Director of our Strategic Projects Division (SPD). The SPD is a separate division within the office that reports directly to the Ombudsman. All negotiations around fee-based training with agencies that fall within the jurisdiction of the Ombudsman are handled by the Director, SPD and do not involve staff from areas of the office that have complaint handling responsibilities relevant to the agency seeking training. The Director, SPD does not report to the three statutory officers responsible for the oversight of complaints about work relating to our delivery of fee-based training.

We are not the sole providers of complaint handling training and agencies can choose from a range of other providers. Our fees are comparable with the rates offered by other training providers, including other community service training providers. The Community Education and Training Unit has also implemented a service model aimed at reducing the overheads of training for customers by engaging trainers on a contract basis rather than having a full complement of permanent staff.

Our office does not receive specific funding to deliver the wide range of training programs we offer. Therefore we are only able to deliver certain courses for free. The fees charged for training are necessary to cover salaries/expenses of trainers, management and logistical support, provision of materials and development of training programs. As we receive funding for education and training as part of our *Public Interest Disclosures* function, we are able to deliver non-fee based workshops in this area. We are also committed to providing information and education about the obligations of agencies under Ombudsman-related legislation for free. We deliver a training package called *The Right Stuff* to consumers of community and disability services for free and produce a range of guidelines and fact sheets. We also undertake a range of community education activities that aim to improve awareness of our role, including attending community events, hosting forums and making presentations at conferences. The Community Education and Training chapter in our recent annual report provides more information about these activities.

Oversight

23. How does the Office ensure that its recommendations in reports are implemented?

We understand the importance of following up on our recommendations in our various reports, including investigation reports, special reports to Parliament, reports under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* and our various legislative reviews.

When an investigation is completed and a final report issued, we close the investigation case in our case management system Resolve. Any recommendation made as part of the final report will remain open within Resolve to ensure that the case officer or investigator responsible follows up regularly to monitor compliance. We do this in a number of ways including requiring regular reports from agencies with evidence of changes made, meetings with an agency's CEO and other senior staff, site visits and intelligence from our ongoing complaint work.

Under section 27 of the Ombudsman Act, the Ombudsman has the discretion to move to report directly to Parliament if he or she feels insufficient action has been taken in response to a final investigation report:

27 Default in consequent action

- (1) *Where the Ombudsman is not satisfied that sufficient steps have been taken in due time in consequence of a report under section 26, the Ombudsman may make a report to the Presiding Officer of each House of Parliament and must also provide the responsible Minister with a copy of the report.*
- (2) *The responsible Minister must make a statement to the House of Parliament in which the Minister sits in response to the report not more than 12 sitting days after the report is made to the Presiding Officer.*

Information about our work to monitor implementation of our recommendations in large scale investigation and special reports to Parliament is also included within the office's annual report. Examples in the last report include our investigation into the management of asbestos across NSW (page 63) and our review of the Keep Them Safe reforms (page 74).

Report on Taser Weapons

- 24. Has the NSW Ombudsman received any response from the Minister, the NSWPF, or the public in relation to the report published in October 2012, "How are Taser weapons used by the NSW Police Force?"?**

The NSWPF response to the recommendations was received on 21 December 2012. The NSWPF has advised that it supports 44 of the 46 recommendations made by the Ombudsman, and that it supports in part, two of the recommendations (recommendations 1 and 2).

On 24 January 2013 the NSWPF provided the Ombudsman with a schedule and timeframe for implementation of the recommendations. The NSWPF has scheduled the completion of new Taser SOPs incorporating the Ombudsman's recommendations by 1 April 2013. One month after this date a mandatory training directive will be released requiring all police to read and acknowledge having read the new Taser Standard Operating Procedures (SOPs). Training material affected by changes to the Taser SOPs will be amended in time to coincide with the commencement of the new training year on 1 July 2013.

The NSWPF has scheduled a review of the Taser Review Panel SOPs to incorporate the amendments recommended by the Ombudsman to be completed by 15 May 2013.

The Ombudsman is still currently considering other details and specifics of the NSWPF implementation plan.