

PERFORMANCE MEASURES AND ACCOUNTABILITY OF OVERSIGHT AGENCIES

Organisation: Ombudsman New South Wales
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31 January 2013

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

Dear Madam Chair,

Inquiry into integrity agency performance and accountability

I am writing in response to your letter of 10 December 2012 to provide the Committee with information to assist in its inquiry into the ways in which performance is measured and reported in those agencies the Committee is responsible for overseeing. If the Committee would like any further information, either in relation to the material included within this submission or any other matters relevant to its inquiry, please do not hesitate to contact my office.

Annual reporting

I am required to report under a number of pieces of legislation, resulting in twelve annual, biannual and biennial reports. They deal with different topics, from the office's annual report which touches on all our work, to reports on discrete and often sensitive roles and responsibilities. All except our telecommunications interception reports are tabled in Parliament, either directly or through the relevant Minister. These reports provide significant detail about our work and performance, and are, again with the exception of the telecommunications interception reports, available at our website.

Office-wide annual report

My office, as with all departments and statutory bodies, is required to prepare an annual report of our operations for the preceding financial year. Under the *Annual Report (Departments) Act 1985* and the *Annual Report (Departments) Regulation 2010*, this report must include:

- our charter
- our aims and objectives
- information about systems to allow for access to our services
- our management and structure
- a summary review of operations

- financial statements, and
- information about any relevant legal changes.

The annual report also meets a number of other statutory reporting obligations, including:

- section 30 of the *Ombudsman Act 1974* requires me to report each year on the office's work and activities
- section 87O of the *Law Enforcement (Powers and Responsibilities) Act 2002* requires me to report each year on our work in keeping under scrutiny the exercise of powers conferred on police to prevent or control public disorder
- the *Public Interest Disclosures Act 1994* requires all agencies to provide certain information about the public interest disclosures they receive and deal with each year
- the *Government Information (Public Access) Act 2009* requires all agencies to report a range of information annually on the applications they receive and how they are dealt with
- the *Disability Services Act 1993* requires all agencies to prepare and make publicly available a disability action plan.

I consider the annual report to be one of the best opportunities to explain our work and to demonstrate the results we can and do achieve in the public interest. This is why we include a great deal of information, including case studies and discussion of systemic issues and large scale projects.

Controlled operations

Under section 23(1) of the *Law Enforcement (Controlled Operations) Act 1997*, I am required to prepare and furnish to Parliament a report of my work and activities under this Act for the twelve months preceding 30 June each year.

Agencies authorised to conduct controlled operations are required to notify my office of these operations and we have to inspect their records to ascertain whether or not the requirements of the Act are being complied with. Our report must include the following information for each law enforcement agency:

- the number of formal authorities that have been granted or varied by the chief executive officer of that agency, and the number of formal applications for the granting or variation of authorities that have been refused by the chief executive officer of that agency, during the period to which the report relates
- the number of urgent authorities or urgent variations of authorities that have been granted by the chief executive officer of that agency, and the number of urgent applications for authorities or urgent variations of authorities that have been refused by the chief executive officer of that agency, during the period to which the report relates
- the nature of the criminal activity or corrupt conduct against which the controlled operations conducted under those authorities were directed
- the number of law enforcement participants, and the number of civilian participants, involved in the controlled operations conducted under those authorities
- the nature of the controlled activities engaged in for the purposes of the controlled operations conducted under those authorities, and
- the number of law enforcement participants, and the number of civilian participants, who have engaged in controlled activities for the purposes of the controlled operations conducted under those authorities.

Surveillance devices

Section 49 of the *Surveillance Devices Act 2007* requires my office to report to the Attorney General every six months on our inspections of surveillance devices records of law enforcement agencies. The Attorney General is then required to lay the report or cause the report to be laid before both Houses of Parliament within 15 days after receiving it.

The Surveillance Devices Act covers the installation, use and maintenance of listening, optical, tracking, and data surveillance devices and restricts the communication and publication of private conversations, surveillance activities, and information obtained from their use.

Telecommunications interceptions

The *Telecommunications (Interception and Access) (New South Wales) Act 1987* requires my office to review the records of agencies relating to telephone intercepts. We ensure agency records document the issue of warrants and how the information gathered was used. We are required to report on the results of our inspections to the Attorney General at least twice a year. This report must include:

- a summary of the inspections conducted in the financial year
- particulars of any deficiencies identified that impact on the integrity of the telecommunications interception regime
- particulars of the remedial action (if any) taken or proposed to be taken to address those deficiencies.

Covert search warrants

Section 242 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA) requires my office to inspect the records of the NSW Police Force, the New South Wales Crime Commission and the Police Integrity Commission in relation to covert search warrants every 12 months to ensure the requirements of the LEPRA are being complied with. I am also required to prepare a report of this work and provide it to the Attorney General and the Minister for Police. The Attorney General is required to lay (or cause to be laid) a copy of the report before both Houses of Parliament as soon as practicable after receiving it.

Criminal organisation search warrants

Section 242 of LEPRA also requires my office to inspect the records of the NSW Police Force in relation to criminal organisation search warrants every two years. These differ from search warrants as they operate for seven days instead of 72 hours and have a lower evidentiary threshold. I am required to prepare a report of this work every two years. The Attorney General is required to lay (or cause to be laid) a copy of the report before both Houses of Parliament as soon as practicable after receiving it.

Public interest disclosures

Following a review by the Joint Parliamentary Committee on the Independent Commission Against Corruption, a range of important changes were made to the former *Protected Disclosures Act 1994*. In addition to renaming the Act the *Public Interest Disclosures Act 1994* (PID Act), these also include providing my office with a range of additional responsibilities. These include providing a report to Parliament on my office's activities for the preceding 12 months, along with reports relating to our monitoring and auditing roles under the PID Act. I tabled my office's first PID report on 29 November 2012.

I am also the convenor of the public interest disclosures steering committee. The members of the steering committee are:

- the Director-General of the Department of Premier and Cabinet
- the Auditor-General
- the Commissioner for the Independent Commission Against Corruption
- the Commissioner for the Police Integrity Commission
- the Chief Executive of the Division of Local Government within the Department of Premier and Cabinet
- the Commissioner of Police, and
- the Information Commissioner.

My office is responsible for preparing a report on behalf of the steering committee outlining its work for the preceding 12 months. This report is provided to the Premier, who is required to table it in each House of Parliament as soon as practicable after receiving it.

Official Community Visitors

Under section 10 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS (CRAM) Act), I am required to prepare and forward to the Minister for Community Services a report of my work and activities of the Official Community Visitors for the twelve months preceding 30 June each year. The Minister is then required to lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receiving it.

Official Community Visitors are independent statutory appointees of the Minister for Disability Services and the Minister for Community Services, under the CS (CRAM) Act. They visit a range of residential services for children and young people and adults with disabilities in NSW. The report provides information about the visits conducted, the issues raised by visitors and many of the good results they are able to achieve.

Reviewable deaths

Part 6 of the CS (CRAM) Act provides my office with responsibility for monitoring, reviewing and reporting to Parliament every two years on the deaths of:

- children in care
- children whose deaths are or may be due to abuse or neglect or that occurs in suspicious circumstances
- children who, at the time of their death, are inmates of a children's detention centre, a correctional centre or a lock-up (or was temporarily absent from such a place)
- people (whether or not children) who, at the time of their death, were living in, or were temporarily absent from, residential care provided by a service provider and authorised or funded under the *Disability Services Act 1993* or a residential centre for handicapped persons
- people (other than children in care) who are in a target group within the meaning of the *Disability Services Act 1993* who receive assistance from a service provider to enable them to live independently in the community.

I have chosen to produce two reports to fulfil this statutory requirement, one dealing with the deaths of people with a disability and another with the deaths of certain children.

Child Death Review Team

My office is responsible for providing administrative support to the Child Death Review Team (CDRT), of which I am also the convenor. This includes the preparation and tabling of the CDRT's annual report.

Special reports to Parliament

As the Committee is aware, my office operates under strict secrecy provisions within the *Ombudsman Act 1974*. This means we cannot make certain information in relation to our work publicly available. These provisions perform an important function, as they ensure members of the public and government agencies are willing to provide us with a great deal of information, much of which is very personal and sensitive, often without being compelled to do so. This in turn means my office is able to resolve matters quickly and informally and achieve good results.

The Ombudsman Act also requires that my office conduct its investigations in private. This includes, in most cases, the final report of an investigation, outlining any findings and recommendations. The Ombudsman Act allows me to move to a special report to Parliament. This is usually in situations where the subject matter of the investigations or my office's findings and recommendations are of overriding public interest. I can also choose to report to Parliament if I feel the agency response to any recommendations arising out of the investigation has been unsatisfactory or insufficient.

In 2012 I reported to Parliament on the following important issues:

- managing the use of force in prisons
- the management of asbestos in police buildings
- the use of Tasers by the NSW Police Force, and
- the need to improve accommodation and support for people with a psychiatric disability.

External oversight

My office is subject to many of the same oversight mechanisms as other government departments and agencies. We can come under the scrutiny of the Auditor-General, the Independent Commission Against Corruption, the Information and Privacy Commission, the Anti-Discrimination Board, State Records and the NSW Treasury.

As an independent and impartial body, my office is not overseen by and answerable to a Minister of the Crown. We are instead overseen by a Joint Parliamentary Committee. As you are aware, the Committee is responsible for:

- monitoring and reviewing the exercise by the Ombudsman of the Ombudsman's functions
- reporting to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Ombudsman or connected with the exercise of the Ombudsman's functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed
- examining each annual and other report made by the Ombudsman, and presented to Parliament, under this or any other Act and to report to both Houses of Parliament on any matter appearing in, or arising out of, any such report
- reporting to both Houses of Parliament any change that the Joint Committee considers desirable to the functions, structures and procedures of the Office of the Ombudsman,

- inquiring into any question in connection with the Joint Committee's functions which is referred to it by both Houses of Parliament, and to report to both Houses on that question.

My office has a strong history of providing the Committee with detailed and comprehensive answers to its requests for information and questions on notice in preparation for hearings.

A recent example of a Committee inquiry that directly assessed my office's performance was its review of the CS (CRAM) Act. The aim of the review was to determine whether the policy objectives of the Act remained valid and whether the terms of the Act remained appropriate for securing those objectives. The Committee recognised the importance of stakeholder views, and specifically sought their input as part of the review.

In its final report, issued in June 2008, the Committee noted the important work of my office in developing a culture of acceptance around complaints within the community services jurisdiction and helping agencies to develop best practice complaint handling systems. The Committee also recognised our work with people from culturally and linguistically diverse backgrounds.

Monitoring performance

Strategic planning

The NSW Ombudsman statement of corporate purpose provides high level direction and guidance to the work of the office. It outlines our role, aims, key purposes, values, functions and what are seen as our critical success factors and the outcomes we are looking to achieve. The current critical success factors driving our work are:

- Engage effectively with partners and stakeholders – we will engage effectively with our partners and stakeholders, both through our everyday work and large scale projects and investigations. These interactions will be guided by our stakeholder engagement plan.
- Be flexible and responsive – we need to be flexible and responsive in all our work, able to react quickly and effectively to a changing environment.
- Develop our workforce – to succeed in the future we must have a capable and flexible workforce able to meet emerging challenges with better communication and leadership.
- Develop best practice processes – through strong governance and clear processes, we will continually look for ways of improving the way we do our work.

Performance management

The most important resource for our office is our staff. This is why we have developed performance management and review systems that are designed to:

- provide a clear, objective and documented outline of expectations regarding their level of work performance by giving staff a clear idea of the results they are expected to achieve
- provide agreed standards for assessment of performance
- provide constructive feedback on progress, both positive and negative, and identifying strategies to overcome any difficulties
- encourage staff, individually and with their supervisors, to consider their training needs and reinforcing management's responsibility for providing relevant work related training
- encourage staff to consider and plan their career options
- encourage open communication with staff including feedback and encouragement
- provide agreed standards against which staff performance is assessed
- enable supervisors and managers to better direct their staff to achieve corporate objectives

- enable supervisors and managers to assist staff to improve performance, identify training requirements and develop skills for career development
- increase the effectiveness of the work group.

Individual staff members are responsible for fulfilling the requirements defined in their staff performance management work plan, which outlines tasks, objectives and performance indicators. These are determined through discussion between the individual and their supervisor. Each supervisor is responsible for reviewing and monitoring the implementation of their staff's performance management criteria.

These individual work plans are linked to Division and Branch level plans, which in turn link to the objectives and purposes within the office-wide statement of corporate purpose.

Staff surveys

The productivity and effectiveness of our office is built on our staff. We are conscious of the need to assess how they view their workplace, what works, what doesn't and what they feel could be done better. We have conducted a number of internal staff surveys to assess this, and recently half our staff chose to take part in the public sector-wide *People Matter* staff survey conducted by the Public Service Commissioner. The results for our office were very encouraging, and included:

- 99 percent of staff feel that their workgroup strives to achieve customer/client satisfaction (sector-wide 94 percent).
- 96 percent of staff believe they have the skills to do their job effectively (sector-wide 96 percent).
- An engagement index of 80 percent which is higher than that of the NSW public sector generally (63 percent). It is also considerably higher than the UK Civil Service (56 percent), which was used as the benchmark for this survey.
- 86 percent of staff are satisfied with their job and 96 percent are proud to work for the NSW public sector, although only 63 percent of staff felt that their job was secure (sector-wide 74 percent, 86 percent and 51 percent).
- 61 percent of staff feel the NSW public sector is innovative while 81 percent of staff feel encouraged to be innovative in the work (sector-wide 50 percent and 68 percent)
- Most employees agree the equal employment opportunity (EEO) exists in the workplace and that the office is committed to workforce diversity.
- Over 80 percent of staff have positive perceptions about communication from senior managers (sector-wide less than 50 percent).

Key performance indicator development project

My office seeks to record and measure meaningful information about what we do and use that information to improve how we perform our various functions. While each of our business areas has done this for its discrete areas of responsibility for some time, several years ago I made the decision to review how we work, make processes consistent where possible, and to develop a set of central performance measures for the office. The aim of this project was to improve the consistency of how we record and report on performance across all our business units, and to better capture the value that we add to the provision of government services. This was to be achieved by creating office-wide key performance indicators (KPIs).

We have developed a set of indicators that may be used to inform performance improvement and to give assurance to Parliament and the public that resources are being effectively used and that we are achieving our stated objectives.

As our work involves a range of jurisdictions, each with its own statutory scheme, one of the challenges for us was to develop meaningful measures to capture the impact and effectiveness of what we do across the office. An important early step taken to try and address this challenge was a review of the terminology used throughout our office, to ensure that similar functions and work steps could be named consistently across all our business areas. This resulted in us grouping our general Ombudsman and our community services complaint jurisdiction as “complaints and investigations”; our child related employment and police jurisdictions as “oversight”; and our various review and audit functions as “scrutiny”.

We have adopted a two stage implementation process for the KPI project. Stage one has been completed and concerns those functions that are managed in our case management system, Resolve, namely our complaint, investigation and oversight functions. The project involved significant changes to how we collect and record data in Resolve.

We monitor and report our performance against these KPIs, with senior staff receiving reports monthly. We are currently reviewing the stage one KPIs to evaluate the ongoing relevance of the measures and set benchmarks where these are yet to be determined. This may mean some are not included as key performance indicators, but will rather be used to provide trend data to the senior officers. The current office-wide performance measures are included at Annexure A.

Stage two of the KPI project has commenced, and involves the non-complaint “scrutiny” areas of our work. I will be able to provide the Committee with further information on this stage of the scoping project later in the year.

Reviewing how we do our work

To ensure our quality and effectiveness, my office regularly reviews the way in which we do our work. This is informed by performance reviews, supervisory sessions and file reviews. We also bring in people from outside our organisation to look at particular processes and procedures and assess their effectiveness. For example, the Police Division recently brought in an external party with a strong understanding of administrative law to review the way in which police complaint files are handled. This involved reviewing the actions of both the NSW Police Force and our investigation staff responsible for overseeing the police investigation. The results of these reviews were very positive, and helped us to identify areas where we could improve.

Internal Audit

My office, as with all other government agencies, is required to have an internal audit program in place. This includes establishing and maintaining an Audit and Risk Committee with a majority of independent members and an independent Chair. The office’s internal audit and committee charters are available at our website.

One of the main aims of the program was to shift the focus of internal audit from purely conducting financial audits to include broader, operational audits. My office has worked to develop and implement an internal audit program that meets these requirements, is proportionate to the size of the office, and most importantly adds value to our work. We have recently had audits conducted by external providers of our management of aged complaints and our complaint assessment process and procedures. The results of these audits will help us to continue to improve the way we do our work.

Management meetings

The management and direction of our office is set by the senior Officers Group (SOG). It is made up of the Ombudsman, the three Deputy Ombudsmen, the Director Corporate and the Director Strategic Projects. The group usually meets each week, and these meetings are an opportunity to share information about the work of each Branch as well as discuss any other issues of interest. Once a month, the SOG meeting is provided with a formal management report for consideration. This report includes operational information from each Division, including KPI and trend data. It also includes updates on personnel, information technology, policy development and review, and the work of the business improvement unit. Each quarter, the report includes updates from the office's various committees. These committees are made up of representatives from each Branch within the office:

- the audit and risk committee
- the risk and information security committee
- the joint consultative committee
- the disability action plan committee
- the multicultural action plan committee, and
- the project and auditing steering committee.

Peer reviews

Ombudsman offices across Australia have markedly different roles and responsibilities. For example, our jurisdictions differ, with some having only public sector responsibilities, whereas offices such as ours have both public and private sector bodies within our jurisdiction. All have complaint and investigation roles, whereas our office has oversight and other discrete responsibilities, such as conducting legislative reviews. This can mean that it is very difficult to develop meaningful points of comparison to gauge our performance against one another.

Despite our differences, the core principles that drive our work are the same. We are all independent and impartial, and we all work in the public interest. To ensure we are able to share information and initiatives, the Australian Ombudsmen meet once a year, with the Deputy Ombudsman meeting twice a year. These meetings can also lead to important joint initiatives, such as the joint Parliamentary Ombudsman Managing Unreasonable Complainant Conduct Practice Manual, now in its second edition. We are currently working together to develop joint guidelines on university complaint handling.

In the past year, my office and the Victorian Ombudsman have undertaken reciprocal peer reviews of our complaint handling processes. This project stemmed from discussions at a Deputy Ombudsman meeting. The review was confined to our office's Public Administration Branch (PAD) and did not include the Human Services or Police and Compliance Branches. This was because the jurisdictional responsibilities of the PAD and those of the Victorian Ombudsman are similar.

A senior officer from our office reviewed the Victorian Ombudsman's complaint handling processes in July 2011 and provided a report including a number of recommendations. A staff member from the Victorian Ombudsman then did the same in September 2011. This was a particularly worthwhile exercise, and our two offices are now working with the other Australian and New Zealand Ombudsman offices to develop a program for similar reviews.

Customer satisfaction surveys

Often the first and only contact people have with our office is by telephone. In most cases, they will speak to our inquiries and resolution staff. They are able to provide quick and relevant advice and guidance, which can include the details of a more appropriate body if the subject of the complaint is outside our jurisdiction. In other cases, they can resolve smaller scale matters quickly and informally by making contact with the agency involved.

We realise the importance of strong customer service in this area, and have conducted a number of exit surveys to assess the level of satisfaction of those we have spoken with. The last survey was conducted in 2007, and the results were very encouraging.

A total of 114 callers to the office were surveyed, out of 489 inquiry calls taken during the survey period (23%). Each caller was asked if they would like to take part in the survey and those that volunteered were put through to an independent contractor who conducted the telephone interview. If the line was busy, the caller was given the opportunity to call back at a later time. The questions each caller was asked are attached at Annexure B.

Half of the respondents to the survey were male, half were female. The majority of respondents (82%) were aged between 25 and 59, 20 respondents (18%) were aged over 60 and only one respondent was aged between 12 and 24. Twenty-five respondents (22%) identified themselves as having a disability. Nineteen respondents (8%) identified as coming from a Non-English speaking background. Eight respondents (7%) identified as being Aboriginal/Torres Strait Islander.

Approximately 33% of respondents rang to seek advice about making a complaint about the NSW Police and 25% rang to seek advice about making a complaint about a NSW Government Department. Approximately 18% of respondents were seeking advice a local council, and around the same number about a body the Ombudsman does not deal with.

The three main outcomes respondents hoped to achieve by contacting the office were identified as being to get general information (37%), to have their complaint resolved (29%), and to lodge a complaint or find out how to proceed (21%). Other reasons respondents contacted the office included to talk to someone about the problem (7%) and to prevent the problem occurring again in the future (3%). One respondent contacted the office just to inform the office, and one respondent sought some specific kind of action or redress (for example, apology, compensation, disciplinary action).

The vast majority of respondents (96%) reported they experienced no difficulty or delay in ringing the office or in getting through to an inquiry officer. A majority of respondents (93%) reported they had received relevant and useful information from talking to an inquiry officer.

- 98% of respondents reported that the information the inquiry officer provided to them was easy to understand
- 96% reported the advice provided by the inquiry officer was reasonable and fair; and all respondents reported that the inquiry officer they spoke with was polite, and
- 96% were confident in the knowledge and experience of the inquiry officer that assisted them.

Eighty-eight respondents (77%) indicated they were very satisfied with how their inquiry was handled and 17 respondents (15%) indicated they were satisfied. Only three respondents

indicated they were dissatisfied or very dissatisfied with how their inquiry was handled. Fifty-eight (51%) respondents indicated they would be extremely likely to recommend the Ombudsman to a friend or colleague.

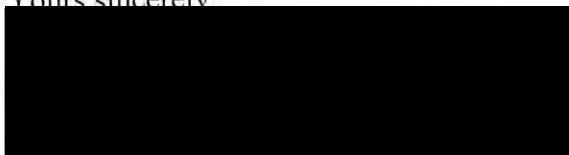
There were a total of 11 respondents (approximately 10%) who indicated a level of dissatisfaction with the inquiry service. Of those, 7 (approximately 64%) rang the office to complain about the NSW Police.

A similar survey was conducted in relation to our community services jurisdiction in 2007, the results of which were provided to the Committee to inform its review of the CS (CRAM) Act.

We are in the process of planning the next customer satisfaction survey for later this year. However, it will be dependent on identifying funds for the survey. I will provide the Committee with further information on the survey at a later stage.

I hope this information is useful for the Committee, and I look forward to working with you further as part of this inquiry.

Yours sincerely



Bruce Barbour
Ombudsman

Annexure A

NSW Ombudsman office-wide performance measures

1 Investigating and resolving complaints – complaint handling, investigation and reporting functions under the Ombudsman Act or CS(CRAMA)

1.1 Timeliness

- 1.1.1 Initial assessment and advice/acknowledgement to complainant (where relevant) within 10 working days of receipt of complaint – benchmark 80%
- 1.1.2 Completion of preliminary inquiries within 16 weeks of receipt of complaint – benchmark 80%
- 1.1.3 Completion of investigation and preliminary report within 6 months of initiation of investigation – benchmark 80%
- 1.1.4 Completion of final report within 3 months of receipt of final submissions on preliminary report – benchmark 80%
- 1.1.5 Average time – finalisation of new complaints
- 1.1.6 Complaints finalised within 12 months of receipt – 95% of complaints
- 1.1.7 Completion of reviews of our decisions within 6 weeks of receipt of request for review – benchmark 80%

1.2 Outputs

- 1.2.1 Number of complaints finalised equal to number of complaints received each financial year
- 1.2.2 Number of preliminary inquiries (including conciliations) and investigations completed each financial year

1.3 Outcomes

- 1.3.1 Proportion of all complaints finalised through provision of advice and guidance by the Ombudsman
- 1.3.2 Proportion of preliminary inquiry or investigation cases where the Ombudsman's involvement has resulted in an improved outcome for an individual or the community. (% of investigations and preliminarily inquiries; and % of total complaints).
- 1.3.3 Recommendation made in connection with final report following investigation to change to policy, procedure or practice – benchmark 70% (of reports)
- 1.3.4 Recommendations made in connection with a final report following investigation adopted by agency or actions taken consistent with recommendations – benchmark 80% (of recommendations)
- 1.3.5 Suggestions under s31AC of the Ombudsman Act adopted by Agency or actions taken consistent with suggestion - 70% of suggestions.

1.4 Quality of services

- 1.4.1 Review requests resulting in changed decision or additional action

2 Assessing notifications, reviewing the handling of complaints and monitoring investigations – oversight functions under Part 3A of the Ombudsman Act, Part 8A of the Police Act and s25 of CS(CRAMA)

2.1 Timeliness

- 2.1.1 Initial assessment and advice/acknowledgement to agency and complainant (where relevant) within 10 working days of receipt of complaint/notification – benchmark 80%
- 2.1.2 Assessment of agency investigation report within 2 months of receipt – benchmark 80%
- 2.1.3 Completion of preliminary report within 6 months of initiation of investigation – benchmark 80%

- 2.1.4 Completion of final report within 3 months of receipt of final submissions on preliminary report – benchmark 80%
- 2.1.5 Completion of reviews of our decisions within 6 weeks of receipt of request for a review – benchmark 80%

2.2 Outputs

- 2.2.1 Number of notifications/complaints finalised equal to number of notifications/complaints received each financial year
- 2.2.2 Number of monitors (including conciliations), reports and investigations completed each financial year

2.3 Outcomes

- 2.3.1 Number/proportion of deficient agency investigations/assessments identified and raised with agency
- 2.3.2 Proportion of agency investigations remedied or deficiencies acknowledged if no remedy possible, following Ombudsman advice or recommendation – benchmark 80%
- 2.3.3 Recommendation made in connection with a final report following investigation to change to policy, procedure or practice – benchmark 70% (of reports)
- 2.3.4 Recommendations made in connection with a final report following investigation adopted by agency or actions consistent with recommendations – benchmark 80% (of recommendations).
- 2.3.5 Proportion of notifications/complaints where the Ombudsman's involvement has resulted in an improved outcome for an individual or the community (% of total complaints/notifications).

2.4 Quality of services

- 2.4.1 Review requests resulting in changed decision or additional action

3 Advice or refer – dealing with telephone and other inquiries

3.1 Timeliness

- 3.1.1 Time taken to answer telephone inquiries

3.2 Outputs

- 3.2.1 Number of telephone inquiries finalised each financial year

3.3 Outcomes

- 4 Actions taken on inquiries – resolution, referral, advice and/or referred as oral complaint

Annexure B

Survey Questionnaire for Telephone Inquiries

Call transferred by

(name of Inquiry Officer)

Introduction

Hello, my name is _____ and I work for Julia Ross. I am not a member of the Ombudsman Staff. I am carrying out a survey of people who contact the Ombudsman Office. The aim of the survey is to find out how well the Office is meeting the needs of people who ring in so it can improve its service. We'd appreciate your help. The survey is anonymous – I don't need your name or any personal information. Can I go ahead and ask you the questions?

1. Was you call to the office today about:

- | | |
|---|---|
| A NSW Government Department? | 1 |
| A Local Council? | 2 |
| The Police?..... | 3 |
| A correctional or juvenile justice centre?..... | 4 |
| Some other body that the Ombudsman doesn't deal with? | 5 |
| An existing complaint you have with the Ombudsman..... | 6 |

2. (a) Did you get relevant or useful information from talking to the Office today?

- | | |
|---------------|-------------|
| Yes | 1 (Go to 3) |
| No..... | 2 |
| Not sure..... | 3 |

IF NO OR NOT SURE:

(b) Why is that (*Circle all that apply*)

They could not answer my questions/give me any information

or advice..... 1

The Ombudsman has no power to investigate my problem 2

They can't do enough about it, can't take the sort of action

I want 3

Other (specify) 4

.....

.....

3. Did the person to whom you spoke suggest that you contact *anyone else* about this matter?

Yes 1

No..... 2

Not sure 3

4. **IF YES**

Did they provide you with sufficient contact information for you to do that?

Yes 1

No..... 2

5. (a) Did you have any problem or hesitation about ringing the Office about this matter?

Yes 1

No..... 2 (Go to 5)

IF YES

(b) Why was that?

.....

.....

.....

6. Did you have any difficulty or delay in ringing the Office or in getting through to the person who dealt with your call? (*Circle either 1, or all codes that apply*)

No..... 1

Yes, Office's number frequently engaged..... 2

Yes, had waited on the phone/got recorded message 3

Yes, information in the phone book was unclear, confusing 4

Yes, hard for me to ring between 9am and 4 pm 5

Yes, hard for me to make the call from where I am 6

Other (specify) 7

.....

7. Where did you get the information about ringing the Ombudsman?
- | | |
|--|----|
| Friends/relation | 1 |
| Media | 2 |
| Pamphlets | 3 |
| Website | 4 |
| Legal Advice | 5 |
| Politician/MP | 6 |
| Community legal or advice centre | 7 |
| Public authority/police | 8 |
| Knew from previous contact | 9 |
| Other (record)..... | 10 |
-
8. (a) Was the information given to you easy to understand?
- | | |
|-----------|-------------|
| Yes | 1 (Go to 7) |
| No..... | 2 |
- (b) If **NO** was that because of:
- | | |
|---|---|
| The complexity of the issue and the relevant law or procedure | 1 |
| The way our inquiry officer explained things to you | 2 |
-
9. Was the advice you were given reasonable and fair?
- | | |
|-----------|---|
| Yes | 1 |
| No..... | 2 |
-
10. Was the person who handled your call polite?
- | | |
|-----------|---|
| Yes | 1 |
| No..... | 2 |
-
11. (a) How helpful was the person who handled your call:
- | | |
|--------------------------|-------------|
| Very helpful | 1 (Go to 9) |
| Fairly helpful..... | 2 (Go to 9) |
| Not helpful at all | 3 |

(b) If not helpful, why not:

- | | |
|-------------------------------|---|
| Didn't listen | 1 |
| Didn't seem interested | 2 |
| Didn't know how to help | 3 |
| Other | 4 |
-

12. Were you confident in the knowledge and experience of the person who handled your call?

- | | |
|-----------|---|
| Yes | 1 |
| No..... | 2 |
-

13. What did you hope to achieve today by contacting the Ombudsman's Office (*Circle all that apply*)

- | | |
|---|----|
| To lodge a complaint or find out how to proceed | 1 |
| To talk to someone about the problem | 2 |
| Just to inform the Office | 3 |
| To have the complaint resolved | 4 |
| To try to get the offending behaviour stopped | 5 |
| To seek some specific kind of action or redress eg an
apology, compensation, disciplinary action, etc..... | 6 |
| To prevent this sort of thing happening again in future
(to self or others) | 7 |
| To get general information..... | 8 |
| Other (specify) | 9 |
| | |
| Not sure | 10 |
-

14. (a) What do you now intend to do about your complaint after speaking to the inquiry officer:

- | | |
|--|---|
| No further action likely | 1 |
| Will pursue it directly with authority | 2 |
| Will lodge a written complaint with the Ombudsman..... | 3 |
| Will go somewhere else more appropriate as suggested | 4 |
| Other (specify) | 5 |
| Not sure / still to decide | 6 |

(b) *If not taking further action, why not (circle all that apply)*

- | | |
|--|---|
| Legislation/Jurisdiction means I can't do anything further | 1 |
| Would take too long | 2 |
| Hard for me to put a complaint in writing, don't want to have to put it in writing | 3 |
| Generally seems too difficult or complicated | 4 |
| Wouldn't achieve anything worthwhile, wouldn't solve the problem, the Ombudsman can't take strong action | 5 |
| Feel too nervous/pessimistic/hopeless/etc | 6 |
| Yes, other (specify) | 7 |
| | |

15. Do you have any suggestions about how the Ombudsman's staff could have been more helpful to you?

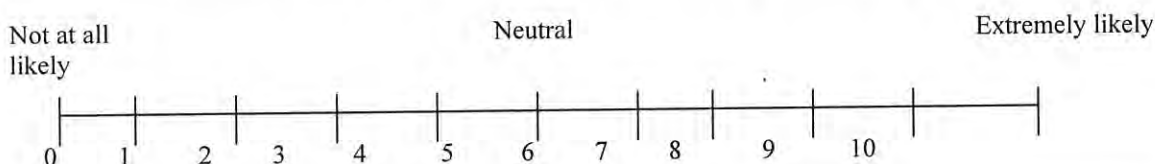
.....

.....

.....

.....

16. If I ask you would you recommend this office to a friend or colleague, where would you rate the Ombudsman using a ten point scale where zero means not at all likely and 10 means extremely likely?



17. How satisfied were you with the way your enquiry was handled?

Very Satisfied	satisfied	neither satisfied nor dissatisfied	dissatisfied	very dissatisfied
----------------	-----------	------------------------------------	--------------	-------------------

18. Do you have any other comment on your contact with the office today?

.....

.....

19. Gender of person making inquiry: *(just record)*

- | | |
|-------------|---|
| Male | 1 |
| Female..... | 2 |

20. Do you mind letting me know to which of the following age groups you belong?

- | | |
|---------------|---|
| 12 - 24 | 1 |
| 25 -59 | 2 |

Over 60 3

21. Do you mind telling me if you belong to any of the following groups?

An Aboriginal/Torres Strait Islander..... 1

People of a non-english speaking background 2

People with a disability 3

22. Interviewer – Circle if this interview involved an interpreter 3

Thank you for talking to me – your feedback will be very useful in helping the Ombudsman fine tune its Inquiry Service.

Note: If they start going into details about their complaint, say you are only there to do the interview and can't help them about the actual complaint. If the caller is distressed or clearly needs further information or help, invite him/her to speak to an inquiry officer.
