

Inquiry into children and young people with disability in New South Wales educational settings

Response to Supplementary Questions

Question

1. Of the complaints received by the NSW Ombudsman in relation to NSW educational settings, how many were concerning SSPs, for each year from 2017?
 - a. How many of these were regarding suspensions?
 - b. How many of these were regarding expulsions?
 - c. How many of these were regarding gatekeeping?
 - d. How many of these were regarding schools refusing to implement reasonable adjustments?
 - e. How many of these were regarding conduct of school staff?
 - f. How many of these were regarding the NSW DoE?

Answer

Our current complaint management system (CMS) does not distinguish between SSPs and mainstream schools. We are building a new CMS and have sought information from the Department of Education (DoE) that will assist us with consideration of how to identify complaints about SSPs in our new system.

In response to this question, we note the following:

- our office received 2,140 complaints about DoE (including schools) during the period 2017-2023
- we no longer hold data about the employment-related child protection Reportable Conduct Scheme.

In order to respond to this question with some accuracy, we will manually search records of complaints received in our case management system against a list of current SSPs to be provided by the DoE. This task was not able to be completed in the timeframe given by the Committee. We will write to the Committee again with that information as soon as it is available.

Question

2. Of the complaints received by the NSW Ombudsman in relation to NSW educational settings, how many were concerning mainstream public schools, for each year from 2017?

Answer

Our response to the question taken on notice at the hearing of 23 April 2024 provides data on total complaints about DoE (including public schools). As noted above, we will separately provide to the Committee data on the number of those complaints that concern SSPs (i.e. those that do not concern mainstream schools) as soon as we can.

Question

3. How many of the recommendations from the 2017 Ombudsman Inquiry into behaviour management in schools have been implemented to date?

Answer

As noted in our [submission to the Committee](#), the above NSW Ombudsman inquiry (2017 report) was not an investigation of alleged administrative wrong conduct, and there were no findings and recommendations made under the *Ombudsman Act 1974*. In the 2017 report, we made 39 ‘proposals for reform’ and intended for our work and suggestions to support the Committee that was at that time inquiring into these issues.

In its [final report](#) issued in September 2017, the Committee recommended, ‘That the NSW Government urgently implement the NSW Ombudsman’s proposals in its Inquiry into behaviour management in schools’ (Recommendation 17).

In its [response to the Committee’s report](#), the NSW Government supported this recommendation ‘in principle’ and indicated that our 2017 report would be reviewed and the proposals considered. The government’s response stated that the DoE would do further work to build the capacity of schools to respond to the learning and support needs of students with complex or challenging behaviours. This work would focus on developing a new framework for policy and practice, building the capability of teachers and specialist education staff through professional learning and support, and improving the use of data. The DoE would work with other agencies and bodies in relation to its work following our 2017 report (21 March 2018).

The landscape has changed considerably since the time of our 2017 report, including in particular changes to DoE’s relevant strategy and policy. There have also been changes to our jurisdiction with the transfer of the employment-related child protection Reportable Conduct Scheme to the Office of the Children’s Guardian in 2020. As noted in our 2017 report and at the Committee’s hearing, our 2017 inquiry was largely based on our experience in the context of that reportable conduct function.

Question

4. Recommendation 27 of the Ombudsman’s 2017 inquiry called for the DoE to establish an “appropriately resourced centralised complaints unit to monitor, analyse and respond to complaint trends”. What could this potentially look like in practice?

Answer

The complete text of Proposal 27 provides more context to our suggestion of a centralised complaints unit including, ‘From long experience, we have seen that the effective management of complaints within an organisation is only achieved where complaint handling responsibilities are *clearly articulated and centrally coordinated*. This will be particularly the case for a large public sector multi-site organisation such as the department’ (emphasis added).

Proposals 22-24 in the 2017 report are relevant and provide further information about what Proposal 27 would look like in practice including:

- A complaint management system to capture comprehensive data about feedback.
- Robust internal framework for monitoring complaint trends and outcomes (including local and systemic issues). Such a framework would connect the work of a central unit within the organisational governance to support clear decision-making and monitoring of any recommendations/outcomes that require implementation.
- Alignment and integration with Reportable Conduct Scheme data capture and related monitoring initiatives.

In August 2018, we tabled a special report in Parliament titled [Complaint handling improvement program: Commitments implementation review](#) (CHIP report). The Committee may find useful the case study in the CHIP report relating to DoE's newly established centralised complaint handling team and complaint management system (p 19).