

Embargoed until 11:15am Thursday 30 October 2014

NSW Ombudsman **Annual report 2013-2014**

The NSW Ombudsman, Bruce Barbour, tabled his annual report this morning for 2013-2014.

The year at a glance

While statistics do not provide a full picture of the Ombudsman's work, they do show that the office continues to deal with a large number of matters. This year, the Ombudsman received 35,456 complaints and notifications. This includes 9,505 formal matters and 25,951 informal matters.

The report shows that the work of the NSW Ombudsman is done on a number of different levels. It can include large and detailed systems reviews that can and do impact upon big groups of people. It can be formal investigations using Royal Commission powers. In many cases, it can be quick and informal, helping to solve problems that have a major impact on people's everyday lives. **'My office is focused on getting results, fixing problems, making improvements and helping lead change'** Mr Barbour said.

Identifying systemic problems

Our contact with the community and government means we are often best placed to identify problems with systems. We do this across a broad range of areas. This year, we have:

- Issued our second report to Parliament assessing the implementation of the *Keep Them Safe* child protection reforms. **'Keep Them Safe has received substantial additional funding. We have emphasised the importance of getting certain areas right, including a better response for vulnerable teens, helping homeless children and young people and addressing educational neglect'** (see page 82). This report is available at the Ombudsman's website (www.ombo.nsw.gov.au).
- Continued to work to overcome the impact of garnishee orders on the most vulnerable people in the community. **'We deal with a great many complaints each year involving the State Debt Recovery Office's handling of unpaid fines and other debts. One way they do this is by taking money directly from Centrelink payments'** said Mr Barbour. **'While we acknowledge that debts cannot go unpaid, leaving some of the most vulnerable in our community with nothing to live on presents some very real risks. We are monitoring a Commonwealth review of the policy and hope it will lead to positive changes'** (see page 67).
- Providing detailed submissions to reviews of the *Police Act 1990* and the way in which critical incident investigations are conducted. **'The Police Act outlines the way in which police complaints are dealt with. We have made practical recommendations based on our experience, suggesting important improvements'** the Ombudsman said. **'Critical incidents are the subject of a great deal of public interest. We have made a range of recommendations to increase public confidence, accountability and transparency in the way they are investigated'** (see page 45-46).

- Started work to reduce the risk of young people in residential out-of-home care and homelessness services getting a criminal record. **‘Working with some of these young people can be very challenging, but it is important there are the strongest systems possible in place to keep them out of trouble and out of prison’** (see page 83).
- Audited the implementation of the NSW Police Force *Aboriginal Strategic Direction* in Western NSW. **‘It is essential communities feel confident working alongside their police force to ensure their safety and wellbeing’** Mr Barbour said. **‘The region Commander said he found our recommendations to be realistic, relevant, achievable and necessary. We will continue to follow up on our recommendations and see what is being done during our visits to the region’** (see page 104).

Conducting public interest investigations

The Ombudsman will always look to resolve as many matters as possible quickly and informally. **‘But there will be some cases where we have to conduct a more formal investigation to ensure we have all the information we need and can make measured and appropriate findings and recommendations’** said the Ombudsman. Some of the areas investigated this year have included:

- The use of force and separation at a juvenile justice centre. **‘Young people must be treated according to law and international conventions when they are detained, even when they are displaying challenging, difficult and defiant behaviour’** the Ombudsman said. **‘Any reaction should be proportionate, consistent with guidelines and set a good example for detainees’** (see page 59).
- The way in which the NSW Office of Water ensures compliance with legislation relating to water licensing and water usage. **‘Water is an essential resource, and it is important that schemes put in place to control its usage are operating appropriately’** Mr Barbour said. **‘Our recommendations are aimed at achieving this, and I am pleased the Office of Water has agreed to work to make the necessary improvements’** (see page 70).

Getting good outcomes

Each year our involvement helps to make a real difference to people’s lives. **‘The case studies in this report show the impact we can have’** said Mr Barbour. **‘We help people to resolve issues of concern every day.’**

Some examples from 2013-2014 include:

- Fixing a case of mistaken identity affecting a man’s life. **‘Being incorrectly linked to someone else’s criminal record can have a very real impact, which is why it is important police records are up-to-date and most importantly correct’** (case study 5, page 47).
- Improving the relationship between Housing NSW and a housing advocacy body. **‘Working with both sides to improve an important ongoing relationship can make a big difference, and help to improve both complaint handling and service provision in the future’** (case study 26, page 66).

- Helping the family of a woman with an intellectual disability in their relations with a service provider after several incidents. **‘The service and the family met, the service apologised and committed to important changes, and also to developing and maintaining better communication’ (case study 68, page 94).**
- Helping an Aboriginal family to find safe and secure housing. **‘After a year on the priority transfer list, they now have the safety and security of a home in the area where they wanted to live’ (case study 72, page 103).**
- Ensuring a serious water leak is fixed quickly. **‘We not only made sure the immediate problem was fixed for the tenant, we also worked with the agency and Sydney Water to improve communication and processes should a similar situation happen again’ (case study 32, page 68).**

New functions and responsibilities

The Ombudsman’s office continues to be provided with new roles and responsibilities. **‘The breadth of our jurisdiction and experience means the community can have confidence in us performing new and often unique roles.’** This year, this includes:

- The creation and appointment of a new Deputy Ombudsman (Aboriginal Programs). **‘We have a long history of working with Aboriginal communities, government and service providers to identify practical solutions to delivering essential services’** the Ombudsman said. **‘This was recognised this year with the creation of a new Deputy Ombudsman (Aboriginal Programs) position. I look forward to seeing this important position build on our hard work and ensure services are developed alongside communities, and are targeted and tailored to suit community needs’ (see page 101).**
- Oversight of the handling of certain conduct allegations in disability support accommodation. **‘We will be responsible for making sure allegations are investigated appropriately, and that service providers make the changes needed to guard against similar things happening again’** said the Ombudsman. **‘This is the first scheme of its type in Australia, and I am sure what we do will be of great interest across the country’ (see page 95).**

The Ombudsman’s annual report for 2013-2014 is available at the NSW Ombudsman’s website (www.ombo.nsw.gov.au/annualreport).