



NSW Ombudsman Publication Guide

December 2010

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1. This publication guide

Our office has a long history with access to government information. While there are aspects of our work that require a level of confidentiality and privacy, we try to make as much information as we can publicly available.

The *Government Information (Public Access) Act 2009* (GIPA Act) requires agencies to make a greater amount of information about their work available without requiring a formal request. One way of doing this is through publication guides. This publication guide outlines who we are and what we do, and guidance around what information we make available, and how to access it.

If you would like to access any of the information referred to in this guide, or would like to know more about how to get information about our work, please contact our office and ask to speak with one of our Right to Information Officers. Our office contact details are listed below.

For more information about the new GIPA Act and the way it operates, go to the Office of the Information Commissioner's website: www.oic.nsw.gov.au.

Our street address is:

Level 24, 580 George Street
Sydney NSW 2000

Our office is located in the HSBC building which is on the corner of George and Bathurst Streets and offers a direct undercover link to Town Hall Station. Our mailing address is the same as our street address.

Our facsimile number is: 02 9283 2911

You can submit a complaint via our [Online complaint form](#)

Our **contact numbers** and **email addresses** are:

General inquiries:	02 9286 1000	nswombo@ombo.nsw.gov.au
Toll free (outside Sydney metro):	1800 451 524	
Telephone typewriter (TTY):	02 9264 8050	
Media inquiries:	02 9286 1008	ldu@ombo.nsw.gov.au
Publications inquiry:	02 9286 1072	publications@ombo.nsw.gov.au

If you need language assistance, we can arrange an interpreter for you, or you can contact Telephone Interpreter Service (TIS) yourself before speaking to us. The contact number for TIS is 131 450.

If you are deaf, or have a hearing impairment or speech impairment, contact us through the [National Relay Service](#).

TTY users phone 133 677, then ask for 02 9286 1000.

Speak and Listen users phone 1300 555 727, then ask for 02 9286 1000.

Internet relay users [connect to the NRS](#), then ask for 02 9286 1000.

2. Who we are

The NSW Ombudsman is an independent and impartial watchdog. Our job is to make sure that the agencies we watch over fulfil their functions properly and improve their delivery of services to the public. We help agencies to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best practice in administration.

We are independent of the government of the day and accountable to the public through the NSW Parliament.

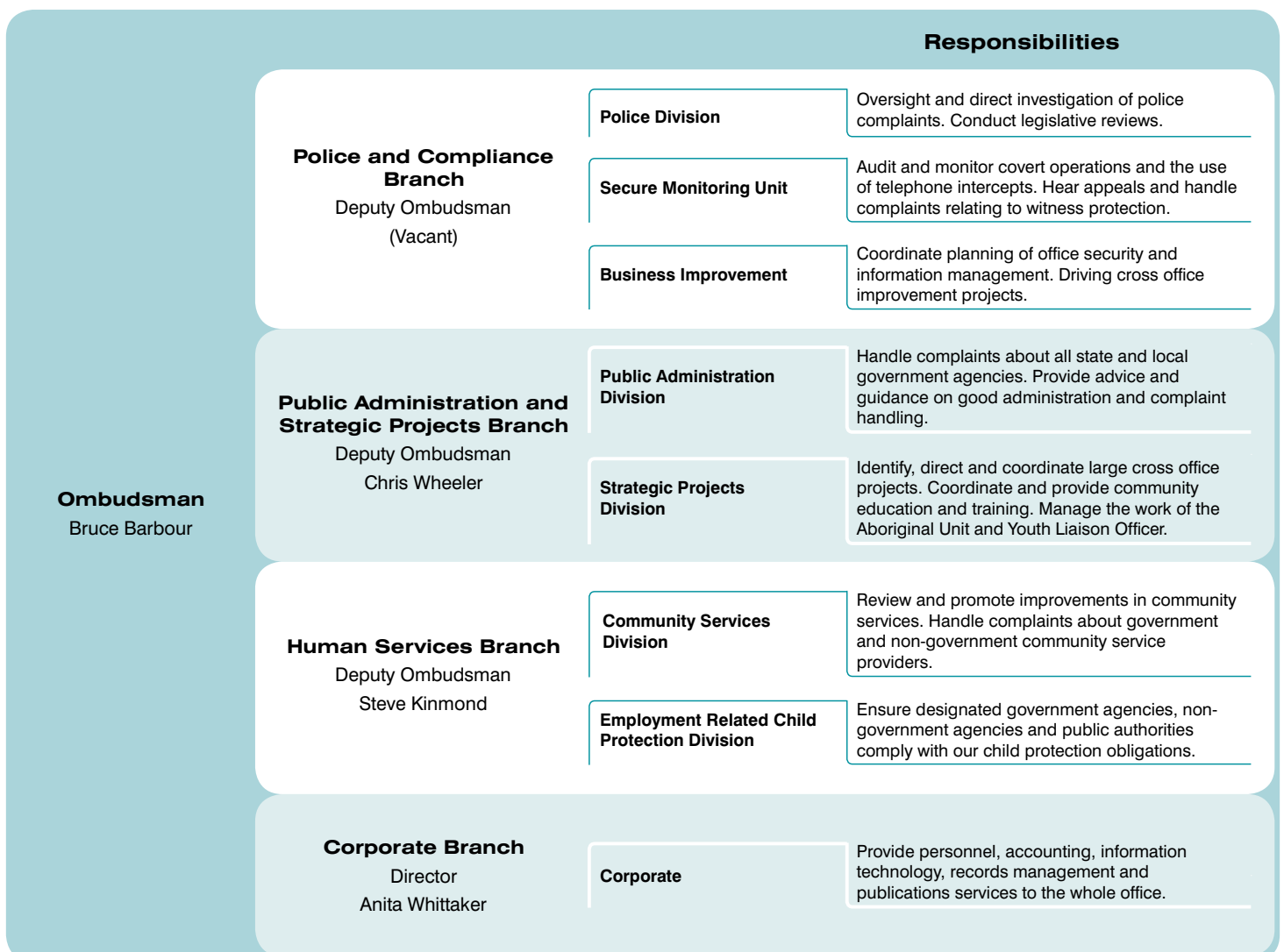
Our office was established by an Act of Parliament, the *Ombudsman Act 1974*, in 1975. Since that time, our jurisdiction has expanded to include a number of different areas of government, as well as non-government service providers.

Our work is overseen by the Parliamentary Committee on the Ombudsman and Police Integrity Commission.

The current Ombudsman is Bruce Barbour. He has been the Ombudsman since June 2000 and is the fifth person to hold that office.

3. Our structure

The following diagram represents the structure of the Ombudsman's office.



4. What we do

We have jurisdiction over the following agencies and the people who work for them:

- NSW public sector agencies including government departments, statutory authorities, boards, area health services and the police.
- Local and county councils.
- Some private sector agencies and individuals who provide public services such as the operators of Junee correctional centre, private certifiers who sometimes perform certain local council functions and accreditation bodies for those private certifiers.
- Public and private sector agencies providing services for children including government and non-government schools, child care centres and agencies providing substitute residential care.
- Agencies providing community services who are funded, licensed or authorised by Community Services, Ageing, Disability and Home Care, the Minister for Community Services or the Minister for Ageing and Disability Services, including licensed boarding houses and fee-for-service agencies.

Our focus is on improving the conduct and decision-making and/or the standard of the investigations conducted by or on behalf of those government agencies and non government service providers within our jurisdiction. We use our experience and knowledge to make sure they are aware of their responsibilities to the public and act reasonably as well as lawfully.

Members of the public can make inquiries and complaints about any of the areas listed above. If we receive an inquiry or complaint that does not fall within our jurisdiction, we will refer people to the right complaint handling or oversight body.

While receiving and dealing with complaints has always been at the core of our work, over the years we have become more proactive in our approach. We investigate the more serious matters ourselves, but in many cases we encourage agencies and complainants to deal with each other directly and find a mutually satisfactory outcome.

We encourage and help agencies to set up and maintain effective complaint handling systems to better handle complaints and use the feedback to improve the way they do things. We provide training and have developed resources on topics such as how to deal with difficult complainants and how to investigate complaints. We also provide a range of training courses to the public. Information about these courses is available on our website.

We will often refer complaints we receive back to the agency concerned and give them support to handle the complaint themselves. We will directly oversee the investigation of more serious matters. We also scrutinise the systems that agencies have to deal with complaints and recommend improvements.

We also have specific functions relating to the protection of children in NSW, the delivery of community services, the causes and patterns of deaths of certain children and people with a disability in care, agency decisions on freedom of information applications, the use of powers to conduct controlled operations, and the operation of a number of new pieces of legislation conferring additional powers on police.

We come into contact with a broad range of people as part of our work. This includes members of the public, frontline staff from government agencies and non-government service providers, members of Parliament, as well as those from interstate and international Ombudsman offices. We are always looking to use the information and feedback we receive through these contacts to improve our own systems, policies and procedures.

4.1 Provide information and advice

We have dedicated staff available to assist people with their inquiries by phone, in person and by email. They listen to the caller, clarify the nature of their concerns, and explain what they may do to have their concerns addressed. If a matter is outside our jurisdiction, our staff may be able to refer people to a more appropriate agency. In some situations our inquiries staff may contact the relevant agency directly to resolve the matter - without a written complaint having to be made.

Inquiries about community services are dealt with by staff from our community services division.

We encourage people who are considering complaining to our office to speak with our inquiries staff first. They can confirm whether the matter is within our jurisdiction and, if it is, outline how we usually deal with such complaints. They can also explain what else the caller may need to do before making a complaint and what supporting information they should include.

Anyone with an inquiry can contact our office on our general inquiry number (02) 9286 1000 or, if outside Sydney, on 1800 451 524. Our staff are available to take phone calls and conduct interviews between 9am and 4pm, Monday to Friday. People wanting a face-to-face interview are encouraged to call for an appointment.

4.2 Deal with complaints

Every member of the public has the right to complain to us. We consider each complaint on its merits and respond accordingly. This could mean we take the complaint, or we could refer the complaint to the relevant agency to give them an opportunity to deal with the matter themselves. Due to budgetary restrictions, there will be a certain number of complaints that we decline.

Our complaint handling work is guided by a number of pieces of legislation. These are the *Ombudsman Act 1974*, the *Community Services (Complaint, Reviews and Monitoring) Act 1993*, and the *Police Act 1990*.

We believe that complaints are one of the best sources of feedback on how an agency is performing. This is why we encourage and help agencies to have effective complaint handling systems so that they can better handle complaints about themselves and use the feedback to improve the way they do things.

4.3 Oversee and monitor investigations

We receive notifications of reportable allegations or convictions against employees of government and certain non-government agencies that involve behaviour that could be abusive to children. We monitor the progress of the agency investigation and check that matters are properly investigated and appropriate action has been taken. We also provide feedback to the agency so that they can improve their system for handling reportable allegations.

We monitor the progress of police investigations into complaints about police officers, check that they are conducted properly and in a timely manner, and make sure appropriate action is recommended and taken as a result.

In overseeing complaints against police, we also assess the decisions of police not to investigate complaints. If we decide a complaint should be investigated, we require police to do so. We also check whether a complaint not requiring investigation was otherwise properly dealt with.

Our oversight role in relation to police is outlined in Part 8A of the Police Act. We have a similar role in relation to employment related child protection, and this is outlined in Part 3A of the Ombudsman Act.

4.4 Scrutinise systems

We review the systems of government and certain non-government agencies in NSW for preventing conduct that could be abusive to children. We also review their handling of reportable allegations and convictions involving their employees. One of the ways that we do this is by auditing agency policies and processes.

We also scrutinise and review:

- The systems established by NSW Police to deal with complaints about police officers. We audit NSW Police's records, such as those about how police handled less serious complaints, and keep under scrutiny police policies, procedures and practices in dealing with complaints.
- The efficiency and effectiveness of complaint handling systems of community service providers. Where appropriate, we make recommendations to improve their complaints procedures, and encourage the resolution of complaints at a local level.
- Compliance by law enforcement agencies with accountability requirements relating to the use of telephone intercepts and undercover operations.

4.5 Monitor and review community services

We promote and assist in the development of standards for the delivery of community services in NSW. We inquire into significant systemic issues about community services, research current issues in the delivery of services, and review the causes and patterns of complaints. We also provide advice to government policy makers, service providers and other stakeholders on ways in which services might be improved.

4.6 Review the implementation of legislation

We review and report on the implementation of various Acts that give increased and extraordinary powers to, for example, police and correctional officers. We use a range of research approaches including analysing complaints, observing police operations, consulting with stakeholders such as community groups and police, examining court decisions and inspecting records of the use of the new powers. Click on the link below to access the [Legislative reviews](#) section of our website.

4.7 Review the situation of people in care

We review the care and circumstances of children, young people and people with a disability who are in the full-time care of government and non-government services and people who live in licensed boarding houses. We can review the situation of individuals or groups.

When conducting these reviews, we look into all relevant aspects of the person's life and care circumstances. We report our findings to the relevant Minister and make recommendations about how the person's circumstances might be improved.

4.8 Review certain deaths

We review the causes and patterns of deaths of:

- children and young people in care
- children who may have died from abuse, neglect or in suspicious circumstances
- children who were in detention at the time of their death
- people with a disability who at the time of their death were living in a residential care service authorised or funded under the *Disability Services Act 1993* or in a licensed boarding house.

Our work includes:

- receiving notifications of deaths of certain children and people with disabilities in care
- doing individual assessments and reviews of deaths
- identifying trends and patterns and undertaking systemic reviews of deaths
- maintaining a register of reviewable deaths in NSW
- promoting service improvement strategies to minimise the number of preventable deaths of certain children and people with disabilities in care.

We are also responsible for supporting and coordinating the work of the New South Wales Child Death Review Team.

4.9 Coordinate the Official Community Visitors Scheme

Official community visitors are appointed by the Minister for Disability under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS - CRAMA).

The visitors come from a wide cross-section of the community including people with a disability, parents and relatives of people with a disability, ex-state wards, people who were in care as children, advocates and professionals. They visit most government and non-government accommodation services for children, young people and people with a disability throughout NSW. They may also visit people living in licensed boarding houses.

We provide administrative support to the visitors, but they are independent from our office and responsible directly to the Minister for Disability.

5. Working with others

In order to allow us to allocate our time and resources to the most deserving matters, we enter into a number of agreements with both other oversight agencies and government departments. These provide for effective exchange of information, as well as referral of complaints. They also provide for certain agencies to deal with complaints themselves, with our office performing an auditing role.

The following are the organisations we have entered into agreements with:

- Administrative Decisions Tribunal
- Ageing, Disability & Home Care (ADHC)
- Anti-Discrimination Board (ADB)
- Association of Independent Schools of NSW
- Barnardos
- Catholic Care Broken Bay
- Catholic Care Maitland – Newcastle
- Catholic Care Sydney
- Catholic Care Wollongong
- Catholic Education Office – Archdiocese of Sydney
- Catholic Education Office – Bathurst
- Catholic Education Office – Canberra and Goulburn
- Catholic Education Office – Lismore
- Catholic Education Office – Parramatta
- Catholic Education Office – Wollongong
- Catholic Schools Office – Maitland – Newcastle
- Catholic Schools Office – Wagga Wagga
- Catholic Schools Office – Broken Bay
- Catholic Schools Office - Diocese of Armidale
- Children's Guardian
- Community Services
- Corrective Services
- Department of Immigration and Citizenship
- Department of Local Government
- Dept of Education & Training and TAFE NSW
- Diocesan Office - Diocese of Wilcannia-Forbes
- Energy & Water Ombudsman (EWON)
- Health Care Complaints Commission (HCCC)
- Independent Commission Against Corruption (ICAC)
- Legal Services Commission
- New South Wales Police Force
- Office of the Information Commissioner (OIC)
- Police Integrity Commission (PIC)
- Privacy NSW

Copies of these agreements can be made available on request.

6. Accessing information about the Ombudsman

As required by the GIPA Act, the following information, known as open access information, is available on our website:

- this publication guide
- our reports that have been tabled in Parliament
- our [policy documents](#)
- our disclosure log
- a register of certain government contracts, and
- a record of any information fitting in the above categories that is not made available because of an overriding public interest against disclosure.

We try to make as much additional information about the work we do quickly and easily available through our website. We also provide information about our work through the latest news section of our website, a link to which is included below.

- [Latest news](#)

The following are some of the categories of information we make available. Many of our publications are also available in hard copy for a fee.

- [Speeches](#)
- [Annual reports](#)
- [Special reports to Parliament](#)
- [Other reports](#)
- [Discussion and issues papers](#)
- [Guidelines](#)
- [Fact sheets](#)
- [Brochures](#)
- [Newsletters](#)

If the information you are looking for does not fit within any of the categories above, please contact our office and ask to speak with one of our Right to Information Officers.

While we try to make as much information as possible about our work publicly available, our office handles a great deal of sensitive information. For this reason, the Ombudsman Act contains detailed secrecy provisions.

Schedule 2 of the GIPA Act, which lists the excluded categories of information for certain agencies, including our office. This relates to information about our investigative, complaint handling and reporting functions.

If we receive an application under the GIPA Act for these types of information we will make a determination whether access can be given to these documents, which may result in us determining that the documents are excluded from the GIPA Act by virtue of Schedule 2. This will mean that such an application is not a valid access application. Please contact our office and ask to speak with one of our Right to Information Officers if are not sure if the information you are looking for may fall within this category.