



Strategic Plan 2020–25

The NSW Ombudsman's office would like to acknowledge the Traditional Owners of country throughout NSW and recognise their continuing connection to land, waters and culture. In particular, we acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land where our offices are located. We pay our respects to all Elders past and present, and to the children of today who are the Elders of the future.

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Strategic Plan 2020–25

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Introduction

The NSW Ombudsman is an independent integrity office that reports directly to the NSW Parliament.

Since 1975 we have been handling complaints and investigating maladministration by NSW Government departments and agencies.

Our jurisdiction has evolved over time, and now includes:

- NSW Government departments and other NSW public sector agencies
- NSW local government authorities
- community service providers funded by NSW Government departments
- Corrective Services
- statutory bodies established under NSW law, such as NSW public universities.

Our functions today also cover a range of activities beyond complaints and investigations – we monitor and assess certain Government programs, oversight the NSW whistleblowing regime, conduct inquiries and reviews of systemic issues affecting the public and community sectors, and review the deaths of children and other vulnerable groups in NSW with a view to preventing similar deaths occurring in the future.

This document sets out our plan for the next five years. It aims to put us in the best possible position to achieve our purpose and long-term mission.

By so doing, we will contribute toward our vision of a state in which everyone receives the right services and fair treatment from those we oversight.

1. Context and current state

We start this Strategic Plan following a period of considerable change for the Oversight environment in New South Wales.

The ecosystem of oversight bodies in New South Wales has changed significantly in recent years, with a trend toward greater sector-specialisation. Changes have included the establishment of the Law Enforcement Conduct Commission for Police oversight, the consolidation of child protection functions within the Children's Guardian, and the establishment of the Ageing and Disability Commission. The Commonwealth Government has also introduced major reform through the creation of the NDIS. These changes have had significant impacts on the functions of our office.

Generally the changes have been positive and have been supported by our office. In some cases (such as the establishment of a dedicated Ageing and Disability Commission) they have come about as a direct result of our work and recommendations.

The result of the changes enables us, including now through this Strategic Plan, to refocus on our core functions. These encompasses not just the traditional Ombudsman role of receiving and investigating public sector complaints. They also include our death reviews, our community services monitoring role, our unique role in monitoring and assessing prescribed Aboriginal programs, as well as our important function of supporting the public and community sectors to build capacity in good administrative practices.

In short, the changes provide an opportunity for us to refresh and reaffirm our unique mission as the State Ombudsman.

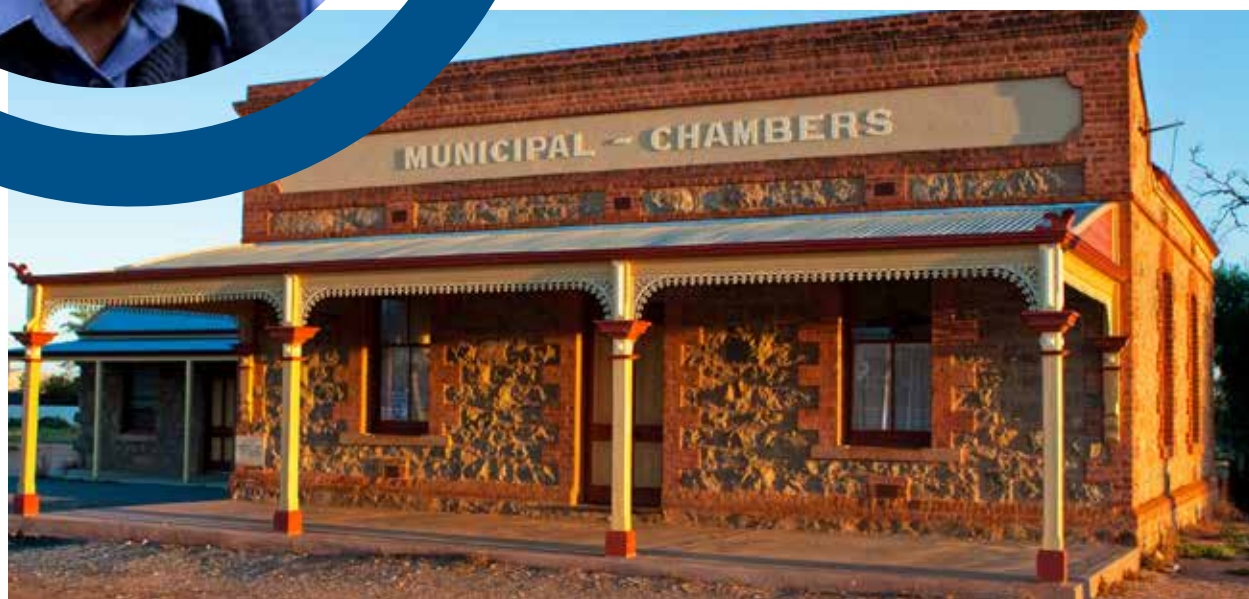
An opportunity to refresh and reaffirm our unique mission as the State Ombudsman.

The reform to oversight arrangements in New South Wales remains incomplete and more work is expected over coming years. Engaging in that further reform work, and adapting our office to meet those reforms, is a key initiative of this Strategic Plan.

We work in a dynamic environment

The environment in which we operate is highly dynamic. The bodies we oversight, the services they provide and the way those services are being delivered, continue to develop and change. The needs and expectations of the public, and especially vulnerable people and communities, also continue to evolve.

It is essential that we adapt and are responsive to these changes. The continued trend toward commissioning private providers to deliver publicly funded services, the increased application of investment approaches to tackle social problems, the greater availability and use of data and technology to support decision-making, and the application of a customer-service perspective across all aspects of public sector activity are important trends that will continue to impact the work we do.



The need to ensure lawfulness, fairness, transparency and accountability remains as urgent and important as ever.

What does not change are the core and enduring principles that underpin our democratic system of Government: the Rule of Law; fairness, transparency, accountability and integrity in the exercise of public power and the use of public resources; respect for human rights and protection of vulnerable groups within our community.

The essential role of a State Ombudsman in safeguarding these principles is also enduring, and has been increasingly accepted throughout the world. On 15 March 2019, the Council of Europe's Commission for Democracy through Law adopted the "Principles on the Protection and Promotion of the Ombudsman Institution" (the Venice Principles), which set out the first independent, international set of standards for the Ombudsman institution. In developing this Strategic Plan, we have paid close regard to those Venice Principles.

Our challenge is to future proof our office to ensure that we can most effectively play an important role in safeguarding the above principles. We are confident that the strategic outcomes and initiatives in this plan will enable us to meet that challenge.



2. Our vision and mission

Our Vision

Everyone receives the right services and fair treatment from those we oversight.

Our vision expresses what we ultimately want to see in the world.

It focuses on everyone, with all their differences and unique needs, and in every different circumstance they face. It encompasses anyone who may require services from, otherwise rely upon, or interact in some way with, NSW Government agencies or the community service providers they fund.

This vision is aspirational. We know that in a complex, modern, democratic system like ours, not everyone always receives the services they should be entitled to expect. Nor do Government agencies and other service providers always act fairly and reasonably.

That is why it will always be necessary to be watchful to ensure that those invested with public power and resources act lawfully, reasonably and with integrity.

We know that our vision may never be achieved fully. It is certainly not a vision that we can achieve on our own. However, by working with others, we play a leading role towards bringing it closer and more often to reality.

It will always be necessary to ensure that those invested with public power and resources act lawfully, reasonably and with integrity.



Our Mission

To be a leader in complaint-handling, investigations, reviews, and public and community sector monitoring and assessment. We will be trusted by the public and by all of our stakeholders to hold the agencies we oversight to account and to make evidence-based recommendations that result in positive change.

Our mission is who we – the NSW Ombudsman’s Office – aspire to be.

Some of the important elements of our mission include:

A leader...

Our office performs a unique role in New South Wales. There are Government-oversight Ombudsmen in nearly 200 states and nations around the world. There are differences in their functions and operations, but they all share similar objectives regarding the Rule of Law, integrity and good public administration. Receiving and investigating complaints by citizens against public and publicly-funded bodies is typically a central role.

The Ombudsman model is also flexible enough to encompass related reviews, monitoring and assessment functions where independent external oversight is needed. These include, for example, our roles in reviewing the deaths of persons with disability in residential care, and the deaths of children; our responsibility for oversight of the *Public Interest Disclosures Act* (Whistleblowing) and our role overseeing Aboriginal programs.

As well, the Ombudsman model is increasingly being adopted and applied more broadly to private sectors, including the Energy and Water Ombudsman (EWON) and the Australian Financial Complaints Authority (ACFA).

Our role as Ombudsman is also aligned with other Parliamentary statutory offices in New South Wales, which perform different but complementary roles. These include the Independent Commission Against Corruption (ICAC), the Audit Office and the Law Enforcement Conduct Commission (LECC).



Among all of these bodies, we aspire to be a leader, learning from and benchmarking ourselves against world’s best practice to ensure that the people of New South Wales are getting the best Ombudsman service anywhere in the world.

...in complaint-handling, investigations, reviews, and public and community sector monitoring and assessment.

While it is imperative that we understand the bodies we oversight and what they do, our most critical expertise is functional. We will rarely be able to match the deep subject-matter expertise of the people who are working in the bodies we oversight. Our value comes from our skills in the functional areas of oversight and ensuring that those experts are performing their roles properly and with integrity. Accordingly, we need to be expert in complaints handling, investigations, reviews, monitoring and assessment. We also need to call on subject-matter experts to assist us as we apply those skills.

We use those functional skills to ensure that those who are experts – those who run the bodies and provide the services we oversight – do so with integrity and in a manner that ensures that all individuals are treated fairly and get the right services they need, when they need them.

We will be trusted by the public and all of our stakeholders...

We are not advocates for, or agents of, any particularly stakeholder, but we act independently in the public interest. Maintaining the trust of all of our stakeholders is critical to achieving our purpose and vision.

As well as the public, those stakeholders include, first and foremost, the Parliament we serve.

They also include the Executive Government, as well as all those we oversight. As Parliamentary Ombudsman, the bodies that we oversight are generally public sector bodies; however, ‘public sector’ should be understood broadly in a context where the



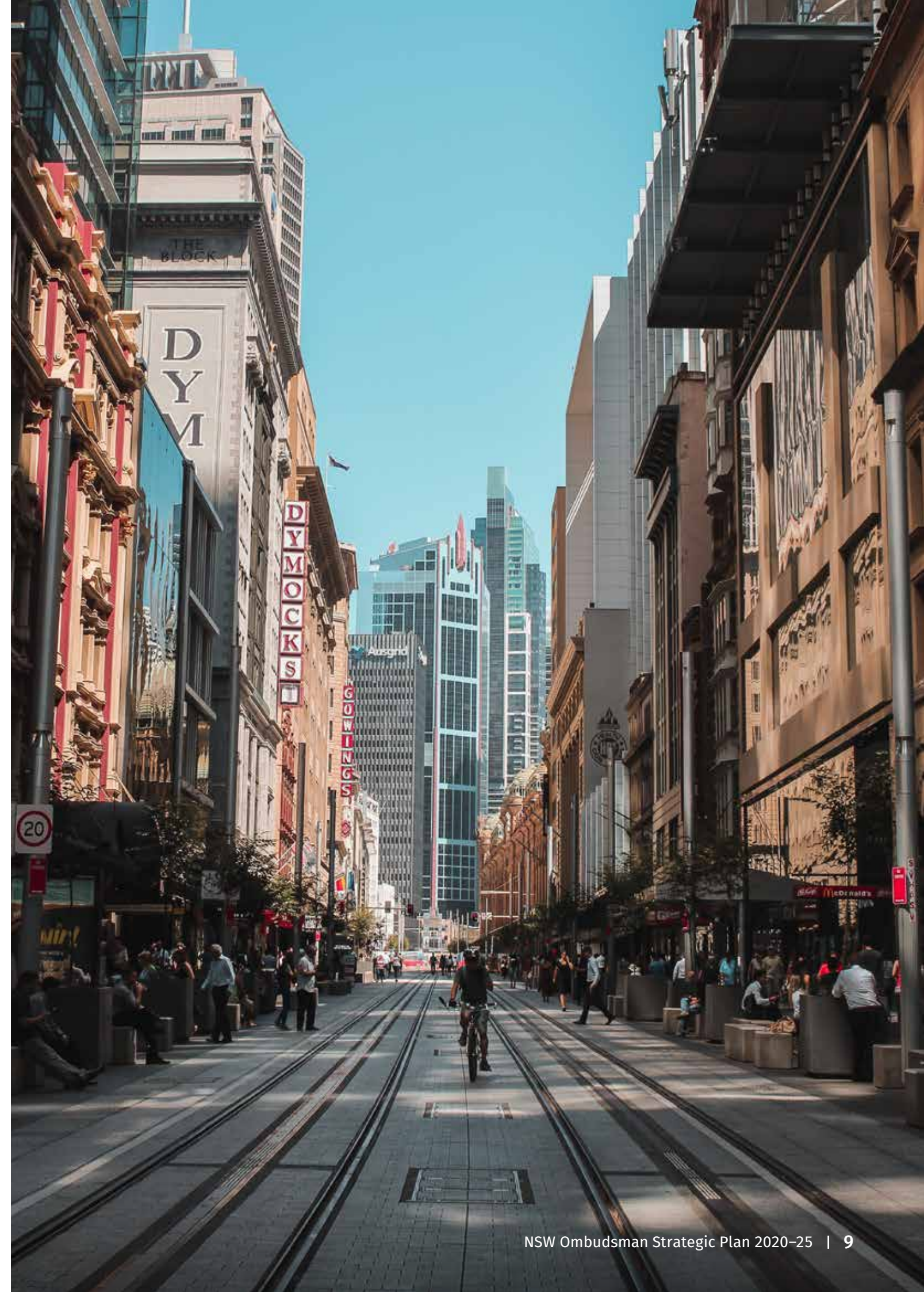
distinction between private and public has become increasingly blurred. Functions that might traditionally have been considered core public functions are being provided, with the support of public funding, by community and private sector service providers.

As Ombudsman, we oversee not just those bodies that have been formally established by the Government, but we also oversee the activities of certain bodies that utilise public resources or exercise public power (de jure or de facto) to provide public services, such as correctional centre functions and community services.

...to hold those bodies to account and to make evidence-based recommendations that result in positive change.

To effect real change, and to help to bring about our vision, our work must have impact. As a statutory body whose substantive legal powers are to investigate, monitor, report and recommend, there is a risk that we could exercise those powers and yet make little or no impact. A key part of our mission, therefore, is to ensure that we maximise our positive, practical and timely impact through the exercise of those powers.

For that to happen, we must exercise our powers in a way that ensures genuine accountability, and we must produce recommendations for change that will actually be implemented, and once implemented, will be effective.





Purpose

- To protect citizens from abuse of power and unfair treatment...
- To foster enduring system-wide change that will prevent future failings and improve public administration and service delivery ...
- To provide a trusted source of independent advice to the Parliament...

3. Our purpose

The *Ombudsman Act 1974*, together with other legislation that confers functions on our office, such as the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, and the *PID Act 1994* define what it is we can and must do.

We have a distinct and limited jurisdiction. The Rule of Law applies to us as it does to other statutory bodies, and it is imperative that we do not step beyond the specific roles that Parliament has given to us. A list of our current statutory functions is set out in **Schedule A**.

However, our governing legislation may change over time and our specific functions may expand or contract as Parliament sees fit. Occasionally we may make recommendations concerning legislative change, where for example we see that a change to our statutory functions or powers would better enable us to achieve Parliament’s public interest objectives.

Those public interest objectives are reflected in our Purpose. We can broadly identify three limbs to this Purpose: Protection, Prevention & Improvement, and Advice & Public Accountability. These limbs are distinct, but they are inter-related and inter-dependent. They look at our role from three different perspectives – the citizen’s, the Government’s, and the Parliament’s.

Our purpose is defined by the parliamentary Acts which create the organisation and give us powers and responsibilities.



To protect citizens from abuse of power and unfair treatment by helping them to voice and resolve complaints, and by investigating serious maladministration.

The first of our purposes is to protect individuals from potential abuses or maladministration by providing an external avenue for complaint resolution and, where necessary, investigation. Where public power is being exercised, the right of affected citizens to complain to an independent, external body is widely regarded to be an essential element of the democratic process. Historically, this was done by the citizen petitioning their local Member of Parliament. For various reasons, this has long ceased to be a practical means of redress for the many individual complaints that citizens have against the conduct of public authorities.

The Ombudsman offers a mechanism that can help to redress the imbalance of power between individuals and government agencies and service providers. Because that imbalance tends to be greatest where the relevant individual is already in a position of vulnerability, much of our complaint-handling work will naturally be focused on vulnerable individuals and communities.

However, while the term Ombudsman derives from a Swedish term that roughly translates to 'representative', this does not mean that the Ombudsman, when handling complaints, is acting as a representative or advocate for any particular citizen. Rather, the Ombudsman is independent and impartial of all parties, and our role – even when handling particular complaints – is to act in the public interest as a whole.

To foster enduring reforms that will prevent future failings and improve public administration and service delivery, including by:

- ***helping government and service providers to learn from complaints and reviews***
- ***promoting public sector whistleblowing***
- ***providing advice, suggestions and recommendations that are evidence-based, realistic and effective***
- ***providing education and training to government agencies and service providers to encourage good administrative practice and build capability.***

Individual complaint-handling and ensuing investigations can highlight systemic deficiencies in practice and procedure. Our 'system-improving' role, however, goes beyond a reactive response to particular individual complaints, and requires us to take a proactive approach to identify and remedy underlying administrative faults, as well as to build enhanced system-wide capacity.

We do this through own-motion investigations, system and program monitoring and assessments, audits and reviews. Through these functions, we continuously gather the evidence needed to enable us to provide advice, suggestions and recommendations that will help both to prevent future maladministration, adverse incidents and failures, as well as to improve systems and promote best-practice services.

Importantly, these activities also link to our complaint-handling purposes as they are both informed by our complaints experience and, by driving systemic change, are a means of helping to prevent future complaints.

To provide a trusted source of independent advice to the Parliament, providing assurance of Executive compliance with the Rule of Law and supporting the Parliament's functions of scrutinising the Executive and implementing legislative reform.

Although we are independent of all stakeholders, we report directly to the Parliament of New South Wales, in its capacity as representative body of the people.

A core purpose of our role is to provide advice to the Parliament to support the exercise of its own functions. Although the Parliament, particularly through its committees, can hold inquiries, bodies such as ours – as well as the ICAC and the Audit Office – provide, in effect, permanent commissions of inquiry that report to, and provide advice and recommendations back to the Parliament. This advice can then support the Parliament's democratic functions, including its functions of public representation, public debate, law making and scrutiny of Executive action.





4. Our foundational qualities

What makes us uniquely positioned and qualified to deliver our Purpose are the following foundational features or qualities:

Statutory mandate

- The Parliament of New South Wales has conferred on us the unique status, functions and powers that enable us to pursue our Purpose. (A list of our current statutory functions is set out in **Appendix A**)
- Our jurisdiction is clearly defined in legislation; it is also limited – we have no inherent jurisdiction, and must not act beyond our statutory functions, even if doing so might serve our broader vision or mission
- Our jurisdiction can be invoked on our own motion, as well as in response to a complaint

Independence

- We have a legislative guarantee of independence from the Government, including its agencies and funded service providers
- We are not representatives of or advocates for any individual, community or special interest group, but have a statutory duty to act at all times in the public interest

We are independent, have Royal Commission type powers, and are accessible and accountable.





- Our statutory officers are appointed for fixed terms, and our staff are chosen by them
- We have an unconditional right to make public reports and statements through the Parliament on any matter arising in connection with the discharge of our functions
- Our budget is determined annually by the Parliament

Royal-commission type powers

- We have full statutory powers to thoroughly investigate whether an organisation within jurisdiction has acted lawfully, reasonably and fairly
- Public authorities generally cannot object to the production of information, documents or evidence on the basis of legal professional privilege or public interest immunity (other than Cabinet confidentiality)
- Our powers include the power to deal with systemic issues
- People and organisations within our jurisdiction can be lawfully compelled to respond to our questions and requests for information
- Consistent with our independence, we have discretion in the exercise of our powers and we only make suggestions and recommendations for change but do not impose our own decisions

Accessibility

- Any person has a statutory right to approach our office directly
- There must be no charge imposed on complainants for receiving or dealing with a complaint
- Complaints are investigated in the absence of the public, and generally speaking we cannot be compelled to produce evidence in court or tribunal proceedings; however, we have the ability to report publicly, through Parliament, on any investigation in an annual report or other public report where we consider it is in the public interest to do so
- Deaths are reviewed in private; however, we are required to report publicly, through Parliament, on the data we collect and analyse and our ensuing recommendations to prevent deaths in the future

Accountability

- The rules of procedural fairness apply to our conduct, including that any person directly affected is entitled to be heard before any adverse findings or recommendations are made
- There must be no reasonable apprehension of partiality, bias or prejudgement in any action we take
- We provide reasons for decisions, findings or recommendations
- We report directly to the Parliament of New South Wales including through our Annual Report and by scrutiny of our Parliamentary Oversight Committee

Necessary resources and expertise

- To fulfil our statutory mandate, we need adequate budgetary and other resources
- We have staff, processes and systems for the conduct of complaints-resolution, investigations, and systemic and other reviews
- We have expertise in administrative law and justice, we understand how Government agencies and community service providers work, and we are uniquely placed to look across the entire sector to compare processes and systems used by all agencies and providers within our jurisdiction.

The above Foundational Qualities are inherent in the office of the Ombudsman and are essential to the pursuit of our Purpose. But they are not of themselves sufficient to ensure that this Purpose is fully realised. There are other capabilities that we will need to maintain and further develop if we are to successfully fulfil our Purpose and achieve our Mission. Most of the Strategic Outcomes and Initiatives we have identified in this five-year plan (section 6 below) are directed to building and strengthening those other capabilities.

However, it is the Foundational Qualities above that make us essentially “fit for purpose”. They too must be continuously protected and nurtured, and some of the Strategic Outcomes and Initiatives in section 6 also seek to do this.





5. Our values

Our values describe the core behavioural principles that we live by and apply to everything we do.

They require and inspire us to be our best selves. In one sense our values are constraining: we do not pursue our ends by any means, but only in accordance with our shared values.

However, our values are aligned with, and indeed are essential if we are to meet, our strategic objectives. As these values express our organisation’s ‘character’, they lie at the heart of our brand and identity. Authentic and sustained strategic success can only be achieved if we act in conformity with these values.

Integrity

We are unfailingly ethical and honest. We apply to ourselves the same standards we demand of others.

Impartiality

We are impartial. We operate independently from government and act in a non-partisan manner. We work only in the public interest.

Fairness

We treat everyone fairly, and demand that others do the same.

Transparency

We communicate openly, giving reasons for our decisions. We report publicly whenever possible.

Professionalism

We achieve excellence through competence and diligence. We act with humility, courtesy and confidence.

Respect

We respect diversity and promote inclusivity, appreciating the range and worth of human difference.

These values express our organisation’s ‘character’: they lie at the heart of our identity.

6. Strategic Outcomes and Initiatives

Our Strategic Outcomes for 2020-2025 are those results we particularly need to focus on attaining throughout the course of the next five years if we are to achieve our Purpose, and strive toward our Mission.

They, together with the initiatives that we have identified to help deliver them, will guide our efforts, attention and energy. Achieving our Strategic Outcomes will enable us to answer the question “In five years, what does success look like for us?”.

In pursuing these Strategic Outcomes and Initiatives we must not lose sight of the importance of the ‘business as usual’ and that, while we work to future proof our organisation, we must also continue to deliver, each and every day, our services in accordance with our statutory mandate.

However, it is through continuous and dedicated focus on these Strategic Outcomes that we will best position ourselves to achieve our Mission and help to bring about the change that is needed to see our Vision become a reality.

Our Strategic Outcomes are grouped around five themes:

- Services and Impact
- Engagement and Relationships
- Leadership and Governance
- People and Culture
- Systems and Processes

Achieving our Strategic Outcomes will enable us to answer the question “In five years, what does success look like for us?”

Services and Impact

Outcome 1. *Consistent and best practice service provision and quality standards*

Initiatives

- 1.1 Review the demographic and geographic provision of our services to promote alignment to areas of greatest need and where our work can have greatest impact
- 1.2 Embed streamlined and consistent complaints-handling workflows, including through the development of new knowledge management and workflow tools
- 1.3 Develop and apply an independent internal review and quality assurance framework
- 1.4 Strengthen links with counterpart Ombudsman in other Australian and international jurisdictions, to share best practice and to consider opportunities for joint investigations or projects if appropriate

Outcome 2. *High-quality evidence-based advice and recommendations, on issues that are important, timely and relevant, that lead to positive and practical change*

Initiatives

- 2.1 Continue to embed rigorous governance processes for the approval and prioritisation of investigations and other major projects, and their effective project management
- 2.2 Review investigations processes with a view to more timely, flexible and scalable investigation approaches, appropriate to the nature of the relevant investigation
- 2.3 Increase focus on the delivery of systemic investigations, major emerging issues and system monitoring reports to Parliament
- 2.4 Enhance our analytic capabilities and build the evidence-base to better understand the causes and contributing factors of preventable child deaths, including in particular demographic and social factors
- 2.5 Review and refresh our approach to reviewing the deaths of persons with disability in residential care, to ensure consistency with the work of recently established agencies including the NDIS and Ageing and Disability Commission, and to better focus our preventive recommendations to those, such as NSW Health, that we oversight

Services and Impact

Initiatives

- 2.6 Pursue an enhanced program of visits to correctional centres and youth justice centres to improve access to our services, as well as to enhance the capacity of our staff to deal with complaints through a strong working understanding of the correctives system and the unique context in which complaints may arise in such settings
- 2.7 Invest in improved customer and case-management data collection, workflows and analytics capabilities, to improve end-to-end customer experience, drive efficiencies, enhance the early identification of systemic issues, improve accountability through better data reporting, and support the targeting of resources

Engagement and Relationships

Outcome 3. *The public, including the most vulnerable members of the community, understand our role, can access our services, and have trust and confidence that we will help*

Initiatives

- 3.1 Fully review and refresh all of our external communications, including a new Website designed around improved user experience
- 3.2 Strengthen links with other community bodies, and consider external collaborations, that will support our community engagement, particularly with vulnerable cohorts
- 3.3 Review and refresh our branding and all communications, including to ensure that they are accessible and consistently in plain, courteous and non-bureaucratic English
- 3.4 Develop and implement a community engagement strategy that proactively reaches out to cohorts that most need our services
- 3.5 Review intake processes, to provide faster and more efficient responses to enquiries or referral of out-of-jurisdiction complaints, including consideration of a technology-assisted phone answering and referral system, more user-friendly on-line complaints forms, and messaging and 'chat bot' capability

Engagement and Relationships

Outcome 4. *Agencies understand our role, have confidence in the fairness of our investigations and oversight, and respect us and our advice, because we understand them and their business and they know we will add value*

Initiatives

- 4.1** Comprehensively map the bodies we oversight, and develop a scalable approach to regular engagement and monitoring
- 4.2** Explore opportunities for enhanced conciliation/alternative dispute resolution (ADR) service provision to resolve complaints in a manner that is fast, cheap and effective
- 4.3** Modernise and enhance our educational and training service provision, to ensure its alignment to our strategic purpose around public sector improvement and provides an adequate return on investment (ROI)
- 4.4** Develop, in consultation with stakeholders, a refreshed approach to our 'monitoring' and 'auditing' functions, particularly in respect of (a) community services, to ensure clarity of roles, consistency of approach, and prioritisation and proportionality of effort, and (b) Public Interest Disclosures, to ensure we target delivery of our training services, use our data effectively, and focus on auditing to improve PID handling

Outcome 5. *Our status as an independent statutory oversight body supporting accountable and responsible government is reinvigorated through a stronger connection to Parliament*

Initiatives

- 5.1** Engage with the clerks of the Parliament and the other statutory oversight bodies to develop a shared working model for 'Parliamentary statutory offices'
- 5.2** Proactively communicate the work we do and its value, including through a program of more regular pro-active reporting on monitoring projects and investigations to the Parliament
- 5.3** Work with Parliament to explore improved service provision to support Parliament and its members

(Services to be considered may include education and training, support in complaint-handling and referrals, and the provision of research, advice and investigatory support to Parliamentary Committees in respect of inquiries that touch on the Ombudsman's oversight responsibilities)

Leadership and Governance

Outcome 6. *Unified leadership and a clear strategy, supported by rigorous governance structures*

Initiatives

- 6.1** Embed this Strategic Plan so that it is internalised by staff and reflected in all that we do
- 6.2** Review organisational structures, committee structures, reporting lines and resourcing allocation to ensure all work is aligned to strategy
- 6.3** Develop and share internally a comprehensive office-wide rolling 12 month program covering all events, investigations, projects and other significant work across the office
- 6.4** Support our emerging leaders including through the Extended Leadership Team and structured leadership and management training

Outcome 7. *Clarity of role and purpose, with a set of strategically aligned statutory functions that support efficient operations at a sustainable scale*

Initiatives

- 7.1** Seek a review of the Community Service (Complaints Handling & Monitoring) Act to clarify Parliament's intentions regarding the Ombudsman's ongoing functions
- 7.2** Continue to engage with Government and Parliament to modernise our governing legislation to ensure our functions and powers remain appropriate
- 7.3** Continue to seek clarity from Government and Parliament regarding the implementation of OPCAT, and its impact on our mandate
- 7.4** Continue to engage with Government and Parliament about opportunities for merger or co-location with strategically aligned independent oversight offices to enhance operational synergies and corporate efficiency

People & Culture

Outcome 8. *An employer of choice whose workforce is diverse, highly engaged and capable, and bound together by shared values, purpose and culture*

Initiatives

- 8.1** Implement a refreshed Performance Development Program, which is supported by a leading edge Human Capital Management (HCM) system
- 8.2** Implement our Health and Wellbeing Action Plan
- 8.3** In collaboration with our Diversity and Inclusion Advisory Forum, implement a range of D&I initiatives to promote greater inclusion and support diversity, including Cultural Inclusion training, and a recruitment and retention strategy to promote the employment of Aboriginal people and diverse community members
- 8.4** Support initiatives for employee mobility and development to complement business needs and staff development
- 8.5** Develop and implement an Employee Recognition program to recognise excellence and reinforce our organisational values
- 8.6** Reinforce our commitment to flexible working
- 8.7** Develop and apply an internal communications strategy, including a new Intranet and cross-office newsletter, that supports knowledge sharing and a unified and collaborative culture

Systems and processes

Outcome 9. *Modernised and continuously maintained IAT and support systems and processes that give our people the tools they need to perform at their best and improve the customer experience*

Initiatives

- 9.1** Invest in modernised systems that support a digital working environment that make accessing our services easier and more efficient
- 9.2** Enhance our cyber security framework
- 9.3** Undertake a comprehensive refresh of all internal policies and procedures, and keep them under continuous review

Outcome 10. *Rigorous evaluation processes and performance metrics that keep us on track and drive continuous improvement*

Initiatives

- 10.1** Develop a regular survey program for obtaining feedback on complainant and stakeholder experiences, outcomes and satisfaction surveys
- 10.2** Develop and apply tools to track the acceptance, implementation and impact of our advice and recommendations
- 10.3** Review and refresh all internal key performance indicators (KPIs) to ensure they are measurable and meaningful, and ensure relevant data is able to be collected and analysed to report against these KPIs



7. Strategy into action

Each of the Strategic Initiatives in section 6 above will be assigned an Executive lead, and Annual Action Plans will be developed. Implementation will be overseen by the Executive Team and reported on annually.

Many of our Strategic Initiatives will require an investment of funds as well as internal resources and effort. Accordingly, we will need to prioritise the initiatives for phased implementation throughout the five years of this strategic plan.

We will need to prioritise initiatives for phased implementation throughout the five years of this strategic plan.



Schedule A: Our statutory mandate and functions

Complaints and investigations about public authorities – Part 3 Ombudsman Act 1974

We receive (in writing or orally) complaints about the conduct of public authorities, which include:

- all departments and other public service agencies and their staff
- statutory bodies and their staff
- Ministerial staff (but not Ministers)
- local government authorities and their staff
- corrective services facilities and youth justice facilities
- universities established under NSW legislation, and
- other bodies required to keep accounts auditable by the Auditor-General.

We assist in the resolution of complaints, including by referral, conciliation or mediation, and by the making of preliminary inquiries and the provision of information and comments to the public authority.

We investigate the conduct of public authorities (whether or not any complaint has been made) where it appears to be conduct of the kind referred to in section 26 of the *Ombudsman Act 1974*, including conduct that is:

- contrary to law
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives, irrelevant grounds or irrelevant considerations
- undertaken without giving reasons (when reasons should have been given).

We report on investigation outcomes to the relevant public authority and Minister, including by making recommendations that:

- the conduct in question (eg, a decision taken) be reconsidered
- action be taken to rectify, mitigate or change the conduct or its consequences
- reasons be given for the conduct
- any law or practice relating to the conduct be changed
- compensation be paid
- any other step be taken.

Monitoring and assessment of OCHRE – Part 3B Ombudsman Act 1974

We monitor and assess prescribed Aboriginal programs. To date, the only program prescribed is the Government’s OCHRE plan for Aboriginal affairs.

We report on our monitoring and assessment of that Aboriginal program to the Minister and Parliament.

Monitoring of disability reportable incidents – Part 3C Ombudsman Act 1974

We receive reports from the Department of Community and Justice (DCJ) of disability reportable incidents (such as sexual misconduct, assaults, ill-treatment, neglect or unexplained serious injury in relation to a person with a disability in supported group accommodation).

We monitor investigations by DCJ of reportable incidents, and investigate any inappropriate handling of or responses to reportable incidents.

We keep under scrutiny the systems of DCJ for handling and responding to reportable incidents.

(NB: Our role in monitoring disability reportable incidents will cease when DCJ services are transferred to NDIS providers in late 2020.)

Community services function – Part 3 and Part 4 Community Services (Complaints, Reviews and Monitoring) Act 1993

We receive (in writing or orally) complaints about the conduct of community service providers, being:

- DCJ (formerly Family and Community Services)
- certain providers of ageing, disability and other community services funded by the NSW Government
- authorised carers of children in out-of-home care, and
- providers of assisted boarding houses.

We investigate such complaints if they involve the kind of conduct referred to in section 26 of the *Ombudsman Act 1974* (see above) or otherwise if it:

- raises a significant issue of public safety or public interest
- raises a significant question as to the appropriate care or treatment of a person by the service provider.

We review and report on the systems of community service providers for handling complaints.

We review, on application or on the Ombudsman’s own initiative, the situation of a child in care or a person in care (or a group of such persons).

We promote and assist the development of community service standards and educate service providers, clients and others about those standards.

We monitor and review the delivery of community services, and inquire into matters affecting service providers and receivers, and we make recommendations for improvements in the delivery of community services.

Child and Disability Death Review – Part 5A and Part 6 Community Services (Complaints, Reviews and Monitoring) Act 1993

We convene the Child Death Review Team, which among other things:

- maintains a register of all child deaths in New South Wales
- analyses data to identify trends and patterns in those deaths
- undertakes research to help prevent or reduce the likelihood of child deaths
- makes recommendations as to legislation, policies, practices and services to prevent or reduce the likelihood of child deaths, and
- reports biennially to Parliaments on its analysis and research.

We receive notifications and maintain a register of reviewable deaths, being

- children in care or detention
- children whose deaths were, or may have been, due to abuse or neglect, or whose deaths occurred in suspicious circumstances
- persons with a disability in residential care.

We monitor and review such reviewable deaths, and undertake research with a view to formulating strategies to reduce or remove risk factors associated with preventable reviewable deaths.

Oversight of public interest disclosures scheme – *Public Interest Disclosures Act 1994*

We promote public awareness of the *Public Interest Disclosures Act 1994* (PID Act) and provide information, assistance and training to public authorities.

We issue guidelines on the application of the PID Act.

We monitor and report to Parliament on compliance by agencies with the PID Act, and to undertake and report on compliance audits.

We convene the PID Steering Committee, which provides advice on the operation of the PID Act and recommendations for reform.

Special reports – section 31 *Ombudsman Act 1974*

We make special reports to Parliament on any matter arising in connection with the discharge of the Ombudsman's functions.

Children (Detention Centres) Regulation 2015

We receive notifications of and monitor the segregation of children in youth justice centres if the segregation extends beyond 24 hours duration.



