

# **QUESTIONS ON NOTICE**

## **REVIEW OF THE 2006-07 ANNUAL REPORT OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE**

### **Year in Review**

- 1. Could you report on the progress of the Commission's strategic directions document? Does the Commission have any proposals for new strategic developments?**

Response: We have completed a draft strategic directions document, after consultation between staff and with our Expert Advisory Group. We are now considering how to consult further with children and young people as our draft strategic directions have been based on our research into children's understanding of well-being. The children and young people consultation presents special challenges because some of the new projects are at too early a stage for detailed consultation, and some are already underway.

Our proposed strategic directions include consolidating and completing projects started in 2006-08:

- Paid maternity leave and other early years developments
- Built environment
- Children at work

We have new projects for research development now with the policy implementation occurring probably towards the end of this planning cycle.

- Environmental issues
- Children's experience of Poverty
- Mobile me: a study into the psycho-social impacts of mobile telecommunications on children

Finally we will maintain existing effort in:

- Working With Children Program with an emphasis on upgrading our infrastructure and building child-safe child -friendly organisations
- Participation particularly looking at children's involvement in research activities
- Child Death Review Team support and research
- Monitoring wellbeing including updating Kids Stats to reflect our research into children's view of their well-being
- Influencing to promote children's safety, welfare and well-being eg making a submission to the Wood Special Commission of Inquiry into Child Protection Services in NSW.

## **2. What, if any, programs have the Commission implemented relating to children with a disability?**

Response: We advocate for all children, including those with disabilities.

We were able to advocate for children with disabilities in 2007 when the Department of Education and Training revised its enrolment guidelines and forms to help manage kids with violent behaviour. Our involvement contributed to changes in the guidelines and forms so that kids with disabilities would not be wrongly labelled with a "history of violence" in schools.

Children with disabilities are included in our general consultations with children. For example our Young People's Reference Group included kids with disabilities each year and disability services like the Spastic Centre, Macarthur Disability Service and the Deaf Society help us bring kids with disabilities into focus groups.

In 2007 we worked with the Disability Council on their new strategic plan, focussing on children and young people. Currently we are helping the National Disability Services (the peak body for disability service providers) to strengthen the voices of children with disabilities, both in the disability services and in the community.

This year we are targeting disability services in our child-safe, child-friendly activities, encouraging disability organisations to build risk management capacity. Together with the University of Sydney and the Children's Hospital, Westmead, we are part of

the Australian Family and Disability Studies Research Collaboration on achieving better health outcomes for youth with chronic health conditions.

In September 2007 I attended the European Network of Ombudsmen for Children (ENOC). This meeting's emphasis was on children with disabilities. I have arranged to brief the Disability Council, who holds their monthly meetings at the Commission's Participation Room, on that meeting.

**3. What has been the Commission's role in the development of child friendly communities with Griffith University [p 52]?**

Response: In July 2007, we contracted Griffith University Urban Research Program to develop a set of child friendly community indicators for us. Using our research into children's well-being, we decided to establish indicators on public space and common areas within community environments. We now have a draft set of base indicators, applicable to most communities.

We're now working with selected local councils to trial the indicators. We will then release resource material to help councils build child-friendly communities including ideas for using the indicators.

We will also use the draft indicators to refine our Kids Stats framework.

**4. The Report notes that Business Initiating Social Impact (BISI) ceased operating in April 2007. What strategies does the Commission have in place to continue working with business on children's issues [p 52]?**

Response: Business impacts in children's lives as employer, marketer, provider of goods and services, corporate citizen and contributor to environmental problems and solutions.

We supported BISI because it provided a platform for the conversation to happen; business hasn't traditionally engaged with children's issues. It's challenging to work with business on these issues.

BISI had many successes including management-sponsored workplace seminars on parenting for employees and the development of specialist parenting guides and tip sheets for working parents on caring for new babies and young children.

BISI failed because of the magnitude of the challenge to convince business that investing in their employers as parents and young people as potential staff was a sound business decision.

We will continue to use the networks we developed through BISI to promote issues such as paid maternity leave. We hope to keep former BISI members as champions for paid maternity leave within their business networks.

We are returning to our former approach and working with business on particular issues like children at work, paid maternity leave and the built environment. For example, our built environment work involves meeting with the planning professions and developers to identify ways planning and development decisions meet kids' needs.

## **Prohibited Employment Declarations**

**5. In 2006-07 the Commission received 48 new applications for a review of prohibited status, and 34 orders were granted [p 57]. Could you provide information on the procedures which are followed in so doing, and the orders which were ultimately granted?**

Response: We detail our procedures in the new *Operators Manual for Prohibited Employment Status Reviews*. Briefly our procedures involve getting the applicant's records from police, courts, relevant government agencies and employers, and assessing the current risk to children that applicant presents. I am obliged to consider these statutory factors in assessing risk:

- the seriousness of the prohibiting offences
- the time since the offences took place
- the age of the person when the offence took place
- the age of each victim when the offence took place

- the difference between the offender's and victim's ages
- whether the offender knew or could have known that the victim was a child
- the prohibited person's current age
- the seriousness of the offender's overall criminal record
- other matters the Commission thinks are relevant

I cannot grant an Order unless I am satisfied that the applicant no longer poses a risk to the safety of children.

Details of the 34 Orders I granted in 2006/07 are:

- 15 were carnal knowledge offences over 20 years ago (45%)
- 15 were indecency offences (eg touching) over 10 years ago (45%); of these, 11 were over 20 years ago
- 4 involved sexual assault
  - one more than 20 years ago
  - one more than 10 years ago
  - two within the last 10 years
- all offenders were younger than 30 at the time of the offence
- 27 were younger than 20 (80%)

**6. Has the review of the Prohibited Employment Manual for staff preparing a determination by the Commissioner of an applicant's status been completed?**

Response: Yes. Our new *Operators Manual for Prohibited Employment Status Reviews*, approved earlier this year, is now used by all our Commission assessors.

**Background Checking**

**7. Could you provide an update on the progress of the implementation of e-checking?**

Response: We contracted for the software design in February 2007. We signed off on the design and contracted for the development in November 2007. The

contractors have now completed much of the development and we anticipate that we will be testing eCheck from March. We aim to have eCheck in operation in June 2008. We are already meeting with key clients to help them prepare to use eCheck when it is available.

eCheck will give employers faster results and let them track the progress of their checks. eCheck will also eliminate transcription errors from faxes and will make it easier for employers to update their registration details.

**8. The Report notes that the Commission is one of five agencies performing the Working With Children background checks [p 58]. What interaction does the Commission have with the other agencies?**

Response: Our role in the Working With Children Check is set out in the *Working With Children Check Operator Guidelines*, and includes:

- Leading the program
- Maintaining the Working With Children Check guidelines
- Continuous improvement of the program
- Liaising and consulting with Approved Screening Agencies as key stakeholders
- Managing disputes and complaints
- Providing IT systems for the Check
- Operating prohibited employment systems
- Auditing Approved Screening Agencies

We interact with the Approved Screening Agencies in a variety of ways. We hold quarterly forums for the Agency managers, to consult and communicate about the Check program. We have run extended training sessions for Approved Screening Agency staff to prepare them for AWARE, our new risk estimate model. We are now running monthly sessions for AWARE operators to give us feedback about using the new model. We also gave briefings on AWARE to Approved Screening Agency client groups.

We also hold quarterly meetings with senior officers in the agencies that host the Approved Screening Agencies, to keep them informed about the program and consult them on possible changes.

We disseminate guidelines, procedures and standard letters to make sure all Approved Screening Agencies use consistent and effective tools for implementing the Check. We provide formal and informal advice in response to frequent requests from the Approved Screening Agencies, and invite them to the expert seminars we sponsor.

We have an audit program for the Approved Screening Agencies, revised during 2007. Our first audits under the new program are about to commence.

**9. What sorts of issues have arisen in relation to Relevant Employment Proceedings? Are these Proceedings monitored on a state-wide basis to ensure consistency? What role, if any, does the Commission play in ensuring effective quality control [p 59]?**

Response: The quality of notifications from employers varies greatly. Some have trouble determining what category to notify into. When we use the notifications in risk estimates, we have found some to be flawed. Flaws can relate to the quality of the investigation, the rationale for the finding, the relevance of the conduct and even the availability of required documentation.

The *Ombudsman Act 1974* requires the Ombudsman to oversight the complaints processes and investigations of a large proportion of child-related employers. We rely on the Ombudsman for consistency and quality in notification from these employers.

The Commission's statutory role in relation to Relevant Employment Proceedings is to collect and maintain the database. We receive about fifty notifications each month. We are not in a position to review each one as it arrives. However we review each Relevant Employment Proceeding before it is used in a risk estimate. If we find flaws in the notification we correct them before the risk estimate commences.

We are finalising a contact with a child protection expert to advise us on how we might improve our processing of Relevant Employment Proceedings.

**10. In 2006-2007, there was nearly twice the estimated target of 120 risk assessments [p 59]. Is the Commission aware of any particular factors that may be contributing to this high numbers?**

Response: In the early years of the Working With Children Check we averaged 120 risk estimated for the 80,000 checks done. So when we defined a target to help us manage and prioritise our resources for risk estimates we used this number. We now do about 200 risk estimates each year.

While we can't predict how many job applicants will have relevant records, we can plan our resources to make sure we undertake all our risk estimates promptly. As the numbers have risen we have redesigned work practices, and provided more administrative support for our risk assessors. This means we cope with the additional numbers.

I plan to review these targets for 2008/09.

**11. What strategies does the Commission plan to implement if it continues to experience difficulties in completing 75% of estimates of risk within the 8-week timeframe [p 60]?**

Response: There is no doubt that this target is aspirational: it is the way we would like to serve employers. However, to date we have not met this target.

When we undertake an estimate of risk we need to collect extensive information from third parties. It often takes three weeks to get confirmation of a relevant criminal record through CrimTrac. It can take the same amount of time, or longer, to get information from courts, prosecutors, employers and applicants.



We piloted a new risk estimate model, AWARE, from May 2007. We mandated it for all Approved Screening Agencies in October 2007. AWARE streamlines the risk estimate process. It lets us complete low risk cases more quickly. We can also save time by accessing risk estimate information already held by other Approved Screening Agencies, instead of seeking it anew from courts and other authorities.

AWARE also lets us re-use information employers have provided us about their workplace or the position they are recruiting into.

**12. What strategies does the Commission plan to use to address the difficulties encountered in offering child-safe/child-friendly training courses to private tutors [p 62]?**

Response: We now recognise that tutoring is still in the process of forming itself into an industry. In 2006/07, child-safe, child-friendly issues were not yet a priority for this emerging sector. So we have deferred targeting tutors until certification for self-employed persons in child-related employment is introduced. We can highlight child-safe child-friendly training when we promote the certificate.

We will then set up workshops with the support of relevant organisations like the Australian Tutoring Association, the Sydney Self-Defence Centre, regional conservatoriums of music, and peak organisations for martial arts, dance, music and sports.

**13. To what extent do volunteer organisations which work with children access the Commission's child-safe/child-friendly resources and programs?**

Response: Volunteer organisations have been specifically targeted in our child-safe, child-friendly work. As a result of this, Scouting Australia and Surf Lifesaving have integrated child-safe child-friendly resources into their own training courses. Our active links with the Australian Sports Commission and NSW Sport and Recreation mean that these organisations refer volunteer sporting organisations to the Commission resources.

Our training workshops are regularly attended by organisations which use volunteers. Volunteer organisations attended all nine workshops in 2006-07. Typically, organisations send one or two paid staff and several volunteers to workshops.

### **Additional statutory requirements**

**14. The Report notes that \$32,000 was spent in 2006-07 on specialist management consultants [p 65]. Could you please advise as to the impact upon the management of the Commission of hiring these consultants?**

Response: It is very important for the Commission to engage specialist expertise. We are a small agency covering a very wide remit. We cannot retain all the expertise we need on staff. Our consultants help us to provide quality services and expert advice.

In 2006-07 we engaged Griffith University at a cost of \$24,000 (ex GST) to help develop an indicators framework for a child-friendly community.

We also engaged TeKnowledge IT Consulting at a cost of \$8,000 to specify requirements for eCheck and identify a suitable software developer.

### **Children's Issues**

**15. Commitments to other projects prevented *Kids' Stats* from being updated in 2006-2007, so that current data and the "ages and stages" option will be published in 2007-2008 [p 51]. At what stage is this updating?**

Response: The key indicators for different age groups of children and young people are now available. The data now available is:

- under one year (infants)
- one to four years (toddlers)
- five to nine years (early childhood)
- ten to 14 years (middle childhood)
- 15-17 years (adolescence)

We published this information on our website on 10 September 2007.

The new "Age Groups" section is now the third most frequently visited section of the Kids Stats site, out of a possible ten, with 2,044 downloads from October to December 2007.

**16. Could you please advise the Committee on the Commission's process of consultation in preparing its submission to the State Plan, and the role envisaged for the Commission in the Plan's implementation [p 51]?**

Response: The Commission undertook specific consultation regarding the State Plan with two groups of young people: the Young People's Reference Group and the NSW Student Representative Council. Consultations aimed to:

- Help young people understand what "state" issues are
- Prioritise goals from their own views and the themes in the Commission's well-being study
- Briefly test the draft State Plan priorities against those developed in the young people's consultation.

We encouraged young people to send in ideas that they did not get to discuss during the meetings. Several young people then sent in their ideas. Our submission to the State Plan was informed by this consultation. Government amended the draft State Plan to reflect some of Commission's advice, including re-naming the first section of the Plan "*Rights, Respect and Responsibility*" and recognising the importance of young people's connection to the labour force.

Numerous State Plan targets relate to children and young people in some way.

We are supporting ongoing involvement by children and young people in the State Plan by hosting a seminar on young people's participation. The seminar will be in April 2008. We've identified those State Plan targets for which young people's involvement is most important, and invited their lead agencies to the seminar.

We are also represented on the Human Services and Justice Senior Officers Group which monitors the implementation of the State Plan Priority Delivery Plan.

**17. How is the Commission progressing the process of partnership building with local councils in order to explore the practical implications of developing child friendly communities [p 52]?**

Response: The Commission is developing resource materials and demonstration projects to help councils understand what practical things they can do to develop child-friendly communities.

In December 2007 we entered into a joint project with Wollongong City Council. The aim of this project is to analyse and describe the current practices used by Wollongong to impact on the child-friendliness of the city's built environment. Where ideas for improvement can be found elsewhere, they may be tested for inclusion in the Wollongong Council processes during 2008. We will use the results to develop, publish and promote advice for Councils on improving the child-friendliness of their areas.

Wollongong, Sydney City and Port Stephens Councils will work with us to test and refine child-friendly community indicators to use in planning, monitoring and evaluating child-friendliness. We expect that two more Councils, one in a rural area and one in outer Sydney, may also become part of trialling the indicators.

Port Stephens Council has been working closely with us to develop child-safe child-friendly organisations within the area, with a focus on the built environment.

We are also targeting local councils for the Commission's child-safe, child-friendly program this year. We have already provided training to local government library staff and are developing some specialist resources about making libraries child-safe and child-friendly.

## **Participation**

### **18. Two online forums are planned for 2007-2008 [p 56]. What will be the topics of these forums?**

Response: As part of our review of participation mechanisms, we developed a capacity to host Online Forums, giving kids the chance to have a say on issues important two them.

Our first Online Forum, conducted in September 2007, asked a group of young people for their feedback on a new Commission publication, The Babysitting Guide. A second Forum, planned to coincide with Youth Week in April, 2008, will look at kids' views on climate change, how it affects their lives and sense of well-being.

## **Other**

### **19. Can you provide an overview of the type of requests under the *Freedom of Information Act 1989* received by the Commission, and the reasons such applications may be partially or completely rejected [p16]?**

Response: Two thirds of our nine requests were from individuals wanting information about their own risk estimates or Relevant Employment Proceedings.

We released all Relevant Employment Proceedings information we held to three applicants. We released all our risk estimate information, apart from the risk instruments, to two applicants. We withheld the instruments to protect their integrity as internal working documents. We did not hold records on the third risk estimate so could not release any information.

The remaining three requests were from the media, seeking information about prohibited persons or people subject to estimates of risk. We released all requested information, except personal and identifying information, for two requests. We refused one request as we could not access the information sought without substantial work; and the information sought could identify individual offenders.