

REVIEW OF THE 2008-09 ANNUAL REPORT OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE

QUESTIONS TAKEN ON NOTICE

1. On page 6 of the transcript the Hon Kayee Griffin asked: In your opening address you spoke about the built environment and councils that the Commission was working with. Which councils is the Commission working with on the built environment at the moment?

In November 2007 the Commission partnered with Wollongong City Council to document its planning procedures, identify opportunities to improve participation with children and young people in decision making and develop a 'good practice guide' for local government. Although a decision was taken not to release the documentation because it was too specific to the experiences and practices of Wollongong City Council, some aspects of this work was incorporated into *built4kids* and the Commission developed a better understanding of the operations of local council in relation to the built environment.

The Commission is currently working with local councils involved with the Child Friendly Cities Network which include, but are not limited to: Wollongong City Council; Auburn City Council; Penrith City Council; and Shellharbour City Council. The Commission will host a meeting of the Child Friendly Cities Network in February 2011.

The Commission has also written to key NSW government agencies and non-government organisations inviting them to participate on the Children, Young People and the Built Environment Advisory Group. The Local Government and Shires Associations, the peak industry bodies for local government in NSW, have been invited to participate on the Advisory Group.

Finally, up to 35 local councils will be invited to participate in a survey of local councils that the Commission is funding Griffith University to undertake to: determine how *built4kids* is being used by local councils and other professional sectors; the impediments to implementing the principles and practices outlined in *built4kids*, especially consultation with and inclusion of children; what changes are required to support the implementation of the principles and practices outlined in *built4kids*; and how the *built4kids* principles and practices impact on planning processes.

2. On page 6 of the transcript Rev the Hon Fred Nile asked: I note too that in the background material that you have an involvement with the Child Injury Prevention Reference Group and it is apparently chaired by you or someone on the Commission. Are there any other interagency groups that the Commission chairs or is responsible for, or is it particularly the Child Injury Prevention Reference Group?

Response:

The Commission currently chairs the following inter-agency groups:

- Child Death Review Team
- Approved Screening Agencies Group
- Child Injury Prevention Reference Group

- Children, Young People and the Built Environment Reference Group (inaugural meeting to be held in October 2010)
- NSW Advisory Panel on the Middle Years of Childhood (NSW government agencies will meet at the Commission in November 2010 to inform the membership of this group).

The Commission is also represented on the following inter-agency groups:

- Australian Children's Commissions and Guardians Forum
- Housing and Human Services Senior Officers Group
- Communities NSW Joint Services Planning Working Groups (volunteering, Western Sydney, regional NSW and data)
- Senior Officers Committee on Mental Health
- Senior Officers Committee on Drugs and Alcohol
- Premiers Council on Active Living
- Obesity Senior Officers Group
- Sudden Infant Death Advisory Committee
- Australian Research Alliance for Children and Youth (ARACY) network
- University of NSW Arts and Social Sciences, School of Social Sciences and International Studies, NSW Children's Court Advisory Committee Group.

- 3. On page 8 of the transcript Ms Andrews asked: Commissioner, I think we all recognise that governments and society as a whole have done quite a lot to help young children with disabilities but could you outline to the Committee what programs the Commission has implemented or is planning to implement relating to children with a disability?**

Response:

The Commission works in partnership with NSW human service agencies as part of its broader policy, research and advocacy work as well as on its specific projects. It is the role of human service agencies, and not the Commission, to deliver services and programs to specific groups of children.

In relation to children with disabilities, the NSW Government agencies with specific portfolio responsibilities to children with disabilities include: Department of Human Services, Ageing, Disability and Homecare; Department of Human Services, Community Services; the Department of Education and Training; and the Department of Health.

As reflected in the Commission's submission to the statutory review, the Commission has a broader mandate of promoting the views and interests of children *across* government and all of its human service agencies.

Issues relating to disability are addressed through the Commission's work on preventing child death and injury. Information about children with disabilities will also be included in "A Picture of NSW Children" that the Commission is developing in collaboration with the University of NSW Social Policy Research Centre.

ADDITIONAL QUESTIONS

Organisational Issues

- 1. The Committee notes some applications for funding in 2008/09 were unsuccessful. Does the Commission conduct reviews of unsuccessful funding applications?**

Response:

The Commission's 2008-09 Annual Report refers to two projects that did not receive funding. These projects were *Children's understanding of poverty* and *Ethical issues in children's participation in research*. The Commission supported the applications for funding that were made to the Australian Research Council (ARC) Discovery Project by both RMIT Melbourne and the Queensland University of Technology respectively. Only universities or similar academic institutions can apply for ARC Discovery grant funding. Feedback was provided to the universities as to why the applications for funding were not successful.

Consultants

- 2. What kind of specialist knowledge and expertise was required by the Commission to perform its responsibilities in 2008-2009?**

Response:

The projects that consultants were engaged to provide specialist knowledge and expertise in 2008-09 were:

- Development of the business case to meet NSW Treasury requirements to fund the replacement of the Employment Screening System.
- Review of the Working With Children Check relevant employment proceedings to improve policy and practice.
- Specialist technical advice concerning IT communications and communications upgrades.
- Designing and facilitating workshops to build the capacity of Aboriginal men to tackle child sexual assault.
- External review of IT project implementation.

Consultant	Project title	Project description	Cost
BSR Solutions	<i>Employment Screening System Upgrade</i>	Development of the business case to support the Commission's proposal to fund a new Employment Screening System	\$49,500.00
C Quinn Consultancy	<i>Review of Relevant Employment Proceedings</i>	Review WWCC relevant employment proceedings to improve policy and practice.	\$9,227.27
Sage Consulting	IT Communications	Specialist advice to resolve software issues impacting on critical communications systems	\$1,920
RPR Consulting	Building the capacity of Aboriginal men to tackle child sexual assault	Designing and facilitating of workshops	\$3,400
Teknowledge	ESS Online System Development	External review of project implementation of the ESS Online System	\$360.00

3. If you anticipate engaging consultants in the coming year, could you elaborate on your plans and reasons for doing so?

Response:

In 2010-11 the Commission will engage BSR Solutions who were responsible for preparation of the business case used to secure the funding for the rebuild of the Employment Screening System. BSR Solutions have been involved with the project from its inception and have experience in IT business services as well as experience in NSW government IT operations and procurement.

BSR's involvement in the development phase of the project will be minimal, as they will only assist in providing advice on the project at key points throughout the development period. It is envisaged that no other external consultants will be engaged for the project although specialists in software/hardware configuration may be required for "one off" jobs.

Children and Poverty

- 4. In answer to Question on Notice No.6 the Commission states that funding for research based on sociology of childhood, has not been successful to date. Does the Commission intend to continue to seek funding for this research?**

Response:

In the next 12 months, the Commission does not intend to seek funding for this research as the work program for 2010-11 has been set. As previously communicated to the Committee, the Commission will focus on: the built environment; the middle years of childhood; injury prevention; reporting on complaints made by children; developing "A Picture of NSW Children"; and developing appropriate consultative methods with children and young people. However, this issue will be reviewed in 2011-12 as part of the Commission's regular forward planning process. In 2010-11, the Commission will continue to consider the issues around poverty across all of its priority areas.

- 5. In answer to Question on Notice No.6 the Commission identifies a number of organisations that undertake research or deliver services to children affected by poverty. How will these partnerships be structured and what specific functions would the Commission undertake?**

Response:

The Commission will continue to monitor the issues for children living in poverty via "A Picture of NSW Children".

There are a number of agencies that already undertake research and/or deliver services to children affected by poverty such as the Benevolent Society, the Smith Family, Mission Australia, the Brotherhood of St Laurence and the Salvation Army.

As outlined above, the Commission's work program for 2010-11 has been set. If the Commission is able to undertake this work in 2011-12, its role within these partnerships will be to support the development of research and policy responses that are child-centred and informed by children's perspectives of poverty.

Monitoring Well-being

- 6. What priority will be given to the monitoring of well-being using the indicators framework and what resources will be committed to this area in future?**

Response:

The Commission developed an outcomes framework for monitoring children's well-being following the release of its research report *Overview of Children's Understandings of Well-being*. In this study, 126 children and young people were interviewed about what well-being meant to them.

In order for the Commission to monitor children's well-being using this framework, new data sources are required as the information is currently not collected. However, developing new data collections requires a long-term commitment and resources.

In the interim, the Commission is focusing its efforts on publishing "A Picture of NSW Children" which will report against data already collected about NSW children.

The Commission will release this report in 2010-11. This report will contain descriptive information and statistics on children in NSW and is intended to be a resource for government, policy and research professionals and the community about children in NSW.

- 7. If, as recommended by the Commission in its submission to the Statutory Review, well-being is made the paramount focus of the policy and research role of the Commission and of the guiding principles, what impact will this have on your future annual reporting?**

Response:

Three principles identified in Section 10 of the *Commission for Children and Young People Act 1998* underpin the Commission's work. These principles are:

- a The safety, welfare and well-being of children are the paramount considerations.
- b The views of children are to be given serious consideration and taken into account.
- c A co-operative relationship between children and their families, and between children and their community, is important for the safety, welfare and well-being of children.

The Commission's submission to the statutory review recommended removing the references to 'safety' and 'welfare' as they are recognised as aspects of well-being. Therefore, there will be no impact on future annual reporting.

Submission to the Statutory Review of the Commission for Children and Young People Act 1998

- 8. How can the Commission promote the United Nations Convention on the Rights of the Child within NSW policies and services, in addition to its participation in the national policy development forum?**

Response:

Australia is a signatory to the United Nations Convention on the Rights of the Child (UN CROC). As part of its obligations under the international human rights framework of the UN, Australia is legally required to ensure that its treaty obligations are implemented and enforced.

Securing the rights of children under UN CROC is the responsibility of governments at all levels and the community. By working in partnership with government agencies, non-government organisations and individuals in the community, the Commission has a role in promoting UN CROC as part of its policy, research and advocacy work as well as through its projects. In 2010-11, these include: the built environment; middle years of childhood; injury prevention; reporting against complaints made by children and young people; and developing appropriate consultative methods with children and young people. The Commission has integrated the principles of UNCROC into this current strategic planning process.

9. What are the challenges to developing an ongoing advocacy program in relation to the Convention in the NSW context?

Response:

As outlined in the Commission's response to Question 8, securing the rights of children under UN CROC is the responsibility of governments at all levels and the community. The Commission's role in relation to UN CROC is to work in partnership with others to ensure that the rights of children are upheld. There are opportunities that exist within all aspects of the Commission's policy, research and advocacy work as well as its specific projects to advocate for greater compliance in NSW against the Articles of UN CROC.

The key challenge for the Commission is that rights are indivisible and the 54 Articles contained in UN CROC cannot be considered individually. This creates significant complexity for the Commission in:

- Advocating for child-centred policy development and decision-making in government.
- Monitoring the impact of policy on children.
- Taking a holistic view of children irrespective of the specific issues dealt with by human service line agencies.
- Developing processes to obtain the views of children to build knowledge and understanding about children's lived experiences.
- Preventing harm to children in the work place.

The challenge is not unique to NSW and exists in all jurisdictions. The Commission is a small agency and cannot undertake this work alone. In order to develop a comprehensive advocacy program in NSW in relation to UN CROC, the Commission would need adequate resources to undertake this work over a longer term.

10. The Commission proposes not to retain its principle function of accrediting counsellors and programs for individuals convicted of sexual offences against children. Which organisation would fulfil this function in the absence of the Commission?

Response:

The Commission has suggested that accreditation of professional counsellors may be more appropriately done by another body. The Commission will enter discussions with alternative agencies, including NSW Health, about the best approach for the future management of this accreditation program. Until an alternative approach is agreed, the Commission will continue to accredit child sex offender counsellors.

REVIEW OF THE 2008 ANNUAL REPORT OF THE CHILD DEATH REVIEW TEAM

ADDITIONAL QUESTIONS

Organisational Issues

1. How might you summarise the main achievements of the Team during the 2008 reporting year and what set-backs, if any, did you experience?

Response:

The Child Death Register was redeveloped based on the findings of the study *Trends in Child Deaths in New South Wales 1996-2005*. This included the addition of the International Classification of Diseases, Australian Modification (ICD-10-AM) codes for classifying the psychosocial and socioeconomic circumstances of the children and their families and where relevant, the health services accessed. The Team identified that these codes do not allow all the information required to be captured such as final school year examination stress, school bullying, problems related to sexual identification, problems in relationships with friends, domestic violence and drug abuse in the family. The Team approached the lead author for the ICD-11 revision to include additional child specific codes in the classification. Over the coming year the Team will continue these negotiations.

The definition of chronic conditions for children and young people has been challenging for the Team. In 2009 the Team commenced an investigation of the use of the ICD-10-AM for this purpose. These investigations have been positive and work is continuing to test the approach developed. If successful the Team will adopt this approach for future reporting.

The Team developed its research proposal to examine the demographic profile and risk factors, causes of death and circumstances of neonatal sudden unexpected deaths in order to consider prevention in greater depth. The research follows from the Team's previous reports *Sudden Unexpected Deaths in Infancy: the New South Wales experience (2005)* and *Trends in Child Deaths in New South Wales 1996-2005 (2008)* which included an examination of sudden unexpected deaths in infancy.

The transfer of the functions of the Team to the NSW Ombudsman was planned to occur in June 2009. The Team negotiated this transfer to occur immediately following tabling of the 2008 Annual Report.

2. The Committee appreciates that the Team maintains the register of child deaths, classifies those deaths and analyses the data to identify patterns and trends relating to those deaths. To what extent is the Team formally or informally aware of the Report being used to inform policy decisions throughout NSW?

Response:

The Team influences policy decisions directly through the recommendations it makes and monitors.

Recent examples include:

- The NSW Department of Education and Training developed *Supporting students in the HSC years of schooling: Information for Schools and Managing Students at Risk of Suicide* for school counselling staff.
- The *School-Link* program includes a module on how to assess and manage depression and related disorders.
- Department of Education and Training provided information on coping with study related stress to address suicide deaths that occur in this context.
- The Motor Accidents Authority (MAA) Board has identified the reduction of driver deaths of under 16 year olds as a priority for its next few years and has incorporated it into the MAA's Road Safety Plan.
- NSW Health Policy Directive *Deaths- Management of Sudden Unexpected Deaths in Infancy*.
- NSW Health *Standardised Autopsy Protocol for Sudden Unexpected Death of an Infant (NSW)*.
- Amendment of the *Swimming Pools Act 1992* to address issues related to swimming pool fencing.
- Establishment of the Injury Prevention Reference Group to assist in the integration of injury policy and service delivery in incidents concerning off road bikes, falls from windows and safe alternate transport for young people.

Indirectly the Team's Convenor and members work collaboratively with others to effect change. This includes influencing through giving presentations, committee membership, providing policy advice, promoting findings, and the take up of recommendations and research information.

3. Were any potential problems identified in the 2008 Annual Report the subject of research by the Team?

Response:

In preparing the 2008 Annual Report the Team identified the sudden and unexpected deaths of neonatal infants as requiring further investigation. In 2009, the Team obtained approval from the Minister to undertake a research study to examine the demography and risk factors, causes of death and

circumstances of neonatal sudden unexpected deaths in order to consider prevention in greater depth.

The research follows from the Team's previous reports *Sudden Unexpected Deaths in Infancy: the New South Wales experience (2005)* and *Trends in Child Deaths in New South Wales 1996-2005 (2008)* which included an examination of sudden unexpected deaths in infancy.

Substantive Issues

- 4. The 2008 Report indicates that drowning deaths occur in different bodies of water such as swimming pools, bathtubs and natural bodies of water (both still and flowing) as well as amongst different age and cultural groups. Is there a particular cause of drowning that you consider requires increased intervention?**

Response:

Drownings in private swimming pools or spas are a particular concern and the persistence of the pattern of children aged 1-4 years accessing a pool without the knowledge of their parent or other carer via a pool gate or latch in a state of disrepair is alarming. The Team believes that drownings in private swimming pools or spas are among the deaths which are most straightforward to prevent.

In 2008 the Team recommended that the *NSW Swimming Pools Regulation 2008*, require local authorities to inspect all swimming pools notified within their area and monitor compliance with the legislation. The Team believed that this could occur through councils developing a plan for inspection and monitoring over a period of years, and reporting periodically against the plan.

In responding to this recommendation this year the Department of Local Government advised that following a comprehensive review, the *Swimming Pools Act 1992* was amended in December 2009. Based on research, a cost-benefit analysis and extensive community consultation undertaken as part of that process, a mandatory swimming pool inspection program by local authorities was not introduced. It is the Departments' belief that the most effective way to keep young children safe around backyard swimming pools is to ensure that they are responsibly supervised at all times.

The Team strongly recommends that the NSW Government provides local councils with adequate resources to ensure monitoring and compliance against the requirements of the legislation.

- 5. Four of the 12 children and young people who died as a result of suicide in 2008 left either a note or sent an SMS to a friend or parent informing them of their suicidal intent. The CDRT has previously identified that whilst one quarter of the children and young people who died by suicide told a friend or family member of their intention to commit suicide, in almost every case, the person informed did not act on the information, either because they did not take the suicide seriously or the child or young person insisted they promise not to tell anybody. Are you aware of any work which has been done, or is likely**

to be done, to assist community members to respond when they have been advised of a child or young persons' intention to commit suicide?

Response:

Through its research and monitoring the Team has found that when children and young people tell someone of their intention to suicide it is most often a friend. Based on this the focus of efforts in this area would have the greatest benefit with a focus on assisting children and young people to pass on concerns they may have to an appropriate person.

The Team understand that *School-Link* statewide framework address this. In addition the Inspire Foundation's Reach Out program provide specific materials on their website that explains to children and young people the importance of telling others of their concern and how to go about this.

In regard to knowledge in the community, Outcome 3.2 of *The NSW Suicide Prevention Strategy 2010-2015* aims to increase community awareness of what is needed to prevent suicide. The strategy will continue to develop and implement programs that raise awareness of suicide prevention and at risk people and conduct a social marketing campaign to raise awareness of suicide prevention and people at risk.

In its 2009 Annual Report the Team has again raised this as an issue and intends to recommendation further action.

- 6. In 2008 the crude mortality rate for young people who died an alcohol-related death in outer and remote areas was much higher than for other areas. Similarly, the CDRT report *Trends in Child Deaths in NSW 1996-2005* identifies that during the period 1996-2005 those living in outer regional and very remote regions were three times more likely to die from an alcohol-related death than those in major cities. Are you aware of any work which has been done, or is likely to be done, to address the trend of young people dying alcohol-related deaths from outer and remote areas being higher than from other areas?**

Response

In 2008, 11 children and young people died an alcohol related death. Four died by suicide and five in transport fatalities. For all these young people alcohol was not the cause of death but part of the circumstances of the death.

Four of the 11 deaths concerned young people who lived in outer and remote areas of NSW. Given the causes of death for these young people strategies aimed at reducing drink driving and suicide prevention are appropriate.

The Roads and Traffic Authority (NSW) targets risky driving including drink driving for young drivers. The Commission is unaware of any specific targeting of young people in outer and remote areas.

Strategic Direction 5 (i) of *The NSW Suicide Prevention Strategy 2010-2015* specifically targets local communities in rural areas to enhance their capacity to develop strategies and services that address the underlying causes and contributory factors for suicide.

7. The Committee notes that there are no recommendations made in the 2008 Report. Is the reason for this that there are no new issues identified in this report, or that further research would be required to make appropriate recommendations?

Response:

The Team makes recommendations in the context of the recommendations it has previously made and is currently monitoring.

In its 2008 Annual Report the Team monitored and reported on 15 recommendations that it had made in its previous reports. These included recommendations made in its Annual Reports and in the two special reports: *Sudden Unexpected Deaths in Infancy: the NSW Experience* (2005) and *Trends in Child Deaths in NSW 1996-2005* (2008).

In its 2008 Annual Report the Team did not identify any issues that required further recommendations to be made.

Annual reporting by the Team provides information on patterns and trends in death primarily for surveillance purposes. The reports help identify potential problems such as variations in mortality rates for different causes of death across time, across geographic areas, and across socio-demographic groups.

Where potential problems are identified, it is most often the case that further research is required to understand what the specific problems are and how they might be addressed before any recommendations can be made.