

Questions on notice in relation to the 2012–13 Annual Report of the NSW Commission for Children and Young People

Strategic directions

- 1. What is the progress of the Commission's review and development of new Strategic Directions for 2014-17? Has the Commission consulted with external stakeholders, in particular children and young people, in this process?**
 - The Commission has not commenced review and development of new strategic directions for 2014-17 but has a current work plan for 2014.*
 - A Bill has been prepared to establish a new Advocate for Children and Young People.*
 - The development of new strategic directions for 2014-17 will commence following passage of the Bill through Parliament.*
 - New strategic directions will be informed by the outcomes of the Speak Up! consultations on child and youth advocacy conducted in 2013 (released in December 2013). These consultations involved extensive consultation with children and young people and with many of the non-government organizations in NSW with an interest in children and young people's issues. Key government agencies also contributed confidential submissions.*
 - The Commission has held preliminary discussions with stakeholders about developing a whole of government three-year strategic plan for children and young people. This plan would inform the strategic directions of the Commission from 2014-17.*

Organisation

- 2. When is a permanent Commissioner for Children and Young People likely to be appointed?**
 - A Bill has been prepared to establish a new Advocate for Children and Young People and the process for appointing a new Advocate will commence on passage of the Bill through Parliament.*

Consultation/participation by children and young people

- 3. During the reporting period, what actions did the Commission take to promote the participation of children in decisions that affect their lives?**
 - In 2012-2013 the Commission developed its Classroom Consultation model to extend the reach of the Commission's consultations and provide a means for a wider range of children and young people to have a say.*
 - The Commission used Classroom Consultations as part of its strategy to get children and young people involved in decisions about strengthening advocacy for children and young people in NSW – the Speak Up! consultations.*
 - The Speak Up! consultations also involved community roundtables with young people; the*

appointment of Youth Ambassadors to advise on the participation strategy and promote the consultations through social media; and an online survey through the Government's Have Your Say website.

- *The Speak Up! consultations were an important vehicle for promoting the participation of children and young people in the decisions that affect their lives and represented the most comprehensive consultation on child and youth advocacy undertaken by the Commission since its inception.*
- *The Commission also promoted the participation of children and young people in the decisions that affect their lives through its 2012 and 2013 Young People Advisory Groups (see response to Q14) and by promoting the value of young people's participation to government and non-government organisations through the Commission's 2012 Participation Showcase.*

4. Has the Commission taken any specific measures to consult with children from Aboriginal/Torres Strait Island and culturally and linguistically diverse communities?

- *In designing its two major current projects the Commission has taken measures to ensure that Aboriginal and Torres Strait Islander (ATSI) children and children from culturally and linguistically diverse (CALD) communities were consulted.*
- *The Supporting Your Friends mental health research project being undertaken with the NSW Mental Health Commission over-sampled ATSI children, with a student sample of 4.6% ATSI students, compared to 0.9% in the population of the same age in NSW.*
- *The Supporting Your Friends mental health research project also over-sampled children from CALD communities, with 4.5% of the student sample speaking a language other than English spoken at home compared to 3.3% in the while population of the same age in NSW.*
- *The Speak Up! Consultations also featured strong representation from ATSI children. Of the 890 children consulted through the classroom consultations, 23 identified as ATSI, representing 2.6% of the total compared to 0.9% across the population of 11-18 year olds.*
- *The proportion of children from CALD communities who took part in the Speak Up! classroom consultations was equivalent to that at the population level (3.1% compared to 3.3%). However, the Speak Up! consultations also featured a community roundtable in Cabramatta where the majority of the forty young people who took part were from CALD backgrounds.*
- *The Speak Up! consultations also brought together many of the key NGOs working with children and young people in NSW, including Aboriginal and CALD organizations such as Australian Indigenous Mentoring Experience, the Aboriginal Education Consultative Group, and the Aboriginal Child, Family and Community Care State Secretariat, and the Multicultural Youth Affairs Network NSW. The Commission will continue to work with these and other non-government groups to ensure that it consults effectively with ATSI and CALD children and young people and their communities.*

5. What were the findings of the independent external evaluation of the Young People Advisory Group and the Classroom Consultation models (page 18)?

- *The final report for the independent evaluation is due in May 2014.*
- *The draft report indicates that overall, both the YPAG and Classroom Consultation models are effective in fulfilling the Commissioner's legislative mandate and are largely meeting (or exceeding) the benchmarks of effective and ethical consultation models as defined through stakeholder consultation and research.*
- *The draft report indicates that the YPAG is a mature model which has operated for two years and whose format evolved from a similar model previously used by the Commission over the course of nine years (the Young People's Reference Group). This extended period of operation has allowed the Commission to continually test and refine the model over time. The way in which the YPAG currently operates enables the Commission to build strong and trusting relationships with young people, an important element to soliciting meaningful and in-depth feedback on sensitive or complex issues. Over the past two years, this feedback has been used to inform a number of significant Commission products, including responses to multiple Parliamentary Inquiries and information requests from other agencies. The YPAG model also succeeds in providing value not just to the Commission but to the young participants as well. All the YPAG members to whom Noetic spoke agreed that they had gained valuable skills and experiences as part of their participation, which will assist them in other areas of their lives. However, while the YPAG research project has gone some way to increasing the diversity of voices and experiences brought to the consultations, the boardroom style of consultation may not be the most effective mechanism to reach vulnerable or at-risk young people.*
- *The Classroom Consultation Model is a relatively new consultation model for the Commission but has already begun to provide valuable insights and contributions to its work. The majority of participants have also indicated that they would like to be involved in future consultations, though some felt they would only want to participate if the specific topic interested them. While there are still areas for improvement, this model appears to be a practical and constructive form of consulting with children and young people. It also offers the potential to reach a larger and more diverse group, including those who are vulnerable or at-risk, about a range of important and relevant topics. The key challenge for the Commission as it continues to improve and refine the operation of Classroom Consultations will be to develop the best mechanism to capture the input provided by children and young people. While the classroom discussions may yield a similar depth of input as those taking place with the YPAG, the questionnaire mechanism (even utilising a mix of free text and multiple choice responses) may not be fully capable of communicating this depth back to the CCYP, particularly in the case of children and young people who struggle to express themselves in writing.*

Working with Children Check

6. Did the Commission receive any feedback about negative impacts of the new Working with Children check (page 19)?

- *The Office of the Children's Guardian (OCG) has received a relatively low number of complaints about the new Working with Children Check (WWCC) process. Concerns raised prior to the implementation of the new WWCC about the effect that the new process would*

have on volunteer numbers has not been borne out by the number of WWCC volunteer applications that have been submitted. The estimated uptake of the volunteer sector in the first phase in period was anticipated to be around 30,000, however, on current trends it is anticipated that over 150,000 volunteers will have applied for a WWCC by the end of June 2014.

- *The majority of complaints that the OCG has received has been in relation to the introduction of the \$80 fee for paid employees.*
- *Other complaints have been centred on various employer's internal policies regarding the implementation and administration of the WWCC. The legislation allows an employer to engage an employee provided they have a valid application (APP) number, but some employers have nonetheless required a WWCC clearance before the commencement of employment. There were also a small number of complaints in relation to attending a NSW Motor Registry to provide proof of identity documentation to support an application.*
- *Out-of-home care providers made representations to the OCG to change the process of providing proof of identity for carers of NSW children who reside outside of NSW. As a result, changes were made to the legislation that allowed for an alternative identity verification process for carers and their adult household members who reside outside NSW. The new provision allowed those persons to provide proof of identity without attending a Motor Registry in NSW.*
- *Similarly, changes to the identification verification process were included for adult household members who reside in NSW who have medical certification that they are not physically capable of attending a Motor Registry. Further, amendments to the legislation include an exemption for carers of NSW children who currently live internationally until they return to NSW for more than 7 consecutive days and for carers who are the natural birth parent of the child in care.*

7. How has the transfer of the administration of the Working with Children Check from the Commission on Children and Young People to the NSW Children's Guardian impacted on the operations of the Commission (pages 19-20)?

- *The transfer of the Working with Children Check to the NSW Children's Guardian occurred in June 2013, at the end of the 2012-13 reporting period. As such, the transfer had little effect on the Commission's operations during the period.*
- *Since then, the transfer of the Working with Children Check to the NSW Children's Guardian has allowed the Commission to focus more clearly on its policy research and advocacy functions.*
- *From June to November 2013, the Commission was focused on undertaking a major community consultation project looking at ways to strengthen advocacy for children and young people and on the issues of most importance to young people (the Speak Up! consultations).*
- *During this time the Commission also completed revisions of all sections of 'A Picture of NSW Children' and fieldwork for the 'Supporting your Friends' mental health project. Work on advancing an agenda for the middle years of childhood was delayed and resources were used*

for the Speak Up! consultations.

- *Office and administrative support for the Commission since the transfer of the Working with Children Check to the Children's Guardian has been provided by the Office of the Children's Guardian.*
8. **During the reporting period the Commission completed a total 475 risk estimates. With the target for completion of risk estimates being 200 per year, did the comparatively large number of estimates required to be completed in 2012-13 impact on the Commission's resources (page 21)?**
- *Over previous reporting periods, there had been an incremental increase in the number of risk assessments needing to be undertaken. The CCYP recruited temporary administration staff and risk assessors to deal with the increased number. From 2008 - 2009, an administration team was created to request information from external agencies to assist with risk assessments. This streamlined the process. While additional temporary risk assessors were engaged as the need arose, at times it was difficult to find suitably qualified and experienced staff and some delays were experienced in terms of the completion of risk assessments.*
9. **The annual report states that the Commission undertook two major compliance programs during the reporting period, one of religious organisations and the other of child care services. The annual report further states that out of the 700 organisations contacted, 140 organisations had not yet complied with the Working With Children Check requirements but indicated that they would do so, and 103 organisations did not respond (page 24). What follow-up activities has the Commission undertaken with non-compliant organisations?**
- *With the introduction of the new legislation Religious Leaders, new and existing, were required to comply with the Child Protection (Working with Children) Act 2012 by 31 March 2014. Since June 2013, compliance efforts have focused on ensuring that the Religious sector is aware of its obligations and also to identify how different religious organisations are administering the Check.*
 - *To date, the OCG has contacted 654 organisations registered as a religious service that had not undertaken any verifications of workers required to phase in by 31 March 2014 as part of its 2014 Religious Compliance program. In response, 76% of those organisations have now met their obligations. The remaining 24% will continue to be monitored and will be followed up to ensure compliance with the requirements of the legislation.*
 - *The data collected indicates that organisations had not undertaken any verifications because they had no workers captured by the first phase in period or that the registration was created in error. It is anticipated that this may be the case for the remaining 24%.*
 - *The 2014 Religious Compliance program has also contacted 38 religious peak organisations, including all Anglican and Catholic Dioceses, to ascertain how each faith is managing their new WWCC obligations and to identify a central contact point for the conduct of audits. The OCG has followed up with the Baptist Union and the Australian Christian Churches on outstanding respondents from the 2013 audit for those faiths, and continues to do so.*

10. As a result of the compliance program, the Commission found there was a lack of governance arrangements or attention to management and administrative tasks among many of the organisations contacted, particularly smaller organisations. How has the Commission addressed these shortcomings with the relevant organisations?

- *The 2014 Compliance Program focuses on those sectors required to comply with the legislation by 31 March 2014, whereas the 2014 Community Engagement Education Strategy will focus on educating those sectors due to phase in between 1 April 2014 – 31 March 2015. In addition, a suite of fact sheets, Sector (employer) guides and online resources have been developed to make the process of applying for and administering the WWCC more accessible.*
- *The OCG is currently working with seven organisations who employ people in child-related roles to determine what makes an organisation 'Child Safe'. As an example, Baptist NSW has agreed to participate in the case study program which will look at how they manage their WWCC processes as well as an overview of how they implement child safe practices. The findings from this case study will inform how the OCG might assist other organisations to improve governance.*
- *The OCG is currently working on a formal agreement with Early Childhood Education and Care Service (ECECD), who are the NSW government administrators of the National Quality Framework (NQF). The NQF is a series of quality standards aimed at improving education and care across long day care, family day care, pre-school/kindergarten and outside school hours care. The ECECD have agreed to notify the OCG of any instance of non-compliance detected during their NQF assessment as part of the assessment requires all employees on the premises where the service is provided to hold an appropriate clearance.*
- *To assist organisations across all sectors to improve governance, the OCG has developed on-line tools and resources and regularly communicates with over 16,000 subscribers to the OCG newsletter. The general communications focus for these registered employers and individuals is compliance with the Act.*
- *Currently, the issue of greatest concern is the low level of online verifications by employers. The low rates of online verifications are problematic and could be attributable to:*
 - *Employers not understanding the online verification process;*
 - *Employers thinking that they don't have to verify employees until the phase-in period is finished; and*
 - *Employers are using the paper notification as proof of a WWCC.*
- *The OCG has taken a number of steps to address the issue of low verification rates:*
 - *the WWCC Notices have changed to clearly outline what an employer must do;*
 - *a survey of applicants who have not been verified has been conducted;*
 - *employers who have registered with us and never verified have also been surveyed; and*

- *a Compliance Forum has been established to discuss issues for employers.*
- *The Compliance Forum held in November 2013 was attended by over 80 people responsible for the administration of the WWCC for their organisation or sector. The Forum invited discussion on compliance issues and difficulties employers were having with administering the new process. As a result of the initial forum, a Compliance Advisory Group made up of predominantly non-government agencies from across various sectors of child-related employment was formed. This group met for the first time in early April 2014 and will continue to meet bi-monthly to discuss current compliance issues. The larger Compliance Forum will meet bi-annually to discuss topics of a more general nature. The next meeting is scheduled for May 14 2014.*

Child Safe Organisations training

11. The Committee notes that during the reporting period the Commission conducted a program of industry-specific Child Safe Organisations training targeted towards the recreational dance sector (pages 26-27). Which sectors, if any, has the Commission targeted for its 2013-14 program of industry-specific Child Safe Organisations training?

- *The Office of the Children’s Guardian (OCG) has developed a comprehensive Child Safe Organisations training program that will be offered across child-related sectors including rural and remote areas of NSW. The OCG regularly accept requests from agencies or sectors to deliver sector specific sessions.*
- *The OCG facilitated 14 specialised seminars from May 2013 - March 2014 for the dance sector in Sydney and regional areas including Newcastle, Wollongong, Port Macquarie, Albion Park and Campbelltown. Over 270 people attended from various roles within the Dance industry including Teachers, Owners, Judges, Eisteddfod coordinators, Wardrobe designers, Dancers, Committee members, National Dance Organisation CEOs and Parents. The training covered risk management tools, codes of conduct for adults and children in dance, giving children a voice within the industry, complaint handling, recruitment, induction and supervision techniques, the prevention of physical, psychological and sexual harm to children in dance and dancer welfare support e.g. counselling services available Kids Help Line, Head Space*
- *The OCG also worked with the Out of School Hours Services Network of Community Activities and facilitated five full day Child Safe workshops throughout February and March 2014. The workshops were held at Penrith, the Central Coast, Surry Hills (x2) and Gymea with a total of 121 participants attending. Areas covered were:*
 - *Child Centred Culture - children participation, age appropriate programs, values and organisation aims*
 - *Policies, codes and guidelines - risk management, appropriate behaviours and code of conduct*
 - *Recruitment - strategies inclusive of volunteers and paid staff, WWCC, supervision and monitoring of staff and professional development.*
 - *Reporting - complaints and allegation policies, children complaint process, training and support to staff on making reports.*
 - *Compliance - WWCC record keeping, child protection reporting, understanding*

relevant industry policies and legislation.

- *Later in 2014, the OCG will be working with NSW Sports Federation, NSW Sport and Recreation and Football NSW to deliver an intensive program about the requirements of clubs and volunteers in relation to the WWCC. This program will also include Child Safe practices in sport. The OCG are currently developing sector specific communication and resources for distribution throughout sporting organisations.*

12. The Committee notes that during the reporting period the Commission facilitated a number of Child-safe Child-friendly workshops in the Far West of NSW, targeted to both Aboriginal and non-Aboriginal communities (page 26). Is the Commission doing any similar outreach/educational work in regional and remote communities in 2013-14?

- *The Child Safe Education Program for 2014 includes visits to rural and remote areas of NSW. When arranging Child Safe Workshops, the Child Safe Team contact the local Land Council and request their assistance in planning and delivering the programs for the local area. Working with the local Land Council, it is established if an aboriginal specific session is required and if so, what the OCG would need to consider in delivering the sessions. Alternatively, the OCG will deliver a number of sessions in a region to provide all members of the community with as many opportunities as possible to attend.*
- *In late 2013, the Community Engagement Team met with the Aboriginal Employment Services to assist them in understanding the changes for students, apprentices and new employees seeking work in a child-related sector.*
- *In 2014, there have been no requests for the OCG to deliver Child Safe Organisations training specifically for aboriginal groups. The OCG had been in discussions with the local Land Council in Kempsey, but they no longer need an Aboriginal specific session in their region. The OCG will continue to deliver a Child Safe Organisations training program in this region in 2014.*

Research

13. How has the Supporting Your Friends research project progressed during the current reporting period (page 15), and can you provide details of the expected outcomes from the final research report?

- *The Supporting Your Friends research project has progressed according to plan in 2012–13.*
- *The surveys were piloted and refined in Term 2, 2013 with the main study being conducted in the second half of 2013.*
- *Data analysis is underway and drafting is well-advanced on the report. Early analysis points to the significance of school climate and Mental Health education for improving young people's propensity to involve an adult when a friend is going through a tough time.*
- *Stakeholders who have been consulted in developing the report and will have an interest in the findings include academic specialists in the field, all three school sectors, the Mental Health Commission and relevant NGOs and agencies.*

Young People Advisory Group (YPAG)

14. Has the Young People Advisory Group (YPAG) been effective in providing the Commission with direct input from young people on its research, submissions and activities (pages 17-18)?

- *As noted in answer to Q5, the Commission has engaged Noetic Solutions to provide an independent evaluation of the effectiveness of the YPAG.*
- *From the Commission's perspective, the YPAG has been effective in providing the Commission with direct input from young people.*
- *The 2012 and 2013 YPAG's provided direct input on the following areas of government policy or practice: the provision of alcohol to minors; mental health education and supports; responding to anaphylaxis in schools; youth advocacy; time use among young people; sexting; planning laws; promotion of effective participation by young people; keeping young people safe around alcohol.*
- *Part of the value of the YPAG input depends on its relevance to policy or research issues for the NSW Government or Parliament. A good example of the YPAG having direct input into an issue before the NSW Parliament was in the Staysafe (Road Safety) Committee Inquiry into Non Registered Motorised Vehicles. The Staysafe Committee sought specific information from the YPAG via the Acting Commissioner on issues such as where and what training should be offered, how information should be conveyed and likely compliance with requirements to wear protective clothing. The YPAG's responses were considered throughout the Committee's report, including the recommendations.*

15. How did the Commission select the six schools from which the current YPAG membership is drawn (page 17)?

- *The six YPAG schools are drawn proportionally from the three school sectors in NSW and are from a mix of metropolitan, regional and rural centres. The Commission asked the NSW Department of Education and Communities to suggest three public schools, the Catholic Education Commission to suggest two Catholic Schools, and the Association of Independent Schools to suggest one independent school. The schools are as follows:*
 - *Rouse Hill Anglican College, Rouse Hill (co-educational K–12 Independent school)*
 - *Cerdon College, Merrylands (7–12 Catholic girls school)*
 - *Holy Spirit College, Bellambi (co-educational 7–12 Catholic school)*
 - *Byron Bay High School (co-educational 7–12 government school)*
 - *St Johns Park High School, Greenfield Park (co-educational 7–12 government school)*
 - *Scone High School (co-educational 7–12 government school).*

16. What is the progress of the YPAG's research project into adult support for young people to be safe around alcohol? What are the intended outcomes of the research project (page 38)?

- *The Commission is working on a final draft of the YPAG's research report before consulting with relevant government agencies, the Catholic Education Commission and the Association of Independent Schools. The report has been delayed due to other work priorities.*
- *The research project is expected to provide new information on children's views about alcohol and strategies to keep them safe around alcohol that can be used to inform future educational and community responses.*

Middle years of childhood

17. In the Commission's annual report it states that the Expert Advisory Panel on the Middle Years of Childhood has commenced a discussion of priorities, which will form the basis of a work plan. Has the work plan been progressed during the current reporting period, and, if so, what are the work plan's expected outcomes (pages 14-15)?

- *The first meeting of the Expert Advisory Panel on the Middle Years of Childhood was held in March 2013 to discuss and develop detail behind the key focus areas. The Panel was generally supportive of work focusing on the key areas identified and used the first meeting to discuss ways to develop better linkages between supports inside and outside school for young people and on engagement in learning.*
- *Shortly after this meeting the Commissioner, Megan Mitchell, resigned, and Commission staff were asked to prepare for consultations on the Commission's policy, research and advocacy functions. Given this and the other work priorities of the Commission, the work plan for the middle years did not progress further. However, the Commission has continued to progress and/or monitor significant work across many of the key areas identified in the middle years' agenda - see answers to Qs 18 – 20.*
- *It is now anticipated that work on the middle years' of childhood will be incorporated into a broader whole of government strategic plan for children and young people aged 0-24 years.*

18. The annual report states that the Panel discussed responding to the specific health needs of children aged 9-14 years and closing gaps in services (with a focus on mental health, oral health, sexual health, misuse of drugs and alcohol, and the promotion of healthy lifestyles) (page 15). What work has been done in this area during the current reporting period?

- *The main piece of work done in this area during the current reporting period is the 'Supporting Your Friends' mental health research project.*
- *Other work has included:*
 - *Input to the NSW Mental Health Commission's draft strategic plan for mental health in NSW*
 - *YPAG research project on keeping young people safe around alcohol*

- *Consultation with NSW Kids and Families within NSW Health on a new draft plan for the health and well-being of children, young people and families*
- *Representation on NSW Health's Active Living Healthy Eating Active Living Executive Implementation Group*
- *Ongoing liaison with the Premier's Council on Active Living.*

19. The annual report also states that the Panel discussed the development of strategies to ensure appropriate accommodation and support for children under 15 years who are using homelessness services or who are at risk of homelessness (page 15). What strategies have been developed during the current reporting period?

- *Information obtained by the Commission from Family and Community Services indicates that the Going Home Staying Home Reform Plan will make specialist homelessness services easier to access and that Family and Community Services policy will clarify the type of assistance to be provided to children and young people who are disconnected from family and in need of accommodation and support.*
- *The Going Home Staying Home Reform aims to improve the responsiveness and flexibility of services; increase the focus on intervening early to prevent homelessness; make it easier for clients to access the right service for their need; and better match demand and supply among other things. Refocused Service models are due to commence in July 2014.*
- *The extent which the needs of children and young people in relation to homelessness are addressed by current service reforms will be canvassed in the course of the Commission's proposed development of an overarching three year strategic plan for children and young people.*

20. The annual report states that the Panel will review early intervention and prevention programs available to parents and carers of children aged 9-14 years with a view to enhancing family support programs and resources. Has the review progressed during the current reporting period, and, if so, how have family support programs and resources been enhanced and developed (page 15)?

- *The Commission understands that the Department of Premier and Cabinet and the Department of Family and Community Services are reviewing the evidence on optimal intervention points and interventions with the most impact and developing a whole-of-government prevention and early intervention framework.*

Children, young people and the built environment

21. The annual report states that in 2012–13 the Commission for Children and Young People conducted a four-part seminar series in relation to children and young people and the built environment (page 14). What are the outcomes from the seminars?

- *The built environment seminars were intended to bring together policy makers and built environment practitioners – architects, landscape architects, planners and developers – to engage with the latest thinking and practice on creating more inclusive environments for children and young people and to build support among these professional groups for this agenda.*
- *The seminars were very well attended and 93% of those who provided feedback indicated that they had a positive experience or gained new knowledge or new ways of working.*

Citizen me!

22. Does the Commission have any figures on the uptake of the *Citizen me!* guide (for example, downloads from the Commission’s website, downloads from the Apple iBook store) since its 2012 launch (page 18)? If so, what is the Commission’s assessment of these figures?

- *The ‘Citizen Me!’ guide was downloaded over 800 times in the 2012-2013 period. The Commission is pleased with this uptake which represents a substantial level of interest in relation to this specific topic.*

23. Has the Commission received any feedback on the effectiveness of *Citizen me!* in facilitating children and young people’s engagement and participation in organisations?

- *The Commission has received positive feedback on ‘Citizen Me!’ from Australian Children’s Commissioners and Guardians, staff in NSW Government departments, students, educators, youth workers, consultants and others in the youth services field. Positive feedback has also been received via the user survey which was linked to the publication, including high levels of satisfaction with the language used, accuracy and relevance of information, and conciseness. The resource is being used by staff in the Department of Education and Communities to assist with student consultation.*