

Questions not answered at the Hearing

Participation

Q 1. The NSW Government has introduced Best Practice Principles for Youth Participation. What else do you consider the NSW Government could do to ensure that NSW government departments and agencies systemically involve young people in decision-making about services and policies that impact on their lives?

Response: The Government could review the best practice guidelines to include those under 12 years and could also audit compliance with the guidelines periodically.

During the middle years, most children are involved in sport, music and often recreation-based clubs. It is important that adults within these organisations develop ways for them to become places where children can feel safe and comfortable, to have a say and be involved in decision making.

There may be scope, over time, for service standards, funding contracts and similar government tools to require licensed or funded organisations to include children in decision making. This too could be audited as part of renewing funding contracts or service standards.

This already occurs in relation to the Out of Home Care standards where the Children's Guardian audits compliance with the participation principle. I understand from the Guardian that her audits are resulting in better compliance with the standards.

Q 2. From evidence given to the Inquiry there appears to be more scope for children and young people to have input into planning and decision-making at a local government level. What do you consider would be the best way to encourage local government across NSW to increase the participation of children and young people, and how might the Commission and the NSW Government be involved?

Response: This might best be achieved by showcasing existing good practice in Councils, perhaps through sponsoring an award for good participation practice by local government; providing incentives through funding and standard setting; and providing support and tools that help Councils involve children and young people.

An example of support and tools provided by the Commission is our work in tailoring materials and training specifically to promote child-safe, child-friendly practices in public libraries.

An example of showcasing existing good practice is our partnering with Wollongong City Council to identify participation opportunities in the planning process. With input from other Councils, we have now produced a best practice planning document to be used to increase the participation by children and young people in local planning decisions,

The aim of these approaches is to demonstrate to Councils that having children and young people involved in decision-making processes benefits council, their community and children and young people.

Policy, planning and legislation

Q 3. Currently the Communities Division of NSW Department of Community Services has a major role in youth policy and planning. How could planning for youth at a NSW Government level be strengthened?

Response: Within Government agencies, there is scope to increase understanding of young people as a population group, rather than as a target group for service delivery.

Seeing young people as a target group for service delivery limits the focus to human service agencies, indeed often to a single agency; seeing young people as a population group acknowledges their role as participants in society with a stake in economic, environmental, infrastructure and legal decisions.

The other problems facing young people's policy is that it is based firstly on separate ages of children, such as "early years" or "youth", so it doesn't capture the interconnectedness of children's development; and secondly it is based on siloed services to children, such as education, health or disability, so it is based on needs in isolation from each other and doesn't see the whole child.

We also haven't agreed on what results we want from our policy effort.

There are two things we could do to develop enhance planning for all children and young people and in the process enhance state planning for young people.

First we should develop and agree on a children and young people's policy framework based on what outcomes we want for children and young people. This is an essential first step in shifting from a service view to a population view – a framework based on the outcomes we want for young people rather than on service systems;

Secondly we could explore the option of integrating services for children at a local level so that the entire service system for children places them at the centre of the activity rather than on maintaining and protecting current boundaries. This also helps shifts the focus from services to children and young people.

These are not quick or simple processes, but they are worthwhile if they can improve outcomes for children, as seems to be the situation in some areas of the UK where this is happening.

Participation by children and young people would need to be a key feature of such a framework.

There would also need to be a genuinely cross-government, not just human services planning mechanism in which agencies engage at a senior level, and genuine engagement with the range of key community stakeholders, not just service providers.

Q 4. How would you consider that the relationship between planning for youth and planning for children at the state government level might be enhanced to increase the focus on 9-14 year olds?

Response: Children's development is interconnected across the 0-18 years age range. Successful achievement of one aspect of development can often depend on achieving an earlier aspect. Planning across childhood is essential as it needs to reflect this interconnectedness.

My response to this question is similar to that to question 3 above.

Part of the reason 9-14s can be lost in the planning process is because planning is based on separate ages of children, such as "early years" or "youth"; sub-groups of children such as children with disability; and siloed services to children such as schools or health services.

Another barrier is that we haven't agreed on what results we want from our policy effort for our children.

There are two things we could do to develop enhance planning for all children and in the process benefit 9-14 years olds.

First develop and agree on a children and young people's policy framework based on the outcomes we want for children and young people and second explore the option of integrating services for children at a local level so that the entire service system for children places them at the centre of the activity rather than on maintaining and protecting current boundaries. This also helps shifts the focus from services not children and young people.

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There would also need to be a genuinely cross government (not just human services) planning mechanism in which agencies engage at a senior level. There would also need to be genuine engagement with the range of key community stakeholders not just service providers.

Q 5. Do you consider that it would be desirable and practical to introduce child impact statements as part of the legislative process at a national, state and local level?

Response: The best child impact statements are going to come from agencies that place children at the centre of their decision making and where they can assess the proposal against a clear set of outcomes for children.

Therefore a cultural shift towards placing children at the centre of decision making needs to occur if child impact assessments are to work.

The question then perhaps is: will child impact assessments assist this cultural shift to occur?

I think they may, if there is genuine commitment from the leadership to cultural change. The Scottish Commission for Children and Young People has completed some interesting work in this area, and has now developed a model for assessing impacts on children.

It appears that the full benefits are realised when assessments are done by those making the decision or formulating the policy. Children's rights are then considered early and embedded in policy development and decision making.

A key feature of the Scottish model is stakeholder involvement in the assessment, especially children of course, but also those who work with them.

They use two types of assessment – an initial 'screening' assessment and a full impact assessment. Copies of both templates are attached.

The Scottish Commission takes the United Nations Convention on the Rights of the Child as the starting point for any assessment of a law, policy or decision for its impact on children's rights.

The Scottish Commission's website says that *Children's rights impact assessments are not an end in themselves – to be worthwhile and effective; their findings should be taken account of and acted upon in decision and policy making processes*. So, even when agencies are required to undertake such an assessment, it doesn't necessarily translate into actions that benefit children.

Child Protection

Q 6. Your submission to the Committee's Inquiry recommends that the Framework on Family and Domestic Violence being developed under the NSW State plan specifically address the needs of children and young people. How do you envisage the emphasis on children and young people might be increased?

Response: The emphasis on children and young people could be increased through training on understanding the developmental stages of children, and how their needs change as developmental stages change. An essential aspect is understanding the impact of witnessing domestic violence on children at the various ages, as research suggests that for under 8 year olds witnessing domestic violence can be more psychologically damaging than being attacked themselves.

Developing service models that see the children as their client, not just the adults may also help. For example, developing interventions that remove the offender, rather than the mother and child from the house. This enables the child to continue their schooling, since school will be an important source of support for them.

Also developing understanding among staff that children are their clients, not just the adults: for example, training Police on the appropriate support of children in violent situations.

Finally better integration between criminal justice responses and community services so that children are safe and able to access appropriate support.

There is scope for aligning some of these proposals with the learning and development strategies arising from the Government's response to the Wood Inquiry

Employment

Q 7. In his 2008 report for the Commission - *Making the working world work better for kids* - Professor Stewart has recommended a nationally consistent approach to child employment laws to include, for example, setting a minimum age for the performance of certain types of work. How could the NSW Government assist in achieving this outcome?

Response: The NSW Government could best assist by supporting national regulation and encouraging other governments to do so.

I have been pleased with the support from Minister Hatzistergos, who has indicated his willingness to consider placing it on the agenda of the Workplace Relations Ministerial Council. This seems to be gathering support from other jurisdictions.

The NSW Government could also harmonise the codes of practice for the entertainment industry when employing children, certainly amongst Queensland, Victoria and NSW where there is already some degree of commonality and the entertainment industry is concentrated.

In relation to occupational health and safety, it appears that model regulations and possibly a code of practice will follow from the nationally harmonised occupational health and safety laws. The NSW Government could take the lead by advocating for children's safety to be specifically mentioned in the regulations and the code of practice.

Q 8. The Victorian *Child Employment Act 2003* defines 'light work', which includes deliveries or working in a family business. As this is the type of work normally undertaken by 10 – 14 year olds, is it correct that there is currently no NSW legislation that covers 'light work'? If not, do you consider that there ought to be?

Response: The distinction is not made in NSW legislation.

Prof Andrew Stewart, in *Making the working world work better for kids* proposes that the focus is on minimum ages for the performance of certain types of work and regulating the hours worked. I think this is a preferable approach.

Q 9. There does not appear to be any information on the internet for children and young people in NSW engaged in 'light work,' which is not covered by the Industrial Relations Legislation and awards. Has the Commission considered putting information about 'light work' on its website along similar lines to the Babysitting Guide?

Response: I think “light work” is too broad and general a term to be useful in a Guide.

If we can achieve a harmonised framework for regulating children’s employment, the situation would be less complex and it would be worth considering.

Q 10. Professor Stewart’s report notes that Workplace Health and Safety Queensland has a Code of Practice which identifies particular workplace hazards for children and young people and provides guidance as to the kind of measures to be used to manage risks associated with child employment. What are the benefits or otherwise of this Code of Practice, and do you consider that there ought to be a similar one in New South Wales?

Response: The Queensland code is listed as an example of good practice in *Making the working world work better for kids*.

It is a model worth supporting, as it could help employers understand their obligations and protect young workers.

A national model Occupational Health and Safety Bill is being developed by the Workplace Relations Ministerial Council. The model Bill may be followed by regulations and possibly a code of practice which could specifically address children’s issues.

I support the model Bill requiring a code of practice that addresses children’s specific safety issues.

Education

Q 11. The Commission’s submission recommended increased participation of students in curriculum development, the choice of subjects offered and the manner in which subjects are taught. Do you consider that this participation should occur at the school level or the Board of Studies level? What specific changes would be required for this to occur, particularly within the public school system?

Response: I think participation should be increased at the school and Board of Studies level.

In relation to schools, pre-service and ongoing teacher training could include components on how to involve children and young people in planning and decision making. Teachers could facilitate students’ feedback and encourage

their participation in school policies, curriculum development, choice of subjects offered and the way subjects are taught.

The use of school parliaments, student representative councils and other such mechanisms is variable across NSW schools so there is great scope for improving school support for these mechanisms

The Department of Education and Training and other education systems could encourage schools to make participation happen, perhaps through incentives such as awards and requiring a section on student participation in school annual reports. In the long term, there may be scope for school registration to include consideration of participation mechanisms

I met recently with students and staff from Queen Elizabeth's Grammar School in Alford, England, which has a Student Observer Scheme where students are trained to observe classes and provide feedback on teachers' performance. Models such as this are worth exploring further.

In relation to the Board of Studies, they have been talking with us about increasing young people's participation and the Board has made some progress. It has involved some young people on its committees, and this could be extended significantly.

We have also talked with them about using lessons in schools as a way of reviewing the curriculum – teachers would conduct a lesson which was itself a module of a review or evaluation of the curriculum or teaching materials. The results from the schools could be collated by the Board. For more simple questions, the Board could establish a broadcast email to all students' school email accounts and seek their responses to some questions.

Q 12. Several submissions to the Inquiry have recommended that the Schools as Community Centres program should be extended to secondary schools. Do you think that this would be desirable, and should it be more widely available in NSW primary schools?

Response: It would be desirable to increase sites of Schools as Community Centres in Primary Schools because they have demonstrated positive outcomes for children, their families and community, including positive transition to school; community capacity building; increased confidence and skills for parents; and positive connections between schools, families and students.

It would also be good if the staff of the Schools as Community Centres were employed on a permanent basis rather than the current 3 year terms.

The effect of this uncertainty is that staff have to re-apply for their positions. Almost all are re-appointed, however the uncertainty is disruptive to the

disadvantaged communities they are supporting, distracting for them and the money spent on advertising the position and undertaking the recruitment could be more usefully used to fund programs in the Centre.

Temporary employment is standard Departmental procedure for non-teaching program positions. As I understand it, the reason is because the funding is allocated in three year periods. However, this is the case for all budget allocations where there are only ever three year forward estimates.

I would support trialing and evaluating an analogous model to Schools as Community Centres in high schools. If the evaluation shows positive outcomes, I would certainly support implementation in high schools.

I also think the model of the Gatehouse project is worth replicating in secondary schools. The project focussed on promoting the emotional well-being of all students in a high school. The evaluation of 26 school sites in Victoria demonstrated significant reductions in tobacco, alcohol and other drug use by students.

Q 13. Students in Years 7 – 10 can undertake an optional unit in Work Education. Do you think there would be benefit in making the type of material covered in this unit compulsory for Year 7 students, as part of the Personal Development, Health and Physical Education syllabus?

Response: Work preparation skills can benefit all young people and should be a priority. I would like to see them available more broadly in schools and TAFEs.

The school curriculum is already crowded and I hesitate to suggest that anything else should become compulsory, as the effect might be that other important subjects receive inadequate time.

I recommend further consultation with Board of Studies on this issue.

Q 14. Personal Development, Health and Physical Education is also taught in primary schools. Do you consider that it would be useful for a component in that subject for students in Year 5 and 6 which looks at 'light work' and employment-related matters such as safety and conditions of work?

Response: I think it would be appropriate to trial and evaluate such a program, after consultation with children, so we understand what they want to know.

For example, when we spoke with young people in the early years of high school about work education, they often wanted to know seemingly simple things such as what time do you start work. Younger children in Years 5 to 6 could be interested in quite basic matters about work, so it is important that we ask them what content they would find helpful.

Such a trial could usefully involve parents, as children in this age group tend to undertake work in the context of a family business or similar arrangements.

Any such material would need to be well integrated into the current *Work Employment and Enterprise* content in syllabuses from Kindergarten to Year 10.