

# Questions for the Commissioner on the 2007-2008 Annual Review of the Commission for Children and Young People

## Structure and staff

1. The Wood Special Commission has recommended that working with children checks be extended to those who work directly or have regular access to children and young people in all human service agencies, and to volunteers in clearly identified high risk groups. How many staff are currently engaged in the background checking process, and what would you consider to be the likely resource implications of the proposed extension of working with children checks?

Response: The recommendations in the Wood Special Commission report cover a broad range of additional people requiring the Working With Children background check. We have estimated that we would undertake around 37,000 more checks per year for the groups included in the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009 currently before Parliament. The additional costs for these groups would be:

- *Volunteers in high risk groups*: namely those having extended unsupervised contact with children and young people - \$600,470
- *Adult household members*, aged 18 years and above of foster carers, family day carers and licensed home based carers - \$518,370
- *New units* administering the alternative mandatory scheme - \$10,240
- *Principal officers* of designated agencies providing out of home care and adoption services - \$3,070
- *Children's services licensees*: some of these will be checked already as they are also the authorised supervisor - \$179,200
- *Students* working with Department of Community Services officers - \$5,360.

We estimate the Commission will need around 10 additional staff to undertake this additional work.

We are currently estimating the number of contractors and self employed who have regular direct unsupervised contact with children.

2. How many Commission staff are engaged in the Child Death Review Team secretariat? Are they fulltime with the CDRT, or do they also undertake other work within the Commission?

Response: Two positions at Grade 7/8 and Grade 3/4 were transferred to the Commission when we became responsible for supporting the Child Death Review Team. There have been no subsequent budgetary enhancements. Rather than continue to have two people bear the whole burden of this distressing work, we now rotate and share the work between all our six researchers. This is one way we

manage our OH & S responsibilities to our staff. At various times the expertise of the communications and policy teams also support the Child Death Review Team.

3. In 2007-08, the Commission brought the Policy, Communications and Community Development and Research Teams under the aegis of the "Director Influencing". What was the reasoning behind this, and how was it carried out? What effect do you consider it has had upon the operations of the Commission? [AR p 49]

Response: We wanted to strengthen senior management structure to release the Commissioner from direct supervision of middle managers. We retained consultants to help us streamline the accountabilities of our Directors and then revised their role statements.

The impact of the changes has been a strengthening of the links between our work in research, policy and community development to influence children's well-being and a smoother transfer of research findings into policy development. Under the new structure, we also enjoy improved cross fertilisation of ideas throughout a project, with less need for management intervention.

4. Could you please advise the Committee about the role and operation of the Commission's Staff Management Committee? [AR p 6]

Response: The Staff Management Committee is part of the Commission's governance structure. Its role is to give staff a voice in the management activities that most affect them, like our human resources policies and procedures, our accommodation and equipment and the overall experience of working in the Commission.

The Staff Management Committee meets quarterly under the chairmanship of our Director Operations. Membership includes one manager, two staff members and a trainee. All staff are welcome to raise issues for the Staff Management Committee through the Chair or any member. The minutes of the Committee are available to all staff.

5. The Office for Children's Disability Action Plan Priorities for 2008–2009 encourages employees to identify as a person with a disability in the Office's HRMIS database. Have any of the Commission's employees so identified?

Response: We provide EEO data collection forms to all new staff when they commence. None of the staff who have completed these forms have identified as a person with a disability.

6. The Annual Report notes that as at 30 June 2008 women comprised 78% of the Office for Children staff, compared with the government benchmark of 50%; and that women from rural NSW and from a range of ethnic backgrounds are represented on the Commission's advisory groups and committees [AR p 10]. Is this diversity also the case with respect to the staff of the Commission? If not, does the Commission have any plans to address this?

Response: We have a high level of diversity amongst our staff, with 11% having a first language other than English at the end of 2007/08. We've engaged 11 more staff in 2008/09 and 27% of them has a first language other than English.

As we are a city based organisation, we cannot effectively employ rural workers.

### **Background checking**

7. According to the statistics in *Table 2: Working with Children Background Checks* of the Annual Report, there was an increase of almost 7,000 checks processed by the Commission in 2007/08. To what would you attribute this increase, and do you have expectations that it will be part of an ongoing trend? [AR p 59]

Response: We have analysed patterns in demand for background checks, but have been unable to identify clear causes for the increase in checking. However we know that the other Approved Screening Agencies are not experiencing the same increase in demand. This suggests that the change is particular to our client group which is very broad and includes foster care, private education, religious organisations, as well as the child care and welfare sectors. The higher level of demand is continuing into 2008/09.

8. In your response to the Committee's review of the 2006-07 Annual Report, you mentioned that you aimed to have *eCheck* operational in June 2008. The 2007-08 Annual Report notes that in June 2008, work towards developing an online background checking system was deferred so that proposed security arrangements could be considered. Is this the *eCheck* system, and if so, what is its current status? [Review p 5; AR p 60]

Response: The proposed on-line background checking system was called *eCheck*. We found we were unable to implement the required on-line security standards within our ageing database. We accordingly terminated the *eCheck* project. This project demonstrated that our Employment Screening System database needed updating so we submitted a business case for rebuilding this system and are now seeking funding from Government for this project. The new database, when built, will incorporate *eCheck*.

9. The Public Sector Association expressed concerns to the Wood Special Commission that the length of time taken by the Commission to complete the Working with Children and the National Criminal Record Check delays the DoCS recruitment process. What is the average time taken, and where do you consider might delays occur? Has the Commission received any other complaints about the time taken to conduct the checks? If so, from whom?

Response: When we became aware of this concern, we immediately wrote to the Director-General of the Department of Community Services to set the record straight. There are some misconceptions about the time taken to get a check done. For about 70% of our checks, we send the outcome to employers within two days of their request. Around 90% of all checks we receive are completed in less than ten days. On many occasions, the delays that applicants experience relate to delays before

the employer submits the check to us, or before they take action on the check outcome.

However there are some external factors that lead to delays in completing checks. When an applicant has a common name, it can take some weeks before CrimTrac and Police can determine whether records in that name actually belong to that applicant. When an applicant has a relevant record, it can take weeks for police, courts and employers to locate and supply the detailed information we need for estimating risk. Nevertheless we work hard to complete all checks quickly. We completed 199 risk estimates in 2007/08 and on average they took 57 days to complete. We keep employers and applicants informed throughout the risk estimate process, and they do not complain.

While we receive many enquiries from employers and applicants about the progress of their checks, we have not received formal complaints about the length of time taken to conduct checks.

10. In your response to the Committee's review of the 2006-07 Annual Report, you noted that the revised audit program for Approved Screening Agencies was about to commence. What is the status of this program? [Review p 6]

Response: We commenced auditing the Approved Screening Agencies in 2008, with audits of the Department of Education and the Department of Arts, Sport and Recreation. We are currently auditing the Department of Health and re-auditing the Department of Education.

### **Raising awareness**

11. The Annual Report notes that during 2007/08, there were 321 public engagements on children's issues. Could you please advise the Committee as to the range of issues and the audiences involved in these engagements [AR p 55]

Response: The Commission is regularly asked to give media comment and presentations on a range of issues at conferences, seminars, workshops, webinars, forums and special meetings. The audiences involved in these engagements are diverse and ranges from professionals across a range of disciplines to members of Rotary Clubs and the general public. Some of these in 2007/08, included:

- the keynote address at the *Where to from Here* Children's Participation Conference in Ireland
- *Children's understanding of well-being* as part of the Australian Institute of Family Studies seminar series in Melbourne
- *Communities and Change: research partnerships and collaborations in education and social work* as the after dinner speaker at a Faculty of Education and Social Work Conference Dinner, University of Sydney
- *Cotton wool kids* at the NSW Injury Risk Management Research Centre seminar

The Commissioner provided media comment on a wide range of issues to local, state and national radio, print and television outlets. These included in 2007/08 the

experience of children who work, child deaths, road safety, children with disabilities, staff to child ratios in child care and paid parental leave.

12. According to the Annual Report that website traffic to [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) increased by 6% and the Commission's subscription list grew by 200%. This is in contrast to reductions of 10% in the child-safe child-friendly web pages that were downloaded compared to the previous year, and of 16% in the key resource *Getting Started?* Do you have any explanation as to why these reductions have occurred? [AR p 55]

Response: After several years of growth, downloads of Child-safe Child-friendly web resources have begun to decline. The resources are more than four years old, having been launched in late 2004. We are currently updating them. Visits may increase when we alert the community to new Child Safe Child Friendly materials.

Our subscription list provides information on children's issues and the Commissions activities. Subscribers receive a fortnightly electronic bulletin of news, events, and publications for kids and adults. This bulletin is proving to be a cost-effective means of disseminating information for kids and those who work with or care for them.

## Participation

13. Could you advise the Committee of the progress of the establishment of the new Young People's Reference Group, and elaborate on what you envisage as the role of the Group. [AR p 56]

Response: The 2009 Young People's Reference Group held its first meeting in February, after two days of orientation in January. We sought interested young people from schools and youth organisations around NSW and were pleased to receive over 300 applications.

The Young People's Reference Group helps the Commission to see issues from the perspective of children. We seek their views about our broad directions, and about specific projects within these broad directions. We incorporate their advice and general feedback into the way we do our work including issues before government or the community and how to bring children's interests into the discussion. For example we recently sought the Groups advice to inform the Commission's response to the Standing Committee on Law and Justice's *Inquiry into Adoption by Same Sex Couples*. Following the Commissioners appearance before the Committee, the Committee Chair asked for further advice from the Young Peoples Reference Group which we'll seek at their March meeting.

Another example is their involvement in the recruitment of the new Commissioner. Some of the members of the Group have provided advice on the recruitment criteria and the design of the advertisement. They will also be involved in the selection process itself.

The Group also helps us to increase community awareness of children's well-being. For example at the Armidale Autumn Festival on 21 March, a member of the Group who lives at Inverell is coming down to help staff the Commissions information stall

which will have activities for kids aimed at letting them know about the Commission. It will also be an opportunity to seek kids views about bullying to help us prepare our submission to the Legislative Council's General Purpose Standing Committee No. 2 Inquiry into bullying of children and young people.

14. The Annual Report notes that the Commission continued its joint research project with the Social Policy Research Centre, UNSW, to explore the experience of young carers. Although the project is not due for completion until 2010, has the research revealed any trends or common experiences which might shape the Commission's current work?

Response: We completed an interim project report in November 2008 covering the study progress over the period September 2007 - November 2008. To date our research has found that organisations, services and people generally fail to identify young people with caring responsibilities or may not be aware that young carers exist; that young carers are at risk of disconnecting from their education and can be at risk of poor mental health; and that services are more likely to address the needs of young carers if they involve young people, deliver services in a flexible way, take a case management and whole of family approach.

We also found that some young carers face particular problems. Indigenous young carers are wary of seeking help and those living in rural and remote areas experience geographic isolation including a relative lack of support services.

These findings reinforce and extend findings of previous research on young carers: the community needs to focus on identifying young carers, helping them to stay engaged with their education and helping them get the support services they need.

### **Child-safe Child-friendly organisations**

15. According to the Annual Report, nine Child-safe Child-friendly training programs were delivered by the Commission, and attended by 180 people. Could you please advise the Committee as to what types of organisations received this training, and what outcomes do you expect? [AR p 62]

Response: The range of organisations attending Child-safe Child-friendly workshops during 2007/08 included youth services, children's services (family day care and child care centres), local councils, festival and events organisers, school photographers and national parks.

The outcomes we expect include greater awareness of Child-safe Child-friendly strategies and changes in organisational practice to reduce risks to children. We have already seen some organisations implement new child safe strategies following their training. For example the Commission has been working with the NSW Public Libraries to address Child-safe Child-friendly issues and concerns among public libraries and local councils.

The Commission helped public libraries to establish a working group to revise the Library Council of NSW Children's Policy Guidelines for NSW Public Libraries. To accompany this policy, we have also developed a Frequently Asked Questions

document relating to public libraries and the Working With Children Check. Both documents will be shortly available on the NSW State Library website. To support this policy work and assist public libraries in implementing new work practices the Commission is also providing one metropolitan and two regional Child-safe Child-Friendly workshops for public library staff.

16. The Annual Report notes the review and updating of the Commission's Child-safe Child-friendly training package and online resources was not completed, due to staffing changes. Could you please explain this to the Committee, and advise how the review and update are progressing? [AR p. 62]

Response: We retained a contractor in late 2008 to assist us with the review of these resources. Unfortunately the contractor became ill and was unable to continue with the project. We have re-assigned this work to internal staff and expect to complete the project in June 2009.

17. The Annual Report notes that targeted support for employers in the disability sector was to be provided, as part of the Child-safe Child-friendly program. [AR p 9] Has this occurred, and if so, what does the Commission perceive to be the results?

Response: The Commission is working in partnership with the NSW Branch of the National Disability Service to support disability sector employers. To date we have delivered three regional and three metropolitan workshops attended by over 140 people from 67 disability services. We are helping to develop a best practice guide to help disability services implement Child-safe Child-friendly strategies that work for their clients. The guide will include case studies relevant to this sector. We are also consulting with kids with disabilities to find ways to increase their participation in decision-making that affects them.

We expect to see changes in policy, procedures and practice within the disability sector. We also anticipate that the sector will find better ways for children with a disability to contribute their views about their well-being.

### **Children at work**

18. How is the Commission's analysis of the results of Wave Two of the *Children at Work* research progressing? Have any trends or anomalies been discovered so far? [AR p 50]

Response: We have completed our analysis of Wave Two. Our main finding was the important role that family and family-owned business provide in transitioning from the home into the world of work. We found that young people's attitude to work is strongly influenced by their peers and by role modelling by their families. We also found that many young people who wanted to work failed to do so. They cited lack of transport, lack of jobs or lack of help to find work as the reasons for not getting work. We are currently drafting an *Ask The Children* on the Wave Two research.

19. How has the Commission publicised its *Babysitting Guide*? Is the Commission monitoring the impact of the *Guide*, and, if so, what has been the response? [AR p 50]

Response: We publicised the *Babysitting Guide* extensively. We wrote to all school principals in NSW enclosing copies of the *Guide* and an article for their newsletters. We also informed child care centres, young people who have asked to be on our mailing lists, and on-line youth networks. In addition we successfully used the media to extend public interest, with radio discussions and newspaper articles about the new *Guide*. All subscribers to our on-line bulletin were alerted. We promoted it at our Easter Show stall in April 2008. We give copies of the *Guide* to children whenever we distribute information at consultations, community events and youth forums and we refer to the *Guide* regularly in presentations, letters and submissions.

The *Guide* is one of the most popular downloads on the Commission's website. It had been downloaded nearly 13,000 times by the end of February 2009.

20. How has the Commission progressed its framework for regulating the conditions of children's employment?

Response: In December 2008, the Commission published a paper on our website to encourage debate on how best to protect children at work while promoting their wellbeing. The paper recommends a consistent system of laws to regulate work where children may need specific protection, including setting a minimum age and limiting working hours.

We are seeking to involve the National Industrial Relations Ministerial Council in these issues. The Commissioner and Professor Stewart have met with the NSW Minister for Industrial Relations, the NSW Minister for Youth, the Victorian Minister for Industrial Relations and the Victorian Minister for Children and Early Childhood Development. A meeting is being arranged with the South Australian Minister for Industrial Relations. The proposed discussions with the Queensland Minister for Industrial Relations have been delayed until after the Queensland election.

### **Children's understanding of poverty**

21. What was the outcome of the application made to the Australian Research Council for a Discovery Project Grant to examine children's lived experience of poverty? If successful, how is this project progressing? [AR p 51]

Response: Unfortunately our application was not successful. We will pursue other funding options for this research.

### **Monitoring well-being**

22. The Annual Report notes that the Commission began developing a monitoring framework based on the well-being research, but that this could not be completed due to the high staffing needs of the Trends in Child Death research study. Now that the research study has been completed, what progress has been made on developing the monitoring framework? [AR p 52]



Response: We have developed our monitoring framework to cover key outcomes:

- Being healthy
- Being safe
- Having the (material) things I need
- Being loved and cared for
- Doing things I like to do
- Being a good person
- Having a say
- Being praised for what I accomplish
- Being happy with who I am

The next step is to work out how to measure outcomes in these areas. Developing these new measures will rely primarily on collaboration with the various federal and state organisations that have responsibility for collecting data on children.

### **The Built Environment**

23. What is the progress to date of the trial of the Commission's Child-friendly Community Indicators for the built environment, and what is the anticipated release date of the final version? [AR p 51]

Response: The pilot group has trialled the indicators, and given us feedback on their experience. In response to their feedback we have made some changes to the indicators and are now seeking comments on these changes from the pilot group. We anticipate releasing the agreed indicators in May 2009.

### **Estimates of Risk**

24. The Annual Report notes that the Commission had trained all Approved Screening Agencies in *A Workplace and Applicant Risk Estimate* (AWARE) and that they were required to implement AWARE from the end of 2007. How are you monitoring compliance with this? [AR p 60]

Response: We are monitoring compliance with all our requirements, including the requirement to operate AWARE, through our annual Approved Screening Agency audit program. We also receive quarterly data from all the Approved Screening Agencies that confirm they are using AWARE to estimate risk.

25. Improvements to the Commission's processing of Relevant Employment Proceedings based on advice from a child protection expert are foreshadowed in the Annual Report. Are you in receipt of this advice, and have the improvements been implemented? [AR p 60]

Response: We received the expert's advice in June 2008. She recommended that we provide clearer information to help employers record and report Relevant Employment Proceedings, and that we enhance Class or Kind Agreements with employers. We are currently negotiating new Class or Kind Agreements for two key employers, and we have retained the same expert to help us develop the clearer information to employers.

## **Environmental issues**

26. In your response to the Committee's review of the Commission's 2006-07 Annual Report, you mentioned that environmental issues would be one of the new projects for research development. Has the Commission undertaken any such project, and, if so, what has it involved? [Review p 1]

Response: The Commission started its environmental sustainability project in February 2009. This project aims to highlight the impacts on children and young people from climate change including inter-generational issues and to increase kids' participation in decisions about climate change and environmental sustainability.

Our initial focus is on building our own knowledge of environmental issues, preparing a discussion paper on the impacts of climate change and environmental sustainability on children and young people and identifying opportunities to increase kids' participation on environmental issues. We plan to work collaboratively with other agencies so we can support their existing activities in influencing the community on environmental sustainability and raise awareness of children and young people's issues.