

## Hearing on *the Annual Report of the Commission for Children and Young People 2012-2013*

### Questions on Notice and Responses from the Office of the Children's Guardian and the Commission for Children and Young People

- 1) To date, how many applicants for the new Working With Children Checks have been barred? (p. 7)

*As at 19 June 2014: 332 bars have been issued and this figure includes 150 interim bars.*

- 2) Can you provide a breakdown of the budget that has been transferred to the Office of the Children's Guardian following the transfer of the administration of the Working With Children Check? (p. 8)

*For 2013-14 the total budget transferred to the Office of the Children's Guardian from the Department of Education and Communities was \$18.209 million. This budget comprised \$5.007 million to support the legislated functions associated with the Children's Guardian prior to the transfer of the Working With Children Check and \$13.202 million to support the operational and regulatory functions of the new Working With Children Check.*

- 3) Can you provide details of the scope and activities of the new Children's Advocate role, as well as a breakdown of the budget for the Office of the Advocate for Children and Young People? (p. 9)

*The scope and activities of the new Advocate for Children and Young People role are properly determined by the person appointed to the position, taking account of the legislated functions of the office and the resources available. The preparation of a three-year strategic plan for children and young people will be a key activity and will assist the Advocate to identify priorities for the work of the office.*

*It is anticipated that the budget for the Office of the Advocate will be broadly similar in quantum and structure to that of the Commission for Children and Young People in 2013-14 following transfer of the Working with Children Check and related functions to the Children's Guardian.*

*The Commission retained funding of \$2.764 million in 2013-14 to support its policy, research and advocacy functions. The majority of this funding is allocated to the 16 FTE positions to support these functions.*

*For 2014-15 the Advocate for Children and Young People has an operating budget of \$2.586 million for its policy, research and advocacy functions.*

- 4) Can you provide a copy of the paper in relation to bullying that was prepared following the *Speak-up!* consultation? (p. 14)

*Yes, copy of latest draft is attached.*

- 5) Can the Department of Education and Communities provide details of the programs that are in place in schools to respond to complaints of bullying? (p. 14)

*The Department of Education and Communities' Social Inclusion Unit has provided information (see attached letter). The information in the letter is also set out below:*

*The Department of Education and Communities takes the issue of bullying very seriously. Through its policies and provisions, the Department is supporting schools and their communities to work together to implement strategies to address bullying which have been developed locally to suit local school communities.*

*Together, schools and their communities develop anti-bullying plans that include prevention, early intervention and response strategies. These plans are reviewed with the school community at least every three years and principals report annually to their school communities on the effectiveness of the plan.*

*Many schools choose to support the work they are doing to minimize the impact of bullying by using the resources on the Bullying. No Way! website, the Take a Stand Together website and the Safe Schools Hub website. Many also participate in the National Day of Action Against Bullying and Violence to raise awareness about bullying issues and promote their own locally developed anti-bullying initiatives.*

*Under the Supporting Students Plan, the NSW government established 50 new student support officer positions in NSW schools. These positions have provided valuable support to schools in addressing bullying and the impact of social networking on young people.*

*When bullying does occur, it is taken very seriously. Rather than provide a programmatic response, schools provide support to students who have experienced, witnessed or displayed bullying behaviour. Because no one response to bullying behaviour is appropriate in every*

*circumstance, schools tailor their responses to the particular circumstances and often implement a combination of responses.*

- 6) Is the Domestic and Family Violence Framework Senior Executive Steering Committee still meeting? (p. 17)

*The Domestic and Family Violence Senior Executive Steering Committee (SESC) was an interagency group established to oversee the development of the Domestic and Family Violence Framework for Reform. It was established in early 2012, and approved in November 2012 by Cabinet as part of a new State-level governance arrangement for the reforms. This governance structure was set up to ensure timely delivery of the draft NSW DFV Framework for Reform, and to oversee their subsequent implementation. As part of this process, the SESC was renamed the Interdepartmental Steering Committee (IDSC).*

*This arrangement is set out in [It Stops Here: Standing Together to End Domestic Violence in NSW](#), launched in February 2014. In addition to the IDSC, governance arrangements for the reforms include Ministerial oversight and leadership by five relevant Ministers, and a Domestic and Family Violence Council, comprising both government and non-government representatives who provide advice to Ministers.*

*Reflecting that the DFV Framework for Reform has moved into implementation, the IDSC was renamed the Domestic and Family Violence (DFV) Reforms Delivery Board in April 2014. This group of senior representatives of human services and justice departments is charged with overseeing, coordinating and delivering a whole-of-government approach to domestic and family violence as captured in [It Stops Here](#), and will provide advice to Ministers and to the Domestic and Family Violence Council. It also focuses on specific Reform projects, in particular performance monitoring and evaluation. The membership of the DFV Reforms Delivery Board is the same as the previous Interdepartmental Steering Committee, though without the Commission for Children and Young People who opted not to be on the RDB as it did not have a service delivery role.*

*It is envisaged that the DFV Reforms Delivery Board will meet for the life of the Framework.*

- 7) Can you provide a breakdown of the charges for Working With Children Checks for volunteers in other states and territories? (pp. 19-20)

*See attached comparative table of costs of volunteer checks in each State/Territory conducting WWCC.*

- 8) What is your view on the establishment of a national database of sex offenders? (p. 22)

*The OCG has no objection to the establishment of a national register however it will have limited benefit for the operations of the Working With Children Check (WWCC). Currently a person's criminal convictions for child sex offences are disclosed to the OCG through the National Criminal History Check. The available records include records of convictions (spent or unspent), charges (whether heard, unheard or dismissed) and juvenile records.*

- 9) Can new technology provide working young people with support and guidance in relation to their rights at work? (p. 22)

*New technology may be helpful in ensuring young people have knowledge of their rights. However, information alone (whether conveyed on-line or face-to face) cannot foster confidence to speak up.*

*The majority of young people are adept at navigating websites to seek information on-line and there are multiple sites where information on rights at work for young people can be found. However, young people have told the Commission in consultations that receiving information face to face is of equal and sometimes superior, value.*

*In view of the power imbalance between employers and young workers, ensuring young workers are aware of their rights may also require encouraging employers to include discussion of rights and obligations at induction, including providing information about where to find factual information on rights.*

*The Victorian Trades Hall Council (VTHC), Occupational Health and Safety Unit website has an excellent webpage, Young Workers and OHS, with links to key information and documents for most Australian jurisdictions. The Victorian Trades Hall Council link is: <http://www.ohsrep.org.au/law-rights/rights/workers-rights/young-workers-and-ohs>*

*The website of the Fair Work Ombudsman (a Federal body) has generic information about discrimination and harassment and workplace bullying. It also has information tailored to young people (which can be accessed via a short cartoon video or links to topic areas such as employment conditions, pay, leave and unpaid work (including unpaid trials, student placements and work experience and internships.) The link is: <http://www.fairwork.gov.au/About->*

us/policies-and-guides/Best-practice-guides/a-guide-for-young-workers#A-best-practice-guide-for-young-workers

*In addition, the site includes a Best Practice Guide for Young Workers, which refers young workers to their relevant State or Territory health and safety body for information on bullying and harassment. For young people in NSW the relevant body is WorkCover NSW. The WorkCover NSW website has a dedicated Young Workers site, which includes an interactive game to reinforce knowledge of rights.*

*NSW Industrial Relations has a youth-friendly publication, readily accessible on-line, setting out young people's rights at work:*

[http://www.youngpeopleatwork.nsw.gov.au/biz\\_res/irypw/pdfs/Offered\\_A\\_Job.pdf](http://www.youngpeopleatwork.nsw.gov.au/biz_res/irypw/pdfs/Offered_A_Job.pdf)

*The online youth mental health forum, Reachout, has youth-friendly advice and information on workplace bullying at: <http://au.reachout.com/About-workplace-bullying>.*

*The National Children's and Youth Law Centre's 'Lawstuff' website provides legal information to children and young people in Australia; information and links by State and territory. NSW-relevant information is at: [http://www.lawstuff.org.au/nsw\\_law/topics/#](http://www.lawstuff.org.au/nsw_law/topics/#)*

*The relevant section is: On The Job.*

*YouthSafe NSW in partnership with the Australian Retailers Association has a variety of accessible material at their 'In Working Order' site. In Working Order contains a DVD, lesson plans and fact sheets. The website and DVD assists teachers, employers, supervisors and parents to develop young people's understanding of workplace safety rights and responsibilities; recognising, assessing and managing workplace hazards; and communication and negotiation skills for the workplace. The link is:*

<http://www.inworkingorder.com.au/educators.html>

*Western Australia's WorkSafe provides 'SmartMove', a comprehensive workplace safety and health educational resource for senior high school students and new and young workers entering the workforce on a work placement, for work experience, or as a school-based trainee/apprentice. It is designed to address a national competency unit on workplace health and safety. The link is: <http://smartmove.safetyline.wa.gov.au/>*

## Additional Questions

### Role and function

- 1) What significant organisational changes do you anticipate will come from the abolition of the Office of the Commission for Children and Young People and the subsequent establishment of the Office of the Advocate for Children and Young People?

*The most significant organisational change will be the transfer of administrative responsibilities for the NSW Youth Advisory Council to the new Office of the Advocate for Children and Young People. It is expected that the transfer of resources for administration of the YAC (which currently reside in the Department of Education and Communities) will follow the transfer of these responsibilities.*

### Consultation/participation by children and young people

- 2) The Committee notes that the Commission instigated an independent external evaluation of the Young People Advisory Group (YPAG) and the Classroom Consultation models, and that the draft evaluation report indicates that, overall, both models are meeting the benchmarks of effective consultation and participation practices. Has the draft report identified any issues with either model to be addressed in order for them to function better as a means by which young people can consult and participate?

*The draft report has identified a number of ways in which the models could be improved. These include: developing a more structured approach to determining consultation topics to achieve maximum value; preparing materials for the classroom consultations that appeal to children and young people of diverse ages, abilities and backgrounds; aggregating the information gained from classroom consultations to form a resource to which the Commission can refer when considering policy issues; and asking students in the classroom consultations to nominate future consultation topics they are interested in.*

- 3) In the Commission's response to the questions on notice you state that the boardroom style of the YPAG model "...may not be the most effective mechanism to reach vulnerable or at-risk young people." Given the importance of consulting with young people in this group and also the clear benefits to young people of participating in activities like the YPAG, has the Commission done anything to target vulnerable or at-risk young people for participation in the YPAG?

*Because boardroom style consultations may not be effective in reaching vulnerable or at risk young people, the Commission has piloted the classroom consultation model. The classroom consultation model has proven successful in engaging with a much wider range of young people who may be less engaged than those who are interested in taking part in boardroom style models. The classroom consultation model was used recently to gain the views of homeless young people on strengthening advocacy. The Commission will continue to explore how the*

*model can be utilised through the services that vulnerable and at-risk young people use.*

- 4) In the Commission's response to the questions on notice you state that a key challenge for the Commission, as it continues to refine its Classroom Consultation model, is to develop the best mechanism to capture the input provided by children and young people, particularly those who struggle to express themselves in writing. Has the Commission made any progress in this area?

*The Commission continues to use face to face group interviews with young people which do not require young people to express themselves in writing. However, the Commission acknowledges that contributions made in group discussions and interviews can be different to providing completely confidential and private feedback on an individual online survey. The Commission will continue to explore ways to capture the input of young people who struggle to express themselves in writing.*

### **Publications**

- 5) The Committee found that a number of the Commission's publications were not easy to locate on the Commission's website. Given the increasing importance of its research/advocacy role, has the Commission considered reviewing its website to make its publications more accessible, for example, by placing them in a stand-alone, clearly indexed section of the website?

*The Commission intends to provide all of its research and other publications under a clearly tabbed and indexed part of its website following the transfer of the Working With Children Check part of the site to the Children's Guardian's website at the beginning of July 2014.*

### **Working With Children Check**

- 6) In the Commission's response to the questions on notice you state that in certain instances, employers were mistakenly registered for the new Working With Children Check. Can you explain the system error that caused this issue, and has the Office of the Children's Guardian put any measures in place to rectify the issue in the future?

*There is no system error that can cause an employer to register incorrectly. Under the new system an employer manages their own registration, electing their own username and password. Through the employer registration they are able to verify that an applicant holds a clearance. It also places a reference on the applicant case file as to which employer has verified the worker. This is how we ensure employers have verified a person holds a clearance to work with children.*

*The problem with employer registrations was that because it was a new process some organisations registered at a local level when their internal processes meant they should only register at a central level. For example, NSW Health do all the verifications for employers but in their haste some regional offices registered in error. NSW Health provided us with a list of only*

*those agencies who should be registered and we contacted all other registered employers to advise them we were deactivating their registration and that verifications are to be done centrally as per their organisation's policy.*

*Further, some organisations made a mistake in the registration process and registered multiple times. In this instance we have spoken to the agency to determine which is the correct registration and de-activated all incorrect registrations. Finally there were those individuals who believed they were applying for a Working with Children Check in registering as an employer and we de-activated those too, and where relevant advised the applicant of the correct process for applying.*

*Keeping the employer registration database 'clean' is an important part of compliance activities as we rely on analysis of this data to inform compliance programs and in issuing correspondence.*



**Working with Children Check - application costs for volunteers by State/Territory**

State	NSW	QLD	VIC	WA	NT	ACT	SA
Check type	Working with Children	Working with Children	Working with Children	Working with Children	Working with Children	Working with Vulnerable people	Working with Children
Cost	No cost	No cost	No cost	\$10.50	\$5.00	No cost	\$41.25 if lodged via your employer. \$42.40 if lodged with Aust Post.
<i>(As stated on their respective websites) above cost applicable to:</i>	<ol style="list-style-type: none"> <li>1. Volunteers</li> <li>2. Students over 18 on professional placement</li> <li>3. Potential adoptive parents</li> <li>4. Authorised carers</li> <li>5. Adults who reside in the home of: <ul style="list-style-type: none"> <li>▪ an authorised carer</li> <li>▪ a family day care service provider</li> </ul>                     a home-based education and care service provider.                 </li> </ol>	<ol style="list-style-type: none"> <li>1. Volunteers</li> <li>2. Students</li> <li>3. Foster and kinship carers and</li> <li>4. Adult occupants of a household where foster and kinship care is being provided</li> </ol>	Volunteers	<ol style="list-style-type: none"> <li>1. Volunteers</li> <li>2. Unpaid people</li> <li>3. Students on unpaid placement</li> </ol>	Volunteers	Volunteers	Volunteers
Validity period	5 years	3 years	5 years	3 years	2 years	3 years	3 years