

ATTACHMENT A- General Purpose Standing Committee No 2: Responses to Questions taken on notice by the Children’s Guardian

Response to questions appearing at pages 43-44 of the uncorrected transcript

- What is the percentage of your decisions that are appealed?

Since commencement of the new Working with Children Check (WWCC) in June 2013 to 1 September 2016 the Office of the Children’s Guardian (OCG) has finalised 1,083,426 WWCC applications and there have been 406 appeals to the NSW Civil and Administrative Tribunal (NCAT) in that time, equating to approximately .000374% * of decisions appealed to the NCAT.

The total number of appeals comprises those applications to NCAT initiated under s27 of the *Child Protection (Working with Children) Act 2012* (the WWC Act) which relate to WWCC refusals following risk assessment by the Children’s Guardian, and those initiated under s28 of the WWC Act which relate to automatic disqualifications due to the applicant having a relevant record specified in Schedule 2 to the Act.

It is anticipated that this already small proportion of matters appealed, is likely to reduce further following amendments to section 26 of the *WWC Act* made in late 2015. These changes limit the circumstances in which people convicted of serious offences can make an application for review to the NCAT, where their WWCC application was submitted to the Children’s Guardian after 2 November 2015. Importantly, rights of review for adults convicted of murder, or of intention, or attempting to commit conspiracy or incitement of murder have been removed.

**This includes applications that are subsequently withdrawn or remitted back to the Children’s Guardian.*

- How much resources have you set aside in order to engage in the appellate jurisdiction?

TABLE 1: Resources set aside by the OCG to engage the appellate jurisdiction

Job Title	Base Salary at 1.7.16	Oncosts (20%)	Total salary	% on NCAT Matters	Total NCAT Salary Costs	Administrative Oncosts	TOTAL
Risk Assessment Officer - NCAT	\$97,426	19,485	116,911	100%	\$116,911	\$19,000	\$135,911
Risk Assessment Officer NCAT	\$96,784	19,357	116,141	100%	\$116,141	\$19,000	\$135,141
Risk Assessment Officer - NCAT	\$92,912	18,582	111,494	100%	\$111,494	\$19,000	\$130,494
Director Legal Services	\$182,042	16,893	198,935	15%	\$29,840	\$2,850	\$32,690
Children’s Guardian	\$289,955	26,908	316,863	5%	\$15,843	\$1,000	\$16,843
Legal Officer	\$116,632	23,326	139,958	25%	\$34,990	\$4,750	\$39,740
Risk Assessment Officer - NCAT	\$92,912	18,582	111,494	100%	\$111,494	\$19,000	\$130,494
Team Leader - NCAT	\$113,324	22,665	135,989	100%	\$135,989	\$19,000	\$154,989
				TOTAL	\$672,703	\$103,600	\$776,303

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- Do Crown Solicitors recover that cost from you or is it just general?

The OCG engages the Crown Solicitors Office to represent the OCG in matters appearing before NCAT. This is considered to be core legal work and is provided at no cost to the OCG. The OCG has not engaged any consultants to provide legal advice in 2015-16.

Responses to questions appearing at page 46 of the uncorrected transcript

- On notice will you advise the Committee the actual districts so that it can have an understanding of where FACS is failing? At least three have not met your standards in a substantial way. Nine of them are failing in some way and only three have actually met your standards. Do you find it disturbing as the Children's Guardian that the primary organisation responsible for child welfare cannot be accredited as a child safe organisation?

The Districts assessed as meeting the standards are:

1. Far West District
2. Southern District
3. Central Coast District

The Districts assessed as substantially meeting the standards are:

1. Hunter New England District
2. Illawarra Shoalhaven District
3. Nepean Blue Mountains District
4. Northern District
5. Northern Sydney District
6. South Eastern Sydney District
7. South Western Sydney District
8. Sydney District
9. Western Sydney District

The decision to accredit 12 FACS Districts and to not accredit 3 Districts was based on the level of improvement and the quality of practice across each District. Those Districts fully accredited were able to demonstrate that quality services are delivered to children and young people and the practice is consistent across the District. In those Districts, all Community Service Centres have implemented systems to support continuous improvement. The Children's Guardian is satisfied that the District has demonstrated the capacity to maintain quality practice and continue ongoing practice improvement.

The Districts assessed as not meeting the standards are:

1. Western District
2. Mid-North Coast District
3. Murrumbidgee District