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Mr Andrew Cornwell MP  
Chair  
Parliamentary Joint Committee on Children and Young People  
NSW Parliament  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Cornwell

I am writing in response to your request for written answers to the Parliamentary Joint Committee on Children and Young People's questions about the Commission for Children and Young People's 2009-10 and 2010-11 Annual Reports, the Child Death Review Team 2009 Annual Report and the Child Death Review Team Report on *A Preliminary Investigation of Neonatal SUDI in NSW 1996-2008: Opportunities for Prevention*.

Responses to your questions on these reports are attached. I look forward to discussing them with you and members of the Committee at the hearing scheduled for 7 May 2012.

Should you require any additional information prior to the Committee's hearing please don't hesitate to contact me on (02) 9286 7278 or at [Megan.Mitchell@kids.nsw.gov.au](mailto:Megan.Mitchell@kids.nsw.gov.au).

Yours sincerely

**Megan Mitchell**  
Commissioner

17 April 2012

# Questions on Notice for the 2011 report reviews

## Commission's 2010-2011 Annual Report

### Advocacy and research

The Commission's advocacy and research work supports a number of its principal functions set out in the Commission for Children and Young People Act 1998 (p.6).

1. How does the Commission go about the process of identifying, prioritising and resourcing its advocacy and research projects?

*The Commission's work priorities are determined via a combination of approaches including:*

- *Reference to the functions and principles set out under our legislation;*
- *Analysis of issues identified by government and the community through stakeholder consultation;*
- *Reference to the government's forward program of legislative and policy review;*
- *Reference to the Commission's Young People's Advisory Committee and Expert Advisory Committee;*
- *Contributing to and responding to Parliamentary Committees of inquiry.*

2. How does the Commission measure the impact of its advocacy and research projects?

*The Commission measures the impact of its advocacy and research projects by monitoring:*

- *The extent to which the Commission's research and policy output is reflected in government policies and programs;*
- *The number and quality of citations of the Commission's research and policy work in government reports, the media, journals and other publications;*
- *The extent to which the Commission delivers planned and reactive outputs on time and to a high standard, and that these outputs are effectively disseminated;*
- *The extent to which government agencies incorporate the participation of children and young people in policy and program development;*
- *Outcomes for vulnerable children and young people over time (e.g. health, education, incarceration);*
- *The extent to which government policies and programs focus on the specific needs of children;*
- *Stakeholder satisfaction with and the utilisation of the Commission's outputs.*

*Performance against these measures will be tracked through annual reporting required as part of the Commission's Business Planning and verified by reference to:*

- *Input to legislation, policy and programs and level of influence;*
- *Copies of press articles, journal entries, log of radio/TV interviews;*
- *Number and quality of seminars run / papers circulated and discussed with relevant ministers and departments;*
- *A biennial survey of stakeholders to assess the quality and influence of policy and research work;*
- *Analysis of key statistics on the wellbeing of children and young people in NSW;*
- *Utilisation of Commission resources*

With regard to *A picture of NSW children*; the annual report provides Google Analytics data which "suggests strong user acceptance" (p.9).

3. Apart from the number of page views and the testimonials from the Commissioner and the Minister for Citizenship and Communities, what other stakeholder feedback has there been on this resource?

*Prior to publishing, draft chapters of A Picture of NSW children were provided to the NSW Justice and Human Services CEO Forum for comment. Positive feedback was received on both the content and structure of the data book. Once the Picture has been fully disseminated it will be comprehensively evaluated, including the collection and analysis of user views.*

S17(1) of the Commission for Children and Young People Act provides that the Minister may require the Commission to conduct a special inquiry into a specified issue affecting children, either at the request of the Commission or on the Minister's own initiative.

4. During the 2010-2011 reporting year, has the Commission made any requests to conduct a special inquiry?

*No. The Commissioner is exploring the option of holding a special inquiry in 2013.*

In 2010-2011 the Commission ran eight online polls in the Kidzone section of its website (pp.13-14).

5. How does the Commission select topics for the online polls?

*The Commission used a variety of means to select topics for KidsPoll, including consultation with children and young people via the Young People's Reference Group. Topics were also chosen in response to topical issues reported in the media, such as learner driver supervised driving hours, and privacy and social media sites. One consideration is the extent to which a topic is aligned with the Commission's work, such as the Children, Young People, and the Built Environment and Injury Prevention*

projects. Survey questions are devised by the Media and Communications team in consultation with the Commissioner.

6. How does the Commission assess the utility of the online polls? e.g. raising awareness of issues

*KidsPoll is an interactive feature of the Commission's website designed to be interesting and entertaining. It is located in the KidZone section of the Commission's website, with other content designed for children and young people. KidsPoll is not intended to provide the Commission with data in the form of social research, and does not play a formal role in the Commission's policy development work.*

*However the comments submitted by the children and young people who visit can provide the Commission with insights into how children and young people think and feel about the chosen topics, and can be used to demonstrate the thoughtful and sophisticated responses of which children and young people are capable.*

*In assessing its effectiveness, the Commission monitors its performance in gaining subscribers. KidsPoll is the Commission's most popular subscription option designed especially for children and young people, with more than 1,000 subscribers at 30 June 2011.*

In February 2011 the functions of the Child Death Review Team were transferred from the Commission to the NSW Ombudsman. Since the transfer:

7. What role(s) has the Commission performed as a member of the Child Death Review Team?

*The Commissioner attended meetings of the CDRT with the NSW Ombudsman as Convenor held in May (first unofficial meeting), August, September and December 2011 and in March 2012, in which she actively participated in the work of the Team, including providing advice to the NSW Ombudsman on the review of the 2009 Annual Report of the Team undertaken by the National Centre for Health Information, Research and Training.*

*The Commissioner provided advice to the Minister for Citizenship and Communities in September 2011 on the draft 2010 Annual Report of the CDRT, published in 2011.*

*The Commissioner was consulted in February 2012 in the development of the Team's response to the review of the NSW Swimming Pools Act 1992 to prevent children drowning in privately owned swimming pools, and provided a copy of the Commission's own submission to this review to inform the Team's response.*

8. Has the Commission had satisfactory access to CDRT data in order to support its advocacy and monitoring role?

*Since the transfer of the functions of the CDRT to the NSW Ombudsman, the Commission has not had cause to request access to CDRT data and has utilised data publicly available in the 2010 Annual Report of the CDRT to support its advocacy and monitoring activities. It might be noted that the way the data is reported in the 2010 CDRT Annual Report is different to the way it was previously reported, which limits comparability with previous published reports and has made updating A Picture of NSW Children challenging.*

*The Commission will continue to utilise the findings of the Team to inform policy and advocacy advice and in particular in relation to its current work on child injury prevention.*

Given that a primary role of the Commission is to improve the safety, welfare and well-being of children and young people:

9. Has the Commission considered collecting information from school counsellors, or those in similar positions, to ascertain issues being raised by children and attempt to identify common themes?

*The focus of the research conducted by the Commission has primarily been upon consulting directly with children, rather than people who work with them (for example, the Ask the Children series). However as part of its policy and advocacy work, the Commission made a submission to the Department of Education and Communities' (DEC) review of school counselling services in NSW schools in November 2011. This submission primarily focused on the way in which children prefer to receive counselling services, including in a school setting, and the resourcing of school counselling services, rather than the type of issues raised by children. While counsellors may be able to provide a general overview of the concerns raised by children, the confidentiality of the counselling session would prohibit the divulging of specific details of a counselling session without the child's consent.*

In 2010-2011, the Commission provided support and advice to the NSW Department of Education and Communities for obtaining the views of children to inform the development of anti-bullying initiatives. (pg. 14)

10. Are current anti-bullying initiatives, particularly those dealing with online bullying, in place in NSW schools appropriate?

*The Commission's work on anti bullying initiatives is in response to the 2009 NSW Legislative Council General Purpose Standing Committee Parliamentary inquiry into the bullying of children and young people. The Commission made a submission to this inquiry. The inquiry made 25 recommendations to NSW Government and the Commission featured in two recommendations:*

**Recommendation 4:** *That the Minister for Education and Training ensure that the NSW Department of Education and Training work with the NSW Commission for*

*Children and Young People, to seek annual feedback from children and young people on Anti-bullying initiatives that are implemented in their schools. This consultation process should include use of the online environment to maximise the engagement of children and young people.*

**Recommendation 14:** *That the NSW Department of Education and Training require all NSW public and non government schools to have information on their school websites that outlines the potential legal ramifications of bullying, and provides contact information for the School Liaison Police and support services such as Kids Helpline.*

*Recommendation 4 was supported in the NSW Government Response and the Commission agreed to provide advice to the Department of Education and Training on the development of participatory models of consultation for children and young people that are inclusive of those whose voices may not otherwise be heard. During 2010, the Commission discussed and sought feedback on this recommendation with the then Young People's Reference Group.*

*Consultation with children and young people in NSW Government schools is now particularly timely with the publication of the new policy *Bullying: Preventing and Responding to Student Bullying in Schools Policy* which came into operation on 21 March 2011. The Commission is arranging to meet with the Department of Education and Communities in May to discuss options for gathering feedback from children and young people, including online.*

*Following these discussions with the Department, the Commission will discuss options for seeking feedback from children and young people in the Catholic and Independent school sectors with the Catholic Education Commission NSW and the Association of Independent Schools.*

*The Commission's revised participation toolkit, which aims to build capacity of organisations to engage with children and young people, will be released throughout 2012 and this will be provided to the Department, Catholic Education Commission NSW and the Association of Independent Schools to assist them in consulting with children and young people about anti-bullying initiatives.*

*Recommendation 14 was partially supported by the NSW Government. The new *Bullying: Preventing and responding to Student Bullying in Schools Policy* requires NSW government schools to provide contact information for School Liaison Police and support services such as Kids Helpline in their Anti-bullying Plans.*

*DEC has advised that consultation regarding anti-bullying messages and requiring non-government schools to publish contact information for School Liaison Police and support services such as Kids Helpline remains outstanding. The Commission is arranging to meet with the Department of Education and Communities in May to identify ways to progress this recommendation.*

**Have alternative initiatives been considered and would the Commission recommend further improvements?**

*The Commission's role, as described above is to explore and develop ways to obtain the views of children to inform the development of anti-bullying initiatives.*

*In the context of the new Bullying: Preventing and responding to Student Bullying in Schools Policy the Commission will raise with the Department of Education and Communities how they are monitoring and evaluating the policy and its implementation and the way in which feedback from children will be used.*

### **Participation and consultation**

11. During the reporting year, the Commission evaluated the Commission's Young People's Reference Group (p.14). What process was used for the evaluation and what were its findings?

*The Commission's internal evaluation of the Young People's Reference Group (YPRG) included a focus group with the 2010 YPRG, surveys of current and past Commission staff and a desk top audit of YPRG advice.*

*The evaluation found the YPRG model had benefits for members, Commission staff and the Commissioner. The evaluation also found the YPRG model to be largely successful both in supporting the Commission in exercising its functions and developing the knowledge, skills and sense of self worth of the children taking part.*

*The evaluation identified several opportunities to improve the model. These included:*

- 1. Clarifying the role of the YPRG.*
- 2. Linking the work of the YPRG to the Commission's strategic and business plan.*
- 3. Training and supporting Commission staff in the operation of the YPRG model.*
- 4. Making it part of the YPRG role to obtain the views of other children and allocating more time for this to be done.*
- 5. Providing more opportunity and support for young people to develop their skills and knowledge during their term of appointment.*

*The report recommended that the Commission adopt a new model, a Young People Advisory Group (YPAG). This new model engages six schools, drawn proportionally from the three school sectors. Schools nominate two student members to sit on the Group each year. Each school commits to being involved in the Group for a period of two years; this commitment includes helping the Commission to support the Advisory Group members in their role.*

*The YPAG provides the Commissioner with advice on the work of the Commission, raises issues of interest or concern, and acts as research consultants with their school communities.*

*The new model was implemented in late 2011.*

12. During the reporting year, the Commission undertook work on effective participation mechanisms for children and young people (p.14). Does the Commission consider this work to have resulted in improved participation and consultation outcomes for children and young people?

*TAKING PARTICIPATION seriously is a unique resource for organisations who want practical advice about how to involve children and young people in activities, events and decision-making about issues that affect their lives. The kit is made up of different parts that focus on how organisations can involve children and young people in different activities or areas of work. Children and young people helped develop all sections of the kit, providing their ideas, experiences, feedback and piloting the resources before publication.*

*The kit includes sections on how organisations can:*

- *involve children and young people on boards and committees*
- *involve children and young people in research*
- *get feedback from both staff and children and young people involved with your organisation about what's working and where participation activities could be added to or improved*
- *run events that make space for children and young people's participation*
- *involve children and young people in meetings where decisions are made that affect their lives, such as case-planning meetings.*

*This kit also includes a section that charts the 'learning road' travelled by the Commission from the Participation Kit's beginnings. Together with the views of children and young people, it discusses the success and challenges of children's participation, why it works and is good for kids, and how organisations benefit when they promote and practice participation.*

*Taking Participation Seriously is highly regarded and well utilised. It was referred to as an exemplar of practical advice at a 2011 workshop run in Sydney by the International Association for Public Participation Australasia and was downloaded in part or in total 30,054 times in 2010-11.*

*A new resource, which builds on the success of Taking Participation Seriously, is currently being developed to help organisations wanting to involve children and young people in decision making. This resource will include case studies from organisations that already seek children and young people's participation in decision-making. The aim of the case studies is to highlight 'what works', thus leading to further improved participation and consultation outcomes for children and young people.*

*The Commission considers that its work on effective participation mechanisms for children and young people has led to improvements in the way the Commission currently seeks children and young people's participation. For example, the evaluation of the Commission's Young People's Reference Group informed the development of*



*the Commission's current Young People's Advisory Group. This model will also be evaluated in an ongoing way to allow for continuous improvement.*

*Further, the recent evaluation of the UnitingCare Burnside child-led research project by the Commission in partnership with Southern Cross University demonstrated a range of benefits for children and young people and the organisation. It also made recommendations for improvements to future implementation of the program.*

13. What are the anticipated outcomes for the 'Online engagement with young people' project?

*The anticipated outcomes are that:*

- *young people aged 12-25 can get the information they need on government programs and policies in a way that is accessible and engaging to them*
- *young people aged 12-25 can get the information they need about community events, activities and decision-making processes in which they can be involved*
- *the NSW Government can capture feedback from young people on government programs and policies to assist in making services and policies more responsive to young people.*

**Advice to government and submissions to inquiries and reviews**

The Commission has a legislated mandate to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children (p.15).

14. How does the Commission measure the impact of its recommendations to government and non-government agencies?

*The Commission monitors the extent to which recommendations are reflected in policy or legislation and the take up by agencies of participatory methods for involving children and young people in decision making.*

*The Commission recognises that it is difficult to establish a direct link with the Commission's advocacy on a particular issue with the outcome of a particular piece of legislation or policy reflecting the Commission's desired position, given the often complex contests over policy change. The Commission is however committed to regular stakeholder surveys to provide a measure of the impact of our recommendations to government and non-government agencies.*

15. How does the Commission measure the outcomes of its "input and advice to government" (p.16)?

*The Commission is unable to measure the population level outcomes of its input and advice to government. The Commission measures outcomes primarily by the proxy measure of monitoring the extent to which input and advice to government is reflected in policy or legislation and the take up by government agencies of participatory methods for involving children and young people in decision making.*

16. Has the Commission considered the use of case studies in its annual reports to demonstrate the performance of its mandate to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children?

*The Commission will consider using case studies in subsequent annual reports to demonstrate its performance in making recommendations to government and non-government agencies. A good example of this is advocacy to the Federal government calling for calls to the Kids Helpline to be free from all mobile carriers which resulted in a change to Telstra's policy.*

#### **Child safety**

17. The report on the statutory review of the Commission for Children and Young People Act made a number of recommendations in relation to the Working With Children Check (p.17). What is the current status of those recommendations?

*The statutory review made a number of recommendations in relation to the Check including:*

- *simplifying the Working With Children Check rules;*
- *extending the Check to volunteers and self employed people; and*
- *aligning the NSW check with other states within Australia that provide a portable periodic clearance to work with Children.*

*Government accepted these recommendations and is amending the Commission's legislation to implement them. The Commission is preparing to commence the new Working With Children Check in late 2012.*

18. What progress has the Commission made, during the reporting year, in relation to the Auditor General's 2010 recommendations on the Working With Children Check?

*The review by the Auditor-General made twelve recommendations. The Commission has implemented all those recommendations that do not depend on legislative change. Legislative changes planned for 2012 relating to the new Working With Children Check will complete the implementation of the Auditor-General's recommendations.*

*The Commission reported to the Auditor-General in February 2011 on progress in implementing the Auditor-General's recommendations. This was subsequently*

*acknowledged in the Public Accounts Committee report on the Auditor-General's Performance Audit Reviews that was tabled in Parliament in February 2012.*

*Recommendations requiring legislative changes to the Act.*

*Recommendation 1 – parts (a) and (b)*

*Recommendation 2 – part (b)*

*Recommendation 3 – part (b)*

*Recommendation 4 – part (b)*

*Recommendation 5*

19. The Commission has informed local governments about their obligations under the Working With Children Check following a random examination of the information that councils had on their websites about the Check (p.21). Has this resulted in satisfactory improvements or is further action required?

*As part of a targeted compliance program in 2011, the Commission completed a review of local government websites in particular where they had advertised child-related positions. The review found that many local council websites included inaccuracies about the Working With Children Check.*

*The Commission wrote to all local councils to advise them of the correct information to place on their websites. The Commission will review the websites again later in 2012.*

*Further, the Commission partnered with the following local councils to deliver Child-Safe, Child-Friendly seminars. In 2011 – 2012:*

- *Blacktown City Council*
- *Campbelltown Council*
- *Penrith Council*
- *Sutherland Shire Council*
- *Lane Cove Council*
- *Canada Bay Council*
- *Marrickville Council*
- *Warringah Council*
- *Hornsby Shire Council*

*Seminars delivered in partnership with local councils are not restricted to, but are targeted at, council service providers.*

## **Corporate Governance**

20. Which stakeholders did the Commission survey as input to its new Strategic Plan (p.27)?

*The Commission surveyed a range of stakeholders in the development of our new Strategic Plan. Input was sought from Heads and Deputy Heads of Departments, Parliamentary Committee members, Expert Advisory Committee members, the Commission's Young Peoples Reference Group, the Minister for Youth, senior officers of the Department of Premier and Cabinet well as a range of non-government stakeholders including the Council of Social Service NSW (NCOSS) and the Association of Children's Welfare Agencies (ACWA).*

21. How does the Commission propose to measure and report on stakeholder satisfaction with its work (p.28)?

*The Commission will continue to survey and report on stakeholder satisfaction through regular surveys as well as through the activities reported under question 2 and question 22.*

22. How does the Commission propose to measure and report on satisfaction levels of children and young people involved in its participation activities (p.28)?

*The Commission measures the satisfaction levels of children and young people involved in one off and ongoing participation activities through self reported satisfaction surveys. This information is used to improve Commission practice.*

#### **Financial statements**

23. During the reporting year the Commission engaged four consultants (Information Technology, Organisational Review and Management Services) (p.42). In broad terms what work did these consultants undertake and what were the outcomes?

*Two consultants were engaged to assist with the statutory review of the Commission for Children and Young People Act 1998. Mr Michael Evers was appointed by the then Department of Communities as an independent to conduct the statutory review of the Commission's legislation. The outcome was a report on the review outcomes that was provided to the then Minister for Youth. The final report on the legislative review was tabled by the Minister for Citizenship and Communities in August 2011. ARDT Consultants were engaged to conduct consultation sessions with external stakeholders, including children and young people to support the findings of the review.*

*In partnership with the Commission for Children and Young People, Healthy Cities Illawarra was engaged to produce a Child Friendly by Design Toolkit that supported the work that the Commission had undertaken on children and the built environment. Based partially on UNICEF's Child Friendly Cities strategies, the Toolkit provides resources to assist Local Councils to involve children, young people and families in the design and redesign of public spaces and places. It also contains a set of Child Friendly Indicators to assist planners, developers and designers to create more child and family friendly spaces.*

*The final consultant was engaged by the Commission to assist in the design of the specifications and the public tender for the \$1.5 million rebuild of the Employment Screening System that supports the operations of the Working With Children Check.*

## Commission's 2009-2010 Annual Report

### General

1. The Commission reports that it runs a number of seminars, workshop and training courses (eg pg. 6, 12 – Ethical Issues and 18):

- How well attended are these events?
- How are these sessions evaluated and how does the Commission act on user feedback?

#### ***Middle Years Seminar Series***

*The Commission held a seminar series exploring development during middle childhood in 2011. The three seminars held were well attended by a diverse range of government and non-government stakeholders, including: policy officers, practitioners (teachers, counsellors, children's lawyers) and service providers. The number of attendees recorded for each seminar was:*

*Seminar 1: 90 attendees*

*Seminar 2: 125 attendees*

*Seminar 3: 122 attendees*

*The seminar series was also filmed and uploaded to the Commission's website for viewing online. The Commission will continue to promote the seminar series and encourage stakeholders to view the seminars online.*

*The Commission used a feedback form to capture what participants had learnt and the challenges faced by policy officers and providers when responding to children in the middle years. The feedback was very positive and reinforced the need for ongoing work in this area.*

*During 2012 the Commission is hosting a Middle Years Roundtable to engage a range of non-government organisations working in areas that are directly relevant to the lives of children in the middle years. The Roundtable will provide an opportunity for further feedback on the seminar series and to discuss future directions and identify ways to work in partnership to progress middle years related work.*

### ***Child-Safe, Child-Friendly Seminars***

*During this period the Commission delivered 83 seminars, reaching 1,353 participants, an average of 16 participants per session. The sessions target managers and employers within child related settings. Of the 83 sessions 31 were delivered in regional NSW.*

*Feedback is obtained through formal evaluation questionnaires. The feedback demonstrates that 100% of participants:*

- were satisfied with the quality of the course;*
- were satisfied with the relevance of the information to their workplaces; and*
- would recommend the course to others.*

*In 2011 the Commission undertook a review of the evaluation process. In response to the identified demand for more flexible training tools, the Commission will introduce Webinars to the training program in 2012. These Webinars will cover individual topics such as risk management and developing a code of conduct. More people around NSW will be able access the Commission's training through this web-based training.*

#### **2. With the online and print resources which the Commission develops (eg pg. 6):**

- How often are these resources accessed or requested?**

*The Commission distributes its publications and resources online, with minimal copies distributed as printed publications.*

*Download figures for key online resources include 91,000 downloads at 30 June 2011 for the suite of built4kids resources since publication in June 2009, and 2,380 downloads of the resource Child safe check up at 30 June 2011 since publication in August 2010.*

*Online resources may be downloaded from the Web repeatedly by a single user, or downloaded a single time and accessed locally on a user's computer. Download figures do not capture instances where a resource is downloaded and then distributed via email.*

*The Commission has a fortnightly electronic newsletter that enables users to select publications, resources, news and events for subscription. At 30 June 2011 there were 3,419 subscribers, an increase of 902 subscribers from the previous year.*

*In 2010-2011, the Working With Children Check's subdomain [check.kids.nsw.gov.au](http://check.kids.nsw.gov.au) accounted for 68.51% of all website page views and 66.18% of all website landing pages. [check.kids.nsw.gov.au](http://check.kids.nsw.gov.au) received 829,575 pageviews (652,479 unique pageviews) and had a low bounce rate of 33.59%.*

- Does this align with what the Commission had hoped for?

*The Commission monitors the growth of online subscription requests. Figure 6 of the annual report provides the total growth of subscribers in 2010-2011 over 2009-2010, which was an improvement on the growth of previous years, and this was in accordance with the Commission's expectations.*

- How does the Commission publicise the material?

*The Commission uses its fortnightly electronic newsletter and website as the key methods of publicising and distributing its publications and resources.*

*These resources are also publicised as appropriate at presentations by the Commissioner and Commission staff to government and non-government organisations, such as presentations to conferences, or during the Commission's Child Safe Organisations training. In 2010-2011, the Commission also began using social media sites Facebook and Twitter to publicise Commission publications, resources and activities.*

*The Commission also publicises their work through the media. The Commission distributes media releases online, to known media contacts, to journalists identified in project strategies (through resources such as Margaret Gee's Australian Media Guide) and via Australian Associated Press' portal.*

*The Commissioner also publicises the Commission's work and resources by being visible in the community. For example, in 2010-2011, the Commissioner visited the following communities: Dubbo, Gosford, Wyong, Lakemba, Lismore, Homebush, Swansea and Newcastle. These community visits were aimed at listening and learning so the Commissioner can find out what is important to kids. The Commissioner's visits received coverage in local and regional media such as the Dubbo Daily Liberal.*

### **Environmental Sustainability (pg. 11)**

3. What opportunities does the Commission envisage to work with the Office of Environment & Heritage (formerly DECCW)?

*The Commission does not currently have plans for collaborative work with the Office of Environment and Heritage.*

*The Commission's Environmental Sustainability work in 2009 was focussed on promoting children and young people's participation in decision-making about the environment by identifying opportunities for children's participation within DECCW's workplan, and building DECCW's capacity to better engage with children.*

*Following the Commission's review of strategic directions and workplan, a focus on participation in decision-making specifically relating to environmental sustainability was not pursued and a formal agreement with DECCW was not made.*

*Instead, participation in decision-making is promoted broadly through the development of the Commission's participation toolkit which aims to build capacity of organisations to engage with children and young people. Young people will assist in writing and reviewing the toolkit which is set to be released throughout 2012.*

4. What does the Commission hope to achieve to promote children and young people's input in decisions about the environment?

*The Commission continues to monitor the policy landscape to identify opportunities for children and young people to inform decision-making, including about the environment.*

*Over the past few years the Commission has led work on children, young people and the built environment with the aim of encouraging policy makers and built environment professionals to understand that it is both good planning practice and good for the wellbeing of kids to involve them in decisions made about the built environment.*

*The benefit of involving kids in these decisions means that cities and towns can be built to better suit kids' needs and desires which will have long term benefits for their health and wellbeing and that of the wider community too.*

*This work is intended to create more and better opportunities for children and young people to independently:*

- enjoy regular, incidental exercise which can help reduce levels of obesity and poor mental health*
- connect and develop relationships with other people in their community – neighbours, local shopkeepers, people on public transport*
- meet up with friends*
- take part in recreation*
- be safe in the local neighbourhood*
- test themselves out and thereby develop into independent and capable people.*

**Make the safety, welfare and well-being of children our paramount consideration**  
**Background Checks**

5. Background checks for 2009-2010 were lower than 2008-2009, why might this be? (pg. 15)

*During 2008-09 Approved Screening Agencies conducted 214,559 background checks compared to 212,468 in 2009-10. This represents approximately one per cent less checks between the two years.*



*During 2008-09 the Commission for Children and Young People Approved Screening Agency conducted 82,112 background checks compared with 72,742 in 2009-10. This represents approximately 11 per cent less checks between the two years. The Commission as an Approved Screening Agency undertakes background checking for a diverse range of child-related employment compared with the other Screening Agencies that currently undertake background checks for specific sectors such as health and education.*

*Background checking numbers can fluctuate from year to year. Background checks performed by the Commission in 2010-11 increased to 84,659. Anecdotally the Commission considers that the Global Financial Crisis may have impacted on movements in the labour market and the advertising of positions.*

6. High risk applicants are being employed in child related positions – why is this? Is 95% an appropriate target for high risk applicants refused child-related employment? Why not 100%? (pg. 17)

*The highest risk applicants – those with a conviction for a serious sex offence or violence against children – are automatically prohibited from working with children.*

*Risk assessments are used only where applicants have other relevant records, for example charges that did not result in a conviction, employment proceedings or apprehended violence orders.*

*A risk assessment takes into account not only the risks associated with the relevant record, but also the risks associated with the proposed job and the maturity of the employer's risk management strategies. Even people assessed as high risk may be effectively managed if the child-related position does not present opportunities for harming children or where the employer has very effective risk management strategies in place.*

*The new Working With Children Check to be introduced later in 2012 will bar applicants assessed as high risk from working with children. Employers will no longer have to decide whether or not to engage an applicant assessed as high risk.*

7. The Commission audits a number of companies to ensure they comply with their Working With Children Check obligations (pg. 18-19):

- What happens following the audit?

*The 2009–10 audit identified 25 independent schools that were not fully compliant with the Working With Children Check. These schools were advised of the steps they needed to take to achieve compliance. The Commission monitored their progress in the 2010-11 audit. The Commission found that all but two of these schools were now fully compliant. These two schools have*

*been further informed of their obligations and will face enforcement action if they remain non-compliant.*

- What are the processes surrounding non-compliance? Are there penalties?

*S41 of the Commission's legislation provides a penalty of 50 penalty units or six months imprisonment or both for employers who do not comply with their Working With Children Check obligations. The Commission must first serve such employers with a notice requiring compliance. To date, employers receiving such a notice have complied, so the Commission has not had to take legal action against an employer.*

**Listen to children and young people, take their views seriously and promote their interests  
Youth Advisory Council (pg. 12)**

8. What advice did the Council provide to the Minister for Youth? On what issues?
9. Was the advice well received? Was it acted upon?
10. Did the Minister ask for any further information or follow up meetings with the Council?

*Responsibility for supporting the Youth Advisory Council was transferred to the Office of Communities on 8 March 2010. The Commission is unable to report on matters relating to Council.*

*The Office of Communities is the appropriate agency to provide information on the advice and follow-up from the Youth Advisory Council. Tony Wiseheart is the Manager of Youth Strategy and Participation.*

**Focus on things that make a positive difference to children and young people, giving  
priority to vulnerable children and young people  
Children at Work**

11. A youth employment package was developed by the NSW Government in consultation with children and young people (pg. 7).

- How many children and young people were consulted?

*In January and February 2010, the Commission consulted approximately 31 young people aged between 14 and 22 for the Premier's Supporting Our Young People package.*

- How many consultation sessions took place?

*Four focus groups were held in the Central Coast, Campbelltown, Liverpool and Wollongong.*

- What were some of their main contributions?

*Young people shared their personal experiences about navigating through complex educational, social and occupational environments. This can be particularly challenging during a significant period of development and transition where young people make decisions that will affect their future. Young people raised issues about leaving school early and having difficulties finding work. This may lead to further disengagement from the community.*

- Was there a significant representation of vulnerable children and young people?

*Consultations included sessions with employment and youth services where many if not all participants were unemployed. Some young people were from significantly disadvantaged communities and some were long-term unemployed. These young people were provided an opportunity to share their experiences to inform the development of the Supporting Our Young People package.*

12. The Commission has developed processes to allow young people to give feedback on schools (pg. 8).

- Have these processes been used?
- Would the Commission say that they are popular?
- Have they been evaluated by the schools or independently?

*The Commission is partnering with the Centre for Children and Young People at Southern Cross University and the NSW Department of Education and Communities (North Coast Region) to identify ways of supporting schools to develop a wider range of opportunities for students' voices to be heard within and outside the classroom.*

*This project is currently in a scoping phase with the intention of applying for an Australian Research Council Linkage Grant in November.*

### **Work cooperatively with other agencies and organisations to achieve our goals**

The Auditor-General recommended that all volunteer organisations are registered with the Commission to reduce the risk of prohibited people working with children. A register has been created and is continuing to grow.

13. How are organisations added to the register? Is it an opt-in process?

*The register is intended as a tool for the Commission to reach volunteer organisations that provide services to children. Organisations may opt in to the register or may simply be added by the Commission. Organisations are added to the register when:*

- *the Commission becomes aware of the organisation through its attendance at seminars or workshops*
- *the Commission actively undertakes a search of relevant websites;*
- *the Commission merges internal databases of key stakeholders; and*

- when volunteer organisations subscribe to the Commission's newsletter.

There are now 2,967 organisations in the Commission's register of volunteer organisations.

*Under the new Working With Children Check, to be introduced later in 2012, all child-related employers will register with the Commission to verify their employees' Working With Children Checks. Child-related employment will include volunteer related activities. This new register will include volunteer organisations and will ultimately replace the existing register of volunteer organisations.*

14. Does the Commission conduct ongoing research to identify relevant organisations?

*Yes. The Commission has identified organisations through volunteering and other relevant websites as well as through Yellow Pages searches and contact with relevant peak bodies. However the Commission has found that while there are useful data sources on volunteering and volunteering rates, there are no strong data collections on volunteering organisations. The Commission is working with peak bodies in those sectors that have strong reliance on volunteers to make contact with volunteering organisations for the transition to the new Working With Children Check in late 2012*

## Child Death Review Team Annual Report 2009

### **Aboriginal Children and Young People**

The crude mortality rate for Aboriginal children and young people is still significantly higher than for non-Aboriginal children and young people (particularly in 1-17 year olds where it is double). (Tables 1 & 8, pgs. 10 & 19)

1. Is enough is being done to close this gap? Are the current initiatives appropriate?

*Responsibility for the CDRT transferred to the NSW Ombudsman in February 2011 and it is suggested that these questions are also be referred to the NSW Ombudsman. However, the Commissioner will continue to discuss issues and provide information and advice on child deaths to the Parliamentary Committee for Children and Young People as part of her role in monitoring children's safety, welfare and well-being.*

*The advice provided below is based on the findings of the CDRT Annual Report 2009, when responsibility for the CDRT still sat with the Commission, and are the views of the Commissioner.*

*The CDRT Annual Report 2009 noted that the identification of Aboriginal children and young people has been of ongoing concern for the Team and substantial efforts have been made over the years to improve coverage (p 372). The 2009 report continued to monitor Recommendation 7 of Trends in Child Deaths in NSW 1996-2005 (2009) "That the NSW Registry of Births, Deaths & Marriages monitor the identification of*

*Aboriginal children and young people who die, including the number of registrations where Aboriginal identity is not specified.”*

*The 2009 Response from the NSW Registry of Births, Deaths and Marriages was that at the end of 2009, for persons aged less than 18 years, approximately 2% of deaths did not report Indigenous status. At the first half of 2010, 0.5% of death records did not specify the Indigenous status of the deceased. The Registry is developing a new system (LifeLink) that will enable Indigenous status data to be collected from the medical certificate stating the cause of death. It is intended that this information will complement data provided by funeral directors. It is advised that LifeLink was scheduled to be implemented in the fourth quarter of 2011. The Team responded that it notes the efforts made to improve the identification of Aboriginal children and young people who die and that the Team will continue monitoring this recommendation including progress made to develop LifeLink.*

*In addition, in its 2008 annual report the Team had noted that it would refer recommendations 1 & 2 of the report Trends in Child Deaths in NSW 1996–2005 (2009) to the Department of Premier and Cabinet for consideration. These recommendations concerned the development of infection prevention strategies for meningococcal and pneumonia that eliminate current inequities evident for infants, those living in Aboriginal communities, areas of low socioeconomic disadvantage and in regional areas.*

*The transfer of the Team’s functions to the NSW Ombudsman was planned to occur immediately following tabling of the Annual Report 2008. This did not take place with the status of the transfer remaining uncertain until recently. In the context of the planned transfer, the Team determined that the approach to the Department of Premier and Cabinet and subsequent negotiations be deferred for consideration and action by the NSW Ombudsman*

*The 2009 report also observed that there was a higher incidence of death of Aboriginal children (and other groups of children), in the 16-17 yr age group from risk taking (p203) but there had been a decrease in the mortality rate for premature deaths for Aboriginal children between 2007-2008.*

*Apart from the observations and recommendations, and the reporting of rates of death of Aboriginal children from various causes, there was no further consideration of comparative death rates or initiatives to close the gap in mortality between Aboriginal and non-Aboriginal children in this report.*

## **Suicide**

Despite the general decrease in the number of deaths, there was an increase in the number of youth suicides. The report states that 6 of the youths had accessed a school counselling service and notes that school counsellors may not always be able to give the appropriate specialised care. (pgs. xxv-xxvi)

The Team recommends that more be done to remove barriers and improve referral to specialist youth mental health services.

2. Could more training be provided to school counsellors to recognise the signs displayed by at-risk youth or offer adequate care?

*The views expressed below are those of the Commissioner, as a member of the CDRT who also has responsibility for monitoring child well-being and safety. It is suggested that this question also be directed to the NSW Ombudsman to obtain a current response on behalf of the CDRT.*

*School counsellors in NSW government schools are qualified, registered psychologists. They must also be qualified and experienced teachers. They thus should be adequately qualified to recognise the signs displayed by at-risk youth and offer care.*

*However it has been argued that the ratio of school counsellors to students is not adequate, that they have a complex and demanding role with a significant administrative burden, and that this can mean that counsellors may not be available when students need them. In addition to increasing the number of school counsellors, a coronial inquiry into the suicide of a student recently recommended that information exchange be improved between schools, so that the adequate support can be provided to at-risk students who transfer from one school to another. As children are more likely to seek assistance from a friend or family member than a school counsellor if they are distressed, peers and family members also need to know how to respond appropriately. Students may also prefer to seek help outside of the school environment, for reasons such as concerns about confidentiality, and school counsellors should have the capacity to refer students to appropriate support services for this purpose. These issues were raised in a 2011 submission the Commission made to DEC's review of school counselling services.*

*The Commissioner is a member of the NSW Suicide Prevention Ministerial Advisory Committee 2012. The NSW Suicide Prevention Strategy 2010-2015 is the NSW Government's key whole of government and community strategy for preventing suicide. The Strategy highlights schools as a critical location in identifying risks to children and providing pathways to care and support. Under Strategic Direction 5, Providing Targeted Suicide Prevention Activities, Outcome 5.5 commits the NSW Government to improving the understanding, skills and capacities of frontline workers in regard to suicide prevention. An action under this Outcome is to "provide access to training programs at undergraduate, post graduate and vocational levels." These programs are to be multidisciplinary and cross agency, and identify health professionals and education personnel as a target. The rate of school counsellors managing mental health issues is identified as a performance measure under this Outcome.*

3. Are there sufficient counselling services made available to children and young people in schools or other community settings?

*The views expressed below are those of the Commission, and not of the NSW CDRT.*

*As alluded to above, it has been widely claimed (Vinson Inquiry into Public Education in NSW; Australian Psychological Society; NSW Coroner) that the current ratio of school counsellors to students in NSW Government schools of approximately 1: 1000 is not adequate and that a ratio of 1: 500 is required. It is the Commission's understanding that the current review of school counselling services in NSW Government schools being undertaken by DEC will provide advice on the level of resourcing required.*

*In its 4 November 2011 submission to this Review, the Commission noted that "there is a current significant under-supply of school counsellors in NSW Government schools and ... this limits student access to counselling services and detracts from the quality of the service that can be provided." The Commission argued that a substantial improvement in the number of counsellors in NSW was required in the interests of student wellbeing. The Commission also argued that consideration be given to:*

- Examining the feasibility of establishing a panel of counsellors that work across schools in a particular local government area or region and from which students (and parents and schools) could choose the counsellor(s) that best meet their needs*
- Using technology (for example video-conferencing or mobile devices) to provide access to counselling services in areas where the supply of counsellors is low, distances large or this is preferred by the child or young person*
- Providing dedicated travel budgets for counsellors to attend face to face meetings with children, families and schools across the areas they cover*
- Recruiting counsellors from a more diverse range of backgrounds*
- Investing more in the ongoing support and training counsellors receive and ensuring that they are equipped with the latest diagnostic tools and other resources.*

*The Commission is aware that specialist Child and Adolescent Counselling Services and Youth Health Services exist to provide counselling in a community setting but does not have current information as to whether sufficient services are available.*

#### **Premature infants**

The overall drop in the number of deaths of children aged 0-17 is largely accounted for by a drop in the deaths of premature infants in the first week of life (a decrease of 27 from 2008). (pg. xx)

4. What are the likely factors for this drop in the number of deaths of premature infants? Can we hope to see this become a regular trend?

*The CDRT 2009 Annual Report indicates that compared with 2008 there was a substantial decline in the number of infants dying where other complications of labour and delivery were evident (34 deaths). It may be possible to attribute this decline to perinatal campaigns targeting risky practices such as smoking and*

*consuming alcohol in pregnancy and education of parents and hospital staff about safe sleeping practices. The 2010 CDRT Annual Report refers to premature deaths as one category of perinatal deaths. It appears that the change in the way that these are defined means that the data in the 2010 Report is not comparable with that in other published reports*

### A preliminary investigation of neonatal SUDI in NSW 1996-2008: opportunities for prevention

1. NSW Health have responded to the report indicating that they support the recommendations made to them and will ensure that advice on SUDI is considered in upcoming policy reviews, and additional emphasis will be given to antenatal education for all women. (NSW Child Death Review Team Annual Report pg. 108) Is this a satisfactory response?

*This is now a matter for the NSW Ombudsman as Convenor of the CDRT. The views provided below are those of the Commission only.*

*The NSW Health response referred to above is provided in the NSWCDRT Annual Report 2010 published by the NSW Ombudsman. The Team's recommendation was that NSW Health consider the findings of "A preliminary investigation of neonatal SUDI in NSW 1996-2008- opportunities for prevention". NSW Health responded by indicating that it would do so and set the timeframe for this review. It may have been appropriate for the Team to also recommend that NSW Health indicate how they have addressed the findings of this report, and provide a copy of the findings of the review to the CDRT. It is suggested that the CDRT could request this.*

*In regard to recommendation 2, which states that "NSW Health assess compliance with the Babies Safe Sleeping in NSW Health Maternity Facilities policy", NSW Health responded that they support this recommendation, and that 72 maternity services had been audited to assess compliance. They reported that no babies were found to be co-sleeping or sleeping prone. NSW Health also reported that while some babies (number not provided) were found to be in unsafe sleeping positions, discussions with staff and mothers indicated that the child had been placed in that position by either the mother or a grandparent. NSW Health reported that the policy had been revised with the inclusion of additional emphasis on the need for antenatal education for all women.*

*Further details of plans for additional targeted and general continuing education about safe sleeping is strongly supported.*

*The audit of compliance with this policy was informed by reports by staff and mothers about babies found to have been placed in an unsafe sleeping position. It is possible that staff may not adequately recall or honestly report how a baby came to be in an unsafe position, and a more rigorous investigation of such events may be required. In addition medical staff should be alert to babies being placed in unsafe positions by mothers/ other visitors to inpatients, and address this quickly when it occurs.*



2. NSW Health stated that the majority of babies who were inpatients on postnatal wards were sleeping in safe positions and those that were in unsafe positions were placed in those positions by mothers or relatives. (NSW Child Death Review Team Annual Report pg. 108)

Does more need to be done to educate relatives, particularly those visiting inpatients, in addition to new mothers?

*While this is now a matter for the NSW Ombudsman, as convenor of the CDRT, the Commission's view is that education should not only be targeted at mothers but other family members such as grandparents and other relatives visiting inpatients in maternity wards. This could involve the display of information in maternity wards targeted at mothers/other visitors about safe sleeping positions.*

3. SIDS and Kids support the recommendation that the risks to neonatal infants of unsafe sleeping environments should be further emphasised but indicated that as a small organisation they were unable to perform the necessary tasks without further funding which they failed to receive. (NSW Child Death Review Team Annual Report pg. 111)

- Is this issue something which the Commission may be able to highlight?  
*The Commission is no longer directly responsible for monitoring compliance with previous recommendation of reports of the CDRT, as this function has transferred to the NSW Ombudsman.*

*However, as a member of the Team and as a key stakeholder, the Commission could suggest that the Team write to the Ministry of Health seeking advice on what is planned in relation to community education on this issue.*

- Has the Commission lobbied on behalf of SIDS and Kids to help them achieve funding?

*The Commission has not taken up this matter with NSW Health to date.*

*The funding that SIDS and Kids had requested was to run workshops for NSW Health staff, and would not in any case have assisted them to reach all new mothers in NSW. It seems unlikely that one relatively small organisation could achieve this goal. A mass-media education campaign run by the NSW Government would probably be the best way to achieve this.*

- Would the Commission consider working alongside SIDS and Kids to promote safe sleeping practices for neonatal infants?

*The Commission would consider any request from SIDS and Kids along these lines.*

4. The Committee notes that a large proportion of neonatal infants who died suddenly and unexpectedly had smoking evident in their household or during pregnancy (pg. 1).

- Is enough being done to educate families on the dangers of pregnant women or infants being around tobacco smoke?

*The report 'A preliminary investigation of neonatal SUDI in NSW 1996-2008- opportunities for prevention' did not make any recommendations relating to the dangers of cigarette smoke to pregnant women. Assessing whether enough is being done to educate families on the dangers of pregnant women or infants being around tobacco smoke is now also a matter for the NSW Ombudsman as the Convenor of the NSW CDRT. The NSW Ministry of Health would be best placed to advise on existing initiatives in this area. The Commission would need to obtain this information from the NSW Ministry of Health at this Committee's request.*

- The Committee notes that there was a large drop in SUDI following a campaign in 1997 aimed at unsafe sleeping arrangements (pg. 5). Would a similar approach be appropriate for the dangers of tobacco smoke?

*The NSW Ministry of Health would be best placed to advise on this. The Commission would need to obtain this information from the NSW Ministry of Health at this Committee's request.*

5. The report concludes that since SUDI occurs from the first day of life, strategies to protect infants need to target mothers at or before the birth of the infant, and staff working in maternity facilities (pg. 19).

- Is this now the case?

*The NSW Ministry of Health would be best placed to advise on this. The Commission would need to obtain this information from the NSW Ministry of Health at this Committee's request.*

- If not, at what stage do mothers and maternity facility staff focus on the risks that can increase SUDI?

*The NSW Ministry of Health would be best placed to advise on this. The Commission would need to obtain this information from the NSW Ministry of Health at this Committee's request*

6. The report suggests that the NSW Forensic Pathology Services Committee requested an audit into the practices of forensic pathologists in the pre and post implementation phases to improve the identification of cause of death which was to take place at the start of 2011 (pg. 19).

- Has any progress been made on this audit? Does the Team have any results?

*The CDRT Annual Report 2010 states that:*

*“In 2008, NSW Health informed the Team that the Sudden Unexpected Death in Infancy Post Mortem Protocol was implemented across all pathology facilities in 2006, and an audit of compliance would be undertaken in 2009.*

*In 2010, the Department advised that the audit had found little change in practices of forensic pathologists before and after implementation. Five recommendations were made by Health to address this and a further audit was to be conducted at the start of 2011.*

*In July 2011, NSW Health advised that the audit had been completed. The 2011 audit shows that compliance with the protocols is generally good and has improved since the review in 2009.” (p109).*

*If the Committee requires any additional information this should be sought from the NSW Ombudsman as the Convenor of the NSW CDRT or requested by the Commission at the Committee’s request.*

- Can more be done to identify the cause of death in SUDI cases to assist prevention efforts?

*This question is best directed to the NSW Ombudsman as the Convenor of the NSW CDRT.*