

Role & functions of the Children & Young People Commissioner

Put simply, the role of the Children & Young People Commissioner (CYPC) is to help make the ACT a better place for the children and young people who live here.

More formally, the roles and functions of the CYPC are established under Sections 6, 14 and 19B of the HRC Act, and include:

- Investigate complaints about the provision of services for children and young people;
- Consult with and listen to children and young people, and encourage government and non-government agencies to do the same;
- Promote the rights of children and young people;
- Make recommendations to government and non-government organisations on legislation, policies, practices and services that affect children and young people;
- Encourage and assist providers of services for children and young people to contribute to review and improve service delivery;
- Promote community discussion about the CYPC and services for children and young people; and
- Conduct enquiries and reviews.

The current Children & Young People Commissioner is Mr Alasdair Roy, who was assisted throughout the reporting period by two part-time advisers.

Within the Commission, the Children & Young People Commissioner is also responsible for the management and oversight of all of the Commission's corporate and administrative functions. These functions account for approximately 35% of the CYPC's total workload, and have a significant impact on the Commissioner's capacity to focus on the CYPC's statutory functions with respect to children and young people.

Complaints handling

Section 14 of the HRC Act requires the CYPC to assist resolve complaints about services provided in the ACT specifically for children and young people, or the carers of children and young people.

During the reporting period, the CYPC received and investigated 71 *complaints* about a service provided to a child or young person, or their carer. This represents a 92% increase from the number of complaints received by the CYPC in 2009-2010 (37 complaints), and a 407% increase from 2007-2008 (14 complaints).

During the reporting period, the CYPC also received and assisted to resolve 48 *complaint related enquiries*¹ about a service provided to a child or young person, or their carer. This represents a 41% increase from the number of complaint related enquiries received by the CYPC in 2009-2010 (34 enquiries), and a 60% increase from 2008-2009 (30 enquiries).

During the reporting period, the CYPC also received 79 *other requests for information or assistance* about issues relevant to children and young people. This represents an 11% increase from the number of other requests for information or assistance received by the CYPC in 2009-2010 (71 requests), and 8% increase from 2008-2009 (73 requests). The nature of these contacts varied, and

¹ A *complaint related enquiry* is an approach by a person which raises issues or concerns which *could* be the subject of a complaint, yet the person contacting the CYPC had not yet decided if they wanted to make a formal complaint, or they didn't want to make a complaint but wanted advice and/or assistance about how to resolve their concerns.

included requests for: information or advice about services for children and young people, or issues affecting children and young people; information about 'working with children' employment checks; information about how to respond to concerns about the safety or well-being of a child or young person; information about the role of the CYPC; and information about work experience or volunteering opportunities within the CYPC or the youth sector.

Complaints from children & young people

During the reporting period, the CYPC received 6 complaints directly from children and young people. This is a welcome and positive development and is likely to be the result of an on-going campaign by the CYPC to improve the visibility and accessibility of the CYPC, particularly to children and young people.

Commission initiated considerations

Section 48 of the HRC Act allows the CYPC to undertake Commission initiated considerations if satisfied that it is in the public interest to do so. During the reporting period, the CYPC began one Commission initiated consideration. As this matter is still being considered, the CYPC is unable to report further on the details of this matter.

Consequence of increased complaint numbers

While the continuing increase in complaints, complaint related enquiries, and other requests for information or assistance is, overall, positive, it is also cause for concern. As complaints go up, time spent on other functions inevitably must go down, and the CYPC continues to struggle to adequately perform the full range of its statutory functions.

Increased complaint numbers have also impacted negatively on the CYPC's capacity to meet internal performance indicators, with only 47% of complaints being resolved and closed within established timelines (28% below target). This is a source of potential criticism of the CYPC, as one of the comments the CYPC frequently makes to agencies subject of a complaint is for that agency to improve the timeliness of their decisions and actions.

Triaging of complaints & complaint related enquiries

So as to assist the CYPC to effectively respond to the increasing number of complaints, complaint related enquiries, and other requests for information or assistance, and to also improve timeliness of complaint handling, early in the reporting period the CYPC introduced a 'triage' system, with complaints and complaint related enquiries being classified as being either: Category One, Category Two, or Category Three.

Classification of complaints occurs at point of intake, and is dependent on a number of factors, including:

- Seriousness of issues raised in the complaint;
- Objectives of the complainant;
- Nature of any adverse outcomes for the complainant, or other person (including a child or young person);
- Vulnerability or disempowerment of the complainant; and
- Relationship between the complainant and the service provider (for example: one-off or on-going).

Category One complaints

Category One complaints tend to involve lower level issues of concern, with an accompanying lower level of adverse outcome for the complainant.

Category One complaints are referred back to the *line area responsible for the service being*

complained about. In these circumstances, the CYPC forwards a written summary of the complaint, and details of the complainant, to the line area responsible for the service being complained about, and asks the line area to contact the complainant directly to resolve the complaint. In doing so, the CYPC advises the complainant of the agency's timeframe for initial contact and a formal response, and informs the complainant that if they are not satisfied with the timeframe, the response, or the outcome, then they can re-contact CYPC for further assistance.

The CYPC takes no further action regarding these matters, and does not know the outcome of the complaint, unless the complainant re-contacts the CYPC.

Category Two complaints

Category Two complaints tend to involve issues of intermediate concern, with an accompanying medium level of adverse outcome for the complainant. They may also involve complainants who are particularly vulnerable, who have an on-going relationship with the agency, or who have already unsuccessfully attempted to resolve their concern with the line area.

Category Two complaints are forwarded by the CYPC in writing to the *internal complaints handling area of the agency being complained about*, with the CYPC seeking a written response to the complaint. The CYPC will assess the written response provided, and take the appropriate steps to resolve the complaint.

Category Three complaints

Category Three complaints tend to involve issues of significant or systemic concern, with an accompanying high level of adverse outcome for the complainant. They may also involve complainants who have already unsuccessfully attempted to resolve their concern with the internal complaints handling area of an agency. In some instances they may also simply involve an agency with no internal complaints handling area, or no established protocol with the CYPC regarding complaints handling.

Category Three complaints are forwarded by the CYPC in writing to the *executive level of the agency being complained about*, with the CYPC seeking a written response to the complaint. The CYPC will assess the written response provided, and take the appropriate steps to resolve the complaint.

In July 2010, this system was formalised with written guidelines between the CYPC and the Community Services Directorate (CSD), and, in November 2010, with similar written guidelines between the CYPC and the Education and Training Directorate (ETD).

To date, the system appears to be working well, with complaints being targeted to the area of the agency best suited to resolve the complaint in an appropriate and timely manner, and in a way which allows the agency to remain aware of issues of concern regarding their service delivery.

Number of complaints, complaint related enquiries, & other requests for information or assistance			
	2008-2009	2009-2010	2010-2011
Complaints:			
- Category One	n/a	n/a	29
- Category Two	n/a	n/a	24
- Category Three	n/a	n/a	18
Total	14	37	71
Complaint related enquiries	30	34	48
Other requests for information or assistance	73	71	79
Total number of contacts	117	142	198

Service providers subject of complaints

Just under 70% of all complaints received and responded to by the CYPC involved allegations about services provided by the Office for Children, Youth and Family Support (OCYFS) within the Community Services Directorate (CSD). Of the complaints received about the OCYFS, 85% involved concerns about Care & Protection Services (CPS), and 15% involved concerns about Bimberi Youth Justice Centre (Bimberi).

The second most common single provider subject of complaints received and investigated by the CYPC was the Education and Training Directorate (ETD), which accounted for just over 15% of all complaints received.

In addition, the CYPC also received and investigated complaints about: transport services; out-of-home care providers; childcare services; disability services; sporting groups; and justice services.

Number of complaints by service provider and category				
	Category One	Category Two	Category Three	Total
Community Services Directorate	29	12	7	48 (68%)
- Care & Protection Services	29	6	6	41
- Bimberi	-	6	1	7
Education & Training Directorate	-	9	2	11 (15%)
Other government agencies	-	2	3	5 (7%)
Community sector agencies	-	1	3	4 (6%)
Private sector agencies	-	-	3	3 (4%)
Total	29 (41%)	24 (34%)	18 (25%)	71 (100%)

It is not surprising that both the OCYFS and ETD feature heavily in CYPC complaint statistics, as both agencies have routine contact with a significant number of children and young people. Additionally, the OCYFS, in particular, has a client group that in many instances is involuntary, and the nature of this relationship frequently lends itself to disagreement and conflict over service provision.

Issues raised in complaints & complaint related enquiries

While specific details varied significantly, most complaints and complaint related enquiries received by the CYPC involved allegations about:

- Inappropriate service provision (including breaches of policy, procedure or legislation);
- Services not being available when needed or requested;
- Lack of consultation;
- Unclear decision making;
- Lack of documentation;
- Not adhering to undertakings or agreements (including care-plans and court orders);
- Adversarial or bullying relationships (including the bullying or harassment of clients or students);
- Not returning phone calls; and/or
- Time delays.

While some of these concerns were minor, or reflected a one-off problem or oversight, others reflected more significant service delivery issues, including:

- On-going lack of appropriate policies or procedures;
- On-going lack of appropriate range or level of services;
- On-going lack of appropriate resources (including staffing).

Complaint outcomes

The CYPC records the outcome of complaints received and investigated.

Outcome of CYPC complaints ^{1 & 2}	
Outcome	% of Complaints
Explanation for action or decision provided by service provider	53%
Apology provided to complainant by service provider	30%
Action or decision <i>changed</i> following review by service provider	11%
Change or review of law, policy or procedure by service provider	19%
Matter conciliated or mediated by the CYPC	0%
Recommendations or suggestions made by CYPC	23%
Complaint closed or withdrawn prior to resolution.	25%

¹ During the reporting period, the CYPC closed 47 complaints.

² A complaint may have more than one outcome.

In line with the above outcomes, during the reporting period the CYPC made a number of comments and recommendations to service providers regarding service improvement. On the most part, service providers were open and receptive to these comments and recommendations, with many taking appropriate steps to not only resolve individual complaints, but to also address any systemic issues which may have led to a complaint.

Systemic reviews arising from complaints & complaint related enquiries

Over the last three years, the CYPC has received over 230 complaints and complaint related enquiries about service provision for children and young people in the ACT. As this data set increases, certain trends and patterns of concern become increasingly evident.

Accordingly, the CYPC is aware of many areas where government and non-government service provision for children and young people may be:

- Inefficient;
- Inconsistent with best practice evidence; and/or
- Inconsistent with established policy, procedure or legislation.

The CYPC would welcome the opportunity to further analyse this information and undertake systemic reviews, or audits, of certain areas of service delivery, yet, unfortunately, resource constraints prevent the CYPC from doing so. As a result, the capacity of the CYPC to 'fix the system', rather than simply resolve individual complaints, remains compromised.

It would be inappropriate for the CYPC to simply 'name and shame' agencies or service delivery sectors without undertaking a rigorous and independent review or audit, yet, as noted above, resource constraints prevent the CYPC from doing so. It is not uncommon for individuals in government and non-government agencies to ask the CYPC *why aren't you doing something to fix 'x'*, yet with increasing complaint numbers and limited resources it is difficult to do so.

Consultation & engagement with children & young people

Sections 19B and 19C of the HRC Act encourage the CYPC to:

- Consult with children and young people in ways that promote their participation in decision-making;
- Listen to and seriously consider the views of children and young people; and
- Establish advisory committees to assist the Commission to exercise its functions in relation to services for children and young people.

While ongoing resource constraints prohibited the CYPC from establishing a formal advisory committee, the CYPC remained committed to consulting with children and young people, and did so on a number of occasions and in a number of ways.

The importance of consulting & engaging with children & young people

The CYPC believes that it is important for children and young people to have their say on issues that affect them.

This view is supported by a number of ACT Government policy commitments.

For example, one of the key goals of the *ACT Young People's Plan 2009-2014* is to 'encourage and support young people to participate in building our community', with the Plan also 'ensuring that young people have a say about issues that affect them'. Additionally, the *ACT Children's Plan 2004-2014* notes the Government's commitment to 'communities that encourage and enable children to participate and contribute to community life', and the Plan aims to make sure that 'everyone knows that children are important and that we listen to what children say'.

The *ACT Government Community Engagement Manual* also notes that 'community engagement is more equitable and effective if it includes diverse groups and reaches those who find it difficult to connect with government, such as young people'.

The involvement of children and young people in decision making is also supported by ACT and International law.

Specifically, Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that children and young people should be consulted on issues which affect them, and that their views should be seriously considered. The UNCRC is incorporated into the ACT legislative framework by the HR Act, which states that, as far as possible, a Territory law must be interpreted in a way which is consistent with human rights, and that international law may be considered in interpreting a human right. Additionally, under the HR Act, there is a positive obligation on public authorities within the ACT to act consistently with human rights.

More importantly, however, the CYPC consults and engages with children and young people because of the strong belief that children and young people know the most about what is important to them, and that it is children and young people who frequently have the best ideas, the newest ideas, about how to change things and make things better for children and young people.

CYPC consultation & engagement activities with children & young people

During the reporting period, the CYPC undertook a number of consultations with children and young people, including:

CYPC consultation & engagement activities with children & young people
<p>Shops Refusing To Serve School Students</p> <p>In October 2010, the issue of shops refusing to serve school students during school hours received considerable media coverage across Canberra.</p> <p>To find out what the children and young people of Canberra thought about the issue, the Children & Young People Commissioner (CYPC) distributed a survey to members of the CYPC's <i>ACTkids eMail Network</i>.</p> <p>The CYPC received just under 60 responses to the survey from young people aged from 11 years to 18 years, with the results showing that:</p> <ul style="list-style-type: none"> • 70% of children and young people thought it was 'not ok' for shops to refuse to serve school students during school hours (20% thought it was ok, 6% didn't care, and 4% didn't know). • 70% of children and young people thought refusing to serve school students during school hours 'would not' help reduce wagging by students (16% thought that it would help, 14% didn't know, and 0% didn't care). <p>Children and young people were also asked what they thought would be the best way to stop school students from wagging, with over 40 children and young people providing a written response.</p> <p>Many young people spoke about making classes and school more interesting, enjoyable and engaging, while others spoke about talking more with students about why wagging is a bad idea. Others also spoke about</p>

making it harder for students to wag, and having harsher consequences for wagging.

Physical Punishment of Children

Last reporting period (in June 2010), the CYPC wrote to the ACT Attorney General, Mr Simon Corbell MLA, seeking discussions as to whether the ACT should become the first jurisdiction in Australia to stop the physical punishment of children.

In November 2010, to find out what the children and young people of Canberra thought about the issue, the CYPC distributed a survey to members of the CYPC's *ACTkids eMail Network*.

The CYPC also set up stalls at the Belconnen, Woden and Tuggeranong bus interchanges, as well as at a number of local youth services.

The CYPC received just over 300 responses to the survey, with the results showing that: In doing so, young people raised a number of issues:

- 52% of children and young people said it was 'not ok' for parents to smack their children, 42% said it was 'sometimes ok', and 2% said it was 'ok'.
- Of those children and young people who thought that it was 'ok' or 'sometimes ok' for parents to smack their children, most said that it was ok to smack a child to 'punish the child' (68%), to 'teach the child a lesson' (50%) or if the child was 'at risk of hurting themselves' (37%). Very few children and young people thought that it was ok to smack a child 'when the parents are angry' (5%), to 'make the parents feel better' (1%), or 'whenever the parents want to' (1%).
- 48% of children and young people thought that parents smacking their children 'maybe' should be banned, 21% said that it 'should' be banned, and 15% said that it 'shouldn't' be banned.

Children and young people also provided many interesting and insightful written comments about parents smacking their children.

In November 2010, the CYPC and the Institute of Child Protection Studies at the Australian Catholic University released a information sheet on the results of the survey, and the CYPC is currently working with the Australian National University to develop a discussion paper on a possible legislative model for the ACT which would prohibit the physical punishment of children and young people.

A Big Colouring Book

In January 2011, the CYPC asked children from the Southside School Holiday Program, Communities@Work, to contribute drawings to a CYPC colouring-in book. Over 40 children contributed to the project, with the book including many of the drawings done by the children. The book will be used by the CYPC in future consultation and community engagement activities with children, their families and those who work with children.

National Multicultural Festival

In February 2011, the CYPC set up a stall at the National Multicultural Festival to meet and talk with children and young people. As well as just talking with children and young people about the role of the CYPC, the CYPC asked children and young people who visited the stall to take a photograph of '*something which represented themselves*'. The CYPC received just over 120 photographs, all of which were framed and then entered into the *Express Yourself* Art Exhibition at the Belconnen Gallery, Belconnen Community Centre, in March 2011.

During the Multicultural Festival, the CYPC also handed out a written survey asking children and young people about '*their favourite thing about living in a multicultural community*'. The CYPC received just over 60 responses to the survey, with children and young people providing many interesting and insightful comments. Many children and young people spoke about the benefits of being able to experience different cultures, and being exposed to different ideas and ways of doing things, while others spoke about being able to meet people and make friends from around the world. Others also spoke about being able to experience new and different foods, music, clothes and dances.

ACT Playgroups

In March 2011, the CYPC attended the ACT Playgroup's *World's Biggest Playgroup*. The event was held in conjunction with the Ainslie Paint & Play Session, and offered a wide variety of activities for children under 5 years of age. The CYPC set up a paint station at the event, and provided children with cardboard-cut-out hands and dolls to paint and decorate. Many children took their creations home, but others donated their artworks to the CYPC, who have since used image extracts on a number of CYPC publications. Over 150 children visited the CYPC paint station, with parents of many of the children having the opportunity to talk with the CYPC about its role as well as any issues of concern they had.

National Youth Week

In April 2011, as part of National Youth Week, the CYPC visited a number of local schools to meet and talk with children and young people, and to participate in some of the many Youth Week activities across

Canberra. Some of the schools visited included:

- Mt Stromlo High to attend a lunch time sausage sizzle and listen to students perform some live music.
- Melrose High to attend a school assembly, and then meet with the Student Representative Council to talk about the school's current anti-bullying initiative.
- Black Mountain High to attend the school's monthly student disco.
- Campbell High to attend a 'big breakfast' and listen to the school jazz band, and then catch up with some students who had participated in a CYPC consultation activity in 2010.

During Youth Week, the CYPC also set up a number of stalls around Canberra to meet and talk with children and young people. As well as just talking with children and young people about issues important to them, the CYPC also handed out a written survey asking children and young people about '*what makes a happy childhood*'. The CYPC received just over 250 responses to the survey, with children and young people providing many interesting comments. Many children and young people wrote about the importance of family and friends who love you for who you are, while others spoke about the importance of being safe, having fun, being creative, and being allowed to explore the world on their own, independent, terms. In addition to the survey, the CYPC also began an ongoing consultation project where children and young people are asked to '*write a message in a book for the next generation of Canberra's children and young people*'. To date, over 120 children and young people have contributed to the book.

ACT Multicultural Youth Forum 2011

In April 2011, as part of National Youth Week, the CYPC facilitated a workshop at the ACT Multicultural Youth Forum 2011, a collaboration between the Youth Coalition of the ACT and ACT Multicultural Youth Services (MYS). The forum was attended by over 50 young people from culturally and linguistically diverse backgrounds, as well as the ACT Minister for Multicultural Affairs, and Minister for Community Services, Ms Joy Burch MLA. After listening to presentations by two young women from refugee backgrounds, forum participants broke into small workshops to discuss a range of issues. The CYPC facilitated a workshop on '*home & family*', with nine young people attending. Workshop participants spoke about their personal experiences, and the challenges they face, as young people growing up in a country different to the one in which they were born. In doing so, young people raised a number of issues, including:

- The difficulties of negotiating two cultures.
- Having different priorities and goals to those of their parents; the role of women in the family.
- Gossip in the community.
- The involvement of child protection authorities with recently arrived families.

Groovin' The Moo Festival

In May 2011, the CYPC set up a stall at the Groovin' The Moo Festival. The stall was co-hosted with Headspace ACT, which provides support, information and assistance for young people aged 12 to 25 years who are experiencing emotional or mental health issues, and/or a substance use issue. Young people from the ACT Youth Advisory Council (YAC), and the Headspace Youth National Reference Group (HYNRG), also helped out on the stall. As well as just talking with young people about the role of the CYPC, the CYPC handed out hundreds of CYPC info cards, stickers, canvass bags and feedback postcards - all containing information about the CYPC. The CYPC also asked children and young people to write their favourite lyric or song title on the CYPC 'lyric cows' - four large wooden cows made for the CYPC by young people from the Bimberi Youth Justice Centre. Over 500 young people contributed to the cows, with lyrics and song titles from the last five decades covering the cows by the end of the day.

On-going consultation & engagement with children & young people

Throughout the year, the CYPC also met with children and young people in a range of settings, and, when appropriate, discussed the role of the CYPC, issues of interest to children and young people, and other topics as they arose.

In summary, during the reporting period, the CYPC conducted 8 targeted consultation and engagement activities with children and young people, and, in doing so, engaged with over 1,500 children and young people.

Outcomes of consultation & engagement activities

Resource constraints and increased complaint numbers have impacted on the CYPC's capacity to appropriately record, analyse and report on the outcomes of consultation and engagement activities undertaken by the CYPC. As a result, valuable information and insights obtained from talking with children and young people remains unseen and unused. Similarly, the CYPC has been unable to

report back to children and young people on the results and outcomes of various consultation and engagement activities. This is not good practice, and is something which causes concern to the CYPC.

CYPC publications
<p><i>Why Girls Are Important</i></p> <p>On 8 March 2011, Australia celebrated International Women’s Day (IWD 2011), an annual event which recognises the achievements of women and girls, and highlights the ongoing social, political and economic issues faced by women and girls.</p> <p>In celebration of IWD 2011, on 10 March 2011 the ACT Minister for Women and ACT Minister for Community Services, Ms Joy Burch MLA, launched the <i>Why Girls Are Important</i> book. The book was produced by the CYPC, and contains photographs of cloth banners made by over 500 children and young people from across Canberra during a consultation by the CYPC for IWD 2010.</p> <p>At the launch, students from North Ainslie Primary School presented Minister Burch with a framed banner made by the students during the 2010 consultation. Another banner, made by students from Lake Ginninderra College, was presented by the students to the ACT Office of Multicultural, Aboriginal & Torres Strait Islander Affairs. This banner will be on permanent display in the Theo Notaras Multicultural Centre. Following, the CYPC also provided each school or agency which participated in the 2010 project with a copy of the book. The banners, and the ideas and issues raised on the banners, will be used by the CYPC in further consultation and engagement activities with children and young people, and the CYPC is currently negotiating to have some of the banners permanently displayed at a number of other public institutions around Canberra.</p>
<p><i>A Big Colouring Book</i></p> <p>In January 2011, the CYPC asked children from the Southside School Holiday Program, Communities@Work, to contribute drawings to a CYPC colouring-in book. Over 40 children contributed to the project, with the book including many of the drawings done by the children. The book will be used by the CYPC in future consultation and community engagement activities with children, their families and those who work with children.</p>
<p><i>Stuff Kids Said...</i></p> <p>The CYPC is currently developing a book of all comments made by children and young people during consultation and engagement activities undertaken by the CYPC over the past 3 years. It is anticipated that the book will be formally launched during in October 2011 in Children’s Week.</p>
<p><i>What Australian Kids Say About Their World</i></p> <p>The CYPC is currently working with the Australian Children Commissioners and Guardians (ACCG) group - the network of children and young people Commissioners and Guardians from each Australian State and Territory - to produce a book to be delivered to the United Nations Committee on the Rights of the Child as part of the monitoring of Australia’s performance with respect to the United Nations Convention on the Rights of the Child (UNCRC). The book is called <i>What Australian Kids Say About Their World</i>, and contains quotes and artwork created by children and young people from across Australia during consultation and community engagement activities undertaken by the eight Australian Children’s Commissioners and Guardians. The book will be delivered to United Nations Committee on the Rights of the Child in October 2011 by a group of young people from Millennium Kids.</p>

The ACTkids eMail Network

During the reporting period, the CYPC continued to stay in touch with children and young people via the CYPC’s *ACTkids eMail Network*. The network was launched in January 2009, and consists of an email link (ACTkids@act.gov.au) between the CYPC and children and young people of the ACT.

The network allows the CYPC to consult broadly with children and young people, and also provides children and young people with an interactive mechanism to stay in touch with the CYPC and to provide advice to the CYPC on issues of importance.

As of 30 June 2010, approximately 2,000 children and young people were members of the network. During the reporting period, the CYPC used the network to seek the views of children and young people on a range of issues, and also to keep children and young people up-to-date on the results of CYPC consultation activities.

CYPC Facebook & Twitter presence

In March 2010, the CYPC created a CYPC Facebook page. This proved to be unsuccessful, so, in January 2011, the CYPC closed its account.

The CYPC is, however, working with other Australian Children Commissioners and Guardians (ACCG) to introduce an ACCG wide Twitter presence.

CYPC Info Sheets

Throughout the reporting period, the CYPC continued to release Info Sheets about some its consultation and engagement activities with children and young people. As at 30 June 2010, the CYPC had released 23 Info Sheets, copies of which can be downloaded from the CYPC's website (ACTkids.act.gov.au).

CYPC Survey Postcards

In May 2011, the CYPC released a set of three CYPC Survey Postcards. The front of each card contains images created by children and young people during previous CYPC consultation and engagement activities, and on the back there is a question which asks 'what would make Canberra a better place for children and young people?'

The card is able to be returned to the CYPC without a postage stamp, and the CYPC intends to distribute the cards across Canberra early in the next reporting period.

During the reporting period, the CYPC also distributed a range of other promotional material, including: colour pencil sets; canvas bags; water bottles; balloons; wallet cards; and stickers.

CYPC Stakeholder Satisfaction Survey

In November 2010, the CYPC distributed an online and paper survey to a wide range of stakeholders.

The purpose of the survey was to determine what key stakeholders thought about the performance of the CYPC. The survey contained 12 questions:

- Have you heard of the ACT Children & Young People Commissioner (CYPC)? If so where/how did you first hear of the CYPC?
- What is your understanding of the role of CYPC? What do you think we do?
- What do you think the CYPC is doing well?
- What do you think the CYPC isn't doing well?
- Where do you think the CYPC could be more active, or more involved?
- What do you think are the key issues affecting children & young people in the ACT?
- If the CYPC could 'fix' one thing for children and young people in Canberra, what do you think it should be?
- How could the CYPC better support children and young people to have their voice heard on issues which affect them?
- Would you refer a young person to CYPC to discuss a problem?
- Is there anything the CYPC could do to help you or your agency in your work? If so, what/how?
- What sector do you work in?
- Do you have any further comments you would like to make about CYPC?

In response to the question *what do you think the CYPC is doing well*, participants noted:

- *'Liaising with the community sector and being involved in groups that represent children and young people. Representing the voice of children and young people in the ACT.'*
- *'Consultation. And the network of young people you have engaged with. Amazing work for such a*

small team. Promoting children's voice in public policy matters.'

- *'Promoting children's views on issues affecting their lives. Keeping a watch on policies programs and service contexts to ensure they are focused towards improving the safety and wellbeing of children in the ACT.'*

In response to the question *what do you think the CYPC isn't doing well*, participants noted:

- *'At times more timely communication with government agencies might have happened.'*
- *'Consulting with younger age groups.'*
- *'Constant complaining about lack of resources is predictable and unhelpful.'*

Consultation with children & young people: by government agencies

The CYPC reviews, or has the opportunity to review, many policy and program initiatives being developed by ACT Government agencies.

In doing so, one of the comments the CYPC frequently makes is: *what do children and young people think?*

A significant proportion of government initiatives impact in some way on children and young people (just like they do adults). Yet, despite consultation with children and young people being a central component of a number of key ACT Government policy commitments, a concerning number of government agencies routinely fail to talk with children and young people in a meaningful way.

There are, of course, many government agencies in the ACT doing fantastic work with respect to consulting with children and young people, and there are also many individuals within agencies who are committed to effective and respectful consultation with children and young people, but the meaningful involvement of children and young people in decisions which involve them remains absent from the majority of government policy and program development.

Consultation with children & young people: requests for CYPC assistance

During the reporting period, the CYPC was approached by a number of government agencies seeing advice or assistance regarding consulting with children and young people.

The CYPC welcomes these approaches, yet encourages agencies to consider that effective and respectful consultation with children and young people requires time, and frequently a resource commitment. The CYPC is more than happy to help where possible, yet with some agencies expecting a consultation activity to be arranged, undertaken and evaluated in a few weeks, the CYPC is often unable to assist.

The CYPC encourages agencies who wish to consult with children and young people to contact the CYPC as soon as possible.

Inquiry into the youth justice system in the ACT, including Bimberi Youth Justice Centre & Community Youth Justice

On 8 December 2010, the Legislative Assembly passed a resolution that called on the ACT Attorney-General to direct the CYPC to undertake an inquiry into the youth justice system in the ACT, including Bimberi and Community Youth Justice, and to direct the Human Rights Commissioner to undertake a comprehensive human rights audit into conditions of detention in Bimberi.

On 7 January 2011, the Attorney-General, Mr Simon Corbell MLA, wrote to the CYPC directing the Commissioner to undertake the Inquiry as per the Legislative Assembly's resolution of 8 December 2010. At the same time, the Attorney-General wrote to the Human Rights & Discrimination

Commissioner directing the Commissioner to undertake the Audit as per the Legislative Assembly's resolution.

To comply with these directions, the CYPC invoked the Commission's powers pursuant to s.48 of the HRC Act and undertook a 'commission initiated consideration' into the matters contained in the Legislative Assembly's resolution. Similarly, the Human Rights & Discrimination Commissioner invoked the Commission's powers pursuant to s.17(1), s.42(1) and s.87 of the HRC Act, and s.41 of the HR Act.

The report on the outcome of the Inquiry and the Audit was originally required to be provided to the Legislative Assembly by 30 June 2011, and the Commission was in a position to meet this deadline. On 23 June 2011, following a motion from the Attorney-General, the Legislative Assembly changed the reporting date to 31 July 2011 to allow participants additional time to comment on the draft report. The Commission looks forward to providing the report on the outcome of the inquiry and the audit to the Legislative Assembly by 31 July 2011.

During the reporting period, the inquiry occupied a substantial proportion of the CYPC's time and resources, with a commensurate impact on the capacity of the CYPC to undertake other functions and activities. Most notably, the inquiry impacted significantly on the CYPC's capacity to make recommendations to government and non-government agencies about legislation, policy, practice and services affecting children and young people.

Recommendations to government & non-government agencies: local initiatives

Section 6 of the HRC Act allows the CYPC to make recommendations to government and non-government agencies about legislation, policy, practice and services affecting children and young people.

In doing so, the CYPC aims to:

- Improve service delivery for children and young people;
- Remind agencies about their legislative and policy obligations with respect to children and young people, including their obligation to consult with children and young people;
- Promote the rights of children and young people;
- Provide a voice for children and young people; and
- Ensure that the impact of all existing and new policies and programs are considered from the perspective of *what do children and young people think?*

Throughout the reporting period, the CYPC was involved in, or commented on, a number of local initiatives, including:

- *Review of Police Criminal Investigative Powers;*
- *Draft Disability Education Strategic Plan;*
- *Whole of Government Statement on Family Violence;*
- *Improving ACT Public Schools & Colleges: A discussion paper to generate ideas;*
- *Policies and Procedures for the Therapeutic Protection Place;*
- *2010 Canberra Social Plan and Community Inclusion Progress Report;*
- *CMD Community Engagement Manual;*
- *Draft Workplace Screening Risk Assessment Guidelines;*
- *Young People's Plan 2009-2014 Implementation Plan 2011;*
- *Inquiry into the operation of the Prostitution Act 1992; and*
- *Implementation report on the ACT Multicultural Strategy 2010-2013.*

Additionally, during the reporting period, the CYPC reviewed, or had the opportunity to review, many Cabinet Submissions which, for reasons of confidentiality, cannot be detailed here.

The CYPC also met regularly with executive staff from a number of government agencies, most notable CSD and ETD, to discuss a range of issues, and was also approached formally and informally by a number of government agencies to provide advice or assistance in relation to service provision for children and young people.

The CYPC is also a member of the ACT Children & Young People Taskforce, and the ACT Safe Schools Taskforce.

CYPC initiatives

During the reporting period, the CYPC worked to independently progress a number of initiatives relevant to the rights and well-being of children and young people, including:

- An ACT Child Death Review Team;
- An ACT Child Safe/Child Friendly Training Program; and
- Guidelines for Improving Legislation & Policy for Children & Young People.

Additional information on each of these follows below.

An ACT Child Death Review Team

As noted in previous Annual Reports, for a number of years the CYPC has advocated for the establishment of a comprehensive and independent child death review mechanism within the ACT. In doing so, the CYPC raised this issue with the Minister for Children & Young People, Ms Joy Burch MLA, and other government executives, on a number of occasions.

On 18 March 2011, the Legislative Assembly passed new laws to establish a Child and Young People Death Review Committee (CYPDRC) for the ACT.

While the CYPC has number of concerns regarding the proposed review model, the CYPC welcomes this positive initiative, and looks forward to working cooperatively with the CYPDRC.

An ACT Child Safe/Child Friendly Training Program

The NSW Commission for Children & Young People has, for a number of years now, run the *NSW Child Safe/Child Friendly Training Program*.

The program runs parallel to the NSW Working with Children Checks (which the NSW Commission also operates), and trains community, private and government agencies in how to develop policies, procedures and structures which ensure that their agency is both 'child safe' and 'child friendly'. The program provides practical tools and resources to help organisations protect children and young people when recruiting and supervising staff, and when undertaking their day-to-day activities. It also provides strategies to respond appropriately if something does go wrong.

The program is based on the notion that creating 'safe and friendly organisations' is far more effective in preventing child abuse and neglect within organisations than one-off 'working with children' or employment checks, which tend to operate from the 'safe individual' concept, and which may cause agencies to develop a false sense of security or complacency.

The CYPC is hoping to introduce a similar program in the ACT, and the NSW Commission has kindly allowed the CYPC free and unlimited use of all of the NSW manuals, DVDs, and promotional material.

In early March 2010, the CYPC successfully applied for a grant through the ACT Professional Coordinator (ACTPC) to enable all of the NSW training material to be modified to ensure that it is suitable for the ACT policy and legislative context. Following, in late March 2010, the CYPC engaged the Institute of Child Protection Studies (ICPS) at the Australian Catholic University to undertake this work.

In June 2011, the ICPS provided the CYPC with the reworked material, and the CYPC is currently liaising with the ACT Office for Regulatory Services (ORS) and CSD to finalise arrangements for a *Pilot ACT Child Safe/Child Friendly Training Program*. The CYPC aims to run this pilot program early in the next reporting period and, following evaluation, introduce a full program to complement the ACT Working with Vulnerable People Checking System announced by the ACT Government in October 2009.

Having said this, the CYPC remains concerned that without additional resources, implementation of a full program may be unrealistic.

Guidelines for Improving Legislation & Policy for Children & Young People

During the reporting period, the CYPC intended to develop and release *Guidelines for Improving Legislation & Policy for Children & Young People*. Due to resource constraints and other priorities, most notably the Bimberi Review, the CYPC has been unable to progress this initiative.

The Guidelines are based on those in use in other jurisdictions, and aim to provide agencies with simple strategies to assess the impact any legislative or policy proposals may have on children and young people; and eliminate, reduce or off-set any negative impacts.

The Guidelines will also discuss how to involve children and young people in legislative and policy development, and provide some useful resources to agencies seeking to consult with children and young people.

The CYPC looks forward to progressing this initiative next reporting period.

Developing working relationships with community service providers

There are hundreds of agencies providing services for children and young people in Canberra, and it is important that the CYPC develops and maintains constructive relationships with as many of these agencies as possible.

Doing so not only provides the CYPC with a greater understanding of what is happening in the 'sector', and what is and isn't working in the sector, but also allows for more efficient and timely resolution of complaints and enquiries as they arise. Additionally, familiarity by the sector with the CYPC, and staff of the CYPC, assists to de-mystify the agency, and encourages service providers to contact the CYPC to talk over issues of concern.

During the reporting period, the CYPC visited and spoke with a range of service providers. The nature of contact with agencies varied significantly, and included:

- Formal community education or presentations at agency meetings or network forums;
- Being a guest speaker at a launch, or a workshop;
- Presentations at staff meetings, or within classes or smaller groups;
- Casual 'pop-ins', and just hanging out with workers and children and young people at the service; and
- Helping out at agency functions or presentations.

The number of agencies and individuals visited or spoken with during the reporting period are too

many to list in total, yet include: ACT Police and Citizens Youth Clubs (PCYC); Children of Parents with a Mental Illness (COPMI); National Council for Australian Women; Child, Youth & family Agencies of the ACT (CYFACT); Youth Education Program (YEP); ACT Children's Network; Child & Family Nurses Association of the ACT (CAFNAACT); CREATE; Communities@Work; Tedd Noffs Foundation; Youth Environment Ambassadors; Australian Catholic University (ACU); Lanyon High School; Children & Youth Services Council; Save the Children Australia; ACTCOSS; ACT Law Reform Advisory Council; Lions Club of Canberra Valley; Marymead Child & family Centre; ACT Inclusion & Support; Mental Health Community Coalition; Urban Theatre Project; Institute of Child Protection Studies (ICPS); Belconnen Community Service; UN Youth Australia; Domestic Violence Crisis Service (DVCS); Australian Youth Affairs Coalition (AYAC); and UNICEF Australia.

Speeches & presentations

During the reporting period, the CYPC presented at a number of events, including:

- In May 2011, the CYPC spoke at the Australian Youth Affairs Coalition *2011 National Youth Sector Conference*;
- In March 2011, the CYPC spoke at the launch of the CYPC's publication *Why Girls Are Important: A celebration of International Women's Day*;
- In February 2011, the CYPC spoke at the *Mental Health Community Coalition ACT Inaugural Conference: Leading The Change*;
- In November 2010, the CYPC spoke at *ACTCOSS Conference 2010: Defining Diversity*;
- In October 2010, the CYPC spoke at the launch of the Communities@Work's publication *Just Change the Channel!*;
- In October 2010, the CYPC spoke at the Australian Catholic University's *Case Management: The critical link symposium*;
- In July 2010, the CYPC spoke at the launch of the *Child & Family Nurses Association of the ACT*;
- In July 2010, the CYPC spoke at the College of Law, *Australian National University*; and
- In July 2010, the CYPC spoke at a meeting of the *National Council for Australian Women*.

Media

During the reporting period, the media covered a number of CYPC activities, including:

- In March 2011, the Canberra Times printed an article about the launch of the CYPC's publication *Why Girls Are Important: A celebration of International Women's Day*; and
- In October 2010, the Canberra Times printed an article about the increase in complaints and enquiries to the CYPC.

Liaison with the ACT Minister for Community Services

During the reporting period, the CYPC met with the ACT Minister for Community Services, Ms Joy Burch MLA, on a number of occasions to discuss a range of issues relevant to children and young people.

The CYPC welcomes these discussions, and looks forward to continuing this productive relationship.

The CYPC was, however, disappointed to note that in a recent re-shuffle the title of Minister for Children & Young People was superseded by the title Minister for Community Services. The CYPC would support the re-introduction of a Ministerial title which specifically reflects the importance of issues affecting children and young people.

Liaison with the ACT Ministerial Youth Advisory Council

During the reporting period, the CYPC and members of the ACT Ministerial Youth Advisory Council (YAC) continued to work together in an open and supportive manner. In doing so the CYPC and the YAC: met formally and informally on a number of occasions to discuss issues of mutual concern and

interest; co-facilitated a number of consultation and engagement activities; actively supported each other's workplan; and exchanged regular updates on current activities and priorities.

Liaison with the Public Advocate of the ACT

Section 11(2) of the *Public Advocate Act 2005* requires the Public Advocate of the ACT (PAACT) to refer systemic matters relating to children and young people to the CYPC for investigation.

Similarly, s.51(A) of the *Human Rights Commission Act 2005* allows the CYPC to refer complaints, or parts of complaint, to the PACAT for advocacy.

During the reporting period, the CYPC and the PAACT referred matters to each other pursuant to the above statutory provisions, and also met formally and informally to discuss issues of mutual concern and interest.

Submissions by Australian Children Commissioners and Guardians (ACCG)

During the reporting period, the CYPC worked closely with the Australian Children Commissioners and Guardians (ACCG) group - the network of children and young people Commissioners and Guardians from each Australian State and Territory - to progress a range of national initiatives, including:

- Joint ACCG submission to the Senate Inquiry Regarding the *Commonwealth Commissioner for Children & Young People Bill 2011*;
- Joint ACCG submission to the *Family Law Amendment (Family Violence) Bill 2010 - Exposure Draft*
- Joint ACCG letter to the Commonwealth Minister for Families, Housing, Community Services & Indigenous Affairs, the Hon Jenny Macklin MP, regarding the *National Standards for Children in Out-of-Home Care*;
- Joint ACCG letter to the Commonwealth Minister for Health & Ageing, the Hon Nicola Roxon MP, regarding Medicare benefits for children and young people in out-of-home care;
- Joint ACCG letter to the Commonwealth Minister for Families, Housing, Community Services & Indigenous Affairs, the Hon Jenny Macklin MP, regarding Newstart Allowance for grandparents and kinship carers; and
- Joint ACCG letter to the Commonwealth Minister for Immigration & Citizenship, the Hon Chris Bowen MP, regarding protocols for response to allegations of child abuse and neglect in immigration centres.

During the reporting period, the CYPC met formally with the ACCG on two occasions, and also had regular informal and formal discussions and teleconferences with other members of ACCG on a range of local and national issues.

What Australian Kids Say About Their World

As noted above, the CYPC is currently working with the ACCG to produce a book to be delivered to the United Nations Committee on the Rights of the Child as part of the monitoring of Australia's performance with respect to the United Nations Convention on the Rights of the Child (UNCRC).

The book is called *What Australian Kids Say About Their World*, and contains quotes and artwork created by children and young people from across Australia during consultation and community engagement activities undertaken by the eight Australian Children's Commissioners and Guardians. The book will be delivered to United Nations Committee on the Rights of the Child in October 2011 by a group of young people from Millennium Kids.