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Mr Mark Follett  
A/Executive Director, Policy, Reform and Legislation  
Law Reform and Legal Services  
NSW Department of Communities and Justice

By email: [policy@justice.nsw.gov.au](mailto:policy@justice.nsw.gov.au)

Dear Mr Follett

### **Statutory review of the *Advocate for Children and Young People Act 2014***

Thank you for providing the Office of the Children's Guardian (OCG) the opportunity to make a submission to the statutory review of the *Advocate for Children and Young People Act 2014* (ACYP Act).

#### **Oversight mechanisms aimed at protecting children**

The OCG is an independent statutory authority that works to protect the safety of children and young people. We regulate and oversee organisations to uphold children and young people's right to be safe. Our vision is to influence and lead change by building capability in organisations to be child safe. We play a lead role in establishing and improving systems and frameworks that protect children in NSW, as well as guiding and supporting organisations to improve their child safe cultures, operations and environments.

While the OCG is focussed on the creation of child safe organisations through our functions – including the Child Safe Standards, the Reportable Conduct Scheme, and the Working With Children Check Scheme – we acknowledge that we are part of a broader landscape of oversight and regulatory mechanisms aimed at prioritising the safety and wellbeing of children.

The Advocate for Children and Young People (ACYP) plays an important role in advocating for the rights and interests of children and young people in NSW, including engaging with and supporting children to promote their participation in decision making. Both the OCG and ACYP report to the Joint Parliamentary Committee on Children and Young People.

The ACYP's functions complement and inform the OCG's service delivery. We would support further efforts to better integrate and align the functions of OCG with those of the ACYP. The OCG is exploring how we can better collaborate with the ACYP through, for example, the design of child-focussed resources and supports for organisations and children and young people. The legislative Child Safe Scheme currently under development may also provide opportunities for the ACYP to have a stronger role in supporting organisations to consider the rights and interests of children and young people.

#### **Child Safe Scheme – Child Safe Action Plans**

The OCG is leading the implementation of the Child Safe Standards in NSW and the development of a legislated Child Safe Scheme in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The draft Bill is attached for your information.

The Child Safe Scheme will embed the Child Safe Standards in the *Children's Guardian Act 2019* and strengthen oversight of child-related organisations to facilitate implementation of child



safe practices. It will also establish a requirement that prescribed NSW Government agencies develop a Child Safe Action Plan (CSAP). Proposed prescribed agencies are the Department of Communities and Justice (including the Office of Sport), Department of Education, Ministry of Health and the Office of Local Government.

These NSW Government agencies would be required to prepare a CSAP that details the strategies they will take to:

- build awareness in the community about the importance of child safety in organisations
- build the capability of organisations to implement the Child Safe Standards
- improve the safety of children by implementing the Child Safe Standards.

The CSAP is more than an action plan. Its purpose is to encourage reflective practice around how services to children embed the Child Safe Standards in ways that are meaningful and achievable in their context. As part of the development of a CSAP, prescribed agencies would be required to consult with the OCG and key stakeholders before submitting to the OCG for review, approval and publication.

The review could consider whether there could be a companion element in the ACYP Act on Child Safe Standards detailing the ACYP's role in ensuring the voices of children and young people are considered in the development of CSAPs. This would help facilitate consideration of children's views across the NSW Government in the efforts of prescribed agencies to improve the safety of children in organisations. We would welcome further discussions with the ACYP and the Department of Communities and Justice about what this additional element in the ACYP Act could look like in practice.

If you would like to discuss this submission further, please call Louise Coe, Director, Child Safe Organisations on (02) 9286 7237 or email [louise.coe@kidsguardian.nsw.gov.au](mailto:louise.coe@kidsguardian.nsw.gov.au)

Yours sincerely



**Janet Schorer PSM**  
**Children's Guardian**

5 February 2021