

41ST PARLIAMENT



Joint Standing Committee on the
Commissioner for Children and Young People

Report 2

Report Review 2020–21

*Examination of selected reports by the Commissioner for Children and
Young People*

Presented by
Mrs R.M.J. Clarke, MLA and Hon N. Thomson, MLC
November 2021

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Report Review 2020–21

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Presented by

Mrs R.M.J. Clarke, MLA and Hon N. Thomson, MLC

Laid on the Table of the Legislative Assembly and the Legislative Council on
18 November 2021

Chair's Foreword

THE Committee has reviewed the Commissioner for Children and Young People's 2020–21 activities and also considered two other important reports tabled after the end of the financial year.

One of these reports was a comprehensive literature review of research here and overseas into the decline in wellbeing for girls. It was the Commissioner's first Speaking Out Survey that identified the gender wellbeing gap – that is, a noticeable difference in wellbeing between boys and girls from when they entered the teenage years.

This is a valuable finding from this remarkable survey, which continues to prove its worth as a rich source of data on the health and wellbeing of our state's children and young people. The issues troubling teenage girls make for worrying reading and I am pleased to see that the Commissioner's office has plans to follow up with groups of young people – females in particular – to tease out some solutions.

The second Speaking Out Survey has now been completed with three times the number of participants as the first survey, and the initial summary of results is imminent. I will be one among many reading the results with interest.

The Commissioner's office completed a wide-ranging set of activities in 2020–21, including monitoring the impact of COVID-19, creating Child Safe resources and following up the progress of previous recommendations. Disadvantaged and vulnerable children require particular attention and there is always more that could be done. We appreciate the efforts to reach as many marginalised groups and individuals as possible, especially in a state as vast as ours.

As Colin Pettit's time as Commissioner comes to an end, I would like to thank him for his outstanding service over the past six years and for his passion in addressing critical issues for the health and safety of children and young people. We wish him well.



MRS R.M.J. CLARKE, MLA
CHAIR

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Examination of selected reports by the Commissioner for Children and Young People

1 Oversight of the Commissioner's activities

The Committee's key functions, as agreed between the Legislative Council and Legislative Assembly, are to:

- i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;*
- ii) examine annual and other reports of the Commissioner; and*
- iii) consult regularly with the Commissioner.*

Accordingly, the Committee met with the Commissioner on 13 October 2021 to discuss his Annual Report for the 2020-21 year, and two other reports released in the second half of 2021. This report updates the Parliament on the Commissioner's work and on the Committee's oversight activities.

2 Examination of the Commissioner's Annual Report 2020–21

The Committee is pleased to see that the Commissioner's office has completed or commenced all of the main projects listed in its work plan. The annual work plan supports the strategic plan, *Strategic Directions 2021–2026*. Work completed is outlined in the Annual Report under the strategic plan's three key platforms. Highlights from each of these follow.

2.1 Promoting the rights, voices and contributions of children and young people

- The responses of hundreds of children and young people on the impact of COVID-19 were published. The responses indicate that there were some negative impacts on children but these were not widespread. COVID-19 impact monitoring will continue with the analysis of the 2021 Speaking Out Survey, which contained some questions specifically related to the pandemic.
- New Participation Guidelines and Child Impact Assessment Guidelines were published. These guide organisations on how to involve children in decision-making and how to evaluate the impact of proposed legislation, policies or strategies on children.
- Change Champions was launched. Change Champions are a group of children and young people interested in sharing their insights on important issues. They were asked whether they think females and males are treated equally in WA, and if they feel connected to other people in their local area.

2.2 Monitoring and advocacy to strengthen the wellbeing of all WA children and young people

- The second Speaking Out Survey was conducted, with approximately 16,500 children and young people across all regions and all three education sectors sharing their views. A report on the survey findings will be tabled in November. Fieldwork was extended into

the second half of 2021 to incorporate children outside mainstream education, including students with special needs and in remote communities. Reports on these cohorts will be published early next year, along with analysis of responses from 200 young people who identified as neither male nor female.

Later next year the Commissioner for Children and Young People (CCYP) will also publish the results of surveys distributed for the first time to home-schooled children. The 2021 data will also be analysed with reference to the 2019 results and reported on next year.

The Committee is particularly pleased to see that the Speaking Out Survey was expanded to incorporate children and young people from hard-to-reach populations. We share the Commissioner's excitement at the way the survey has captured the views and voices of so many children and young people and recommend that the CCYP be resourced to continue this extended reach in future surveys.

- The CCYP has produced resources to assist organisations to become child safe (guidelines; self-assessment and review tool; information for parents, carers and families). These were downloaded 1589 times throughout the year. Unlike some other states, the Commissioner does not have oversight of whether organisations are conforming to child safe standards; however, his office continues to promote the need for child safe practices across all types of organisations, and to provide useful tools.
- The CCYP developed resources for children and young people across Australia explaining their right to speak up when they feel uncomfortable, unsafe or marginalised, and outlining the steps they can take to raise concerns or make complaints within organisations.¹ Organisations are encouraged to provide copies to the young people they work with.

The Commissioner is required to monitor trends in complaints. We look forward to the results of a survey of how government agencies are managing complaints from children.

- The Indicators of Wellbeing online resource was updated with new data on a range of measures for WA children and young people. The Commissioner also consulted schools on supporting student wellbeing and recommended a state-wide student wellbeing strategy and more resources to support students. The Committee sees great value in the continued monitoring of wellbeing, which is central to producing well-adjusted adults.
- The CCYP is part of the Australian and New Zealand Children's Commissioners and Guardians Group which continues to advocate for a Child Poverty Reduction Bill. This would define how child poverty is measured. A report on what child poverty looks like in Western Australia was released on October 18 at a Telethon Kids Institute presentation. The CCYP estimates that up to 17 per cent of WA children are living in poverty. Poverty has immediate impacts on children as well as longer-term ramifications and the Commissioner's suggestions of ways for government to reduce poverty are welcome.

¹ The CCYP received \$149,091 from the Department of Prime Minister and Cabinet (National Office for Child Safety) to develop the resources.

2.3 Prioritising the needs of disadvantaged and vulnerable children and young people

- The CCYP office has continued work to support and understand the needs of a range of disadvantaged and/or vulnerable children, with targeted projects in Aboriginal communities and with children and young people affected by disability, poverty, detention, abuse and mental health problems.
- In early 2020–21, the Commissioner published the *Progress update to agencies on the recommendations from the 2015 Our Children Can't Wait report*, which addressed the Commissioner's 12 recommendations relating to mental health in the 2015 report. The update indicates that the WA mental health system still does not adequately plan for, invest in, and support the mental health needs of children and young people. The Committee was glad to hear that the Commissioner has been consulted by the Ministerial Taskforce into Public Mental Health Services for Infants, Children and Adolescents and had been able to share information to assist the taskforce. The CCYP has been asked to respond to some of the early findings.²
- The Commissioner continues to urge the government to support and implement the recommendations from the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. Mr Pettit noted 4 years of the 10-year implementation period had now passed and progress had been slow. He said the Royal Commission had revealed that children are not safe in a range of environments and this needed to be addressed with greater urgency across all states.³

3 The Commissioner's report on the decline in wellbeing for girls

A key finding of the Commissioner's 2019 Speaking Out Survey was that female young people in WA rated their wellbeing less favourably than male young people. This was the case across multiple areas including mental health, self-perception, relationships, personal safety and experiences of independence. This is consistent with international data which indicates that there has been a decline in adolescent emotional wellbeing in the past decade and that the gender wellbeing gap is widening.

Troubled by these findings, the CCYP office conducted a literature review of current evidence to understand the reasons for the gap, published as *Exploring the decline in wellbeing for Australian girls* in August. The findings will be used to develop a work program for the Commissioner's office, which will include analysis of relevant Speaking Out Survey data.

The report is extensive and covers research across areas such as mental and general health; engagement in school; relationships; equity; social media, identity and body image; sexual health; and feeling and being safe. Some of the detailed key findings include:

- There has been a significant decline in adolescent emotional wellbeing since 2012, particularly among girls, who are significantly more likely to have anxiety and depression, lower self-esteem and lower resilience.

2 Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 13 October 2021, p. 2.

3 *ibid.*, p. 12.

- From 11 years of age girls begin to have lower health-related quality of life than boys with greater experiences of headaches, stress and tiredness. Regular period pain and other menstrual symptoms impact their daily activities.
- While girls are generally more engaged with school and do better academically than boys, their sense of belonging at school has decreased considerably since 2003 and girls are now much less likely than boys to feel like they belong at school.
- Female young people perceive a greater decline in the quality of their relationship with their parents as they transition from primary to high school (or through puberty). Close friendships provide critical support, but the emotional intensity of these friendships make them vulnerable to relationship breakdowns and the likelihood of greater distress.
- There is a direct relationship between exposure to media that objectifies girls and women and the internalising of beauty ideals, which can lead to low self-esteem, self-objectification, body surveillance, depression and eating disorders.
- Many girls continue to experience everyday sexism, including through the chores they are assigned at home, family rules about going out at night, expectations about doing maths and science, and being sexually harassed on the street.
- Children and young people are online almost constantly, and females appear to be more negatively affected by their technology use than males – including in mental health outcomes such as anxiety and depression.
- Many young people do not appear to have a good understanding of enthusiastic consent in intimate relationships. Over one-third (36.8%) of sexually active female Australian students have had unwanted sex.
- Female young people are less likely to feel safe at home, at school, in their community or on public transport.
- Female young people are more likely to be sexually assaulted by a relative or family member, experience intimate partner violence, sexual harassment and sexual assault, and to be cyberbullied.

The report highlights that many female children and young people experience inequality as a normal aspect of their everyday lives, and it has long-lasting impacts on their self-esteem, mental health and overall wellbeing.

Additionally, young Australians' attitudes to gender equality are not more positive than people aged 25 to 64 years, and a significant minority of young men hold more retrograde views than the general population, particularly in relation to intimate relationships.

The CCYP is following up the literature review findings by creating two advisory committees – one for girls in the metropolitan area and a mixed group in a regional area.⁴ Discussions from these groups will guide forums with larger groups (of females in particular) which will hopefully identify how services and policy decisions can improve wellbeing for girls.

4 Colin Pettit, Commissioner for Children and Young People, *Transcript of Evidence*, 13 October 2021, p. 3.

4 The Commissioner’s review of Department of Communities placement of children with harmful sexual behaviours in residential care settings

In October last year, the Minister for Child Protection asked the Commissioner to review Department of Communities (DoC) policies, practices and services regarding children with harmful sexual behaviours (HSB) in residential care. This was after a teenage girl (given the pseudonym ‘Macie’) spoke to the media about her placement in a residential care home with an older teenage boy (pseudonym ‘Lee’) who had a history of HSB.

The DoC was aware that Macie had a history of sexual assault and also that Lee was worried about his sexual urges towards younger children, but they remained in the same home for 7 months. Lee was subsequently arrested over an assault on Macie as part of Operation Timing Belt, a WA Police investigation into a Perth paedophile ring.

The CCYP’s *Independent Review into the Department of Communities’ policies and practices in the placement of children with harmful sexual behaviours in residential care settings* was tabled in September. It found that Macie’s placement in a residential care home with a child with a history of HSB was not unique or an isolated practice in WA. Many DoC senior staff and managers acknowledged that children are at risk within residential care from the HSB or abusive behaviours of other young people.

The Commissioner made 6 findings and 9 recommendations relating to systemic issues that affect the wellbeing of children and young people in residential care. They essentially advocate for the expedited implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations that directly relate to safe residential care and therapy for children and young people displaying HSB.

During a hearing with the Committee, the CCYP’s director of policy, monitoring and research said that while HSB was mentioned in the DoC’s manuals the language and definitions were not consistent; guidance for staff needed to be clearer and more accessible. The manual did not compare favourably with equivalent manuals in other jurisdictions. The DoC needed to devote time and energy to fixing this.⁵

The Committee applauds the Minister for Child Protection for requesting the review, which we believe to be thorough and fair. We also note the CCYP report’s observation that implementation of the Royal Commission recommendations would assist in addressing the problems being experienced by young people in out-of-home care.

5 Summary of performance

At a cost of \$3.37 million in 2020–21, the Commissioner continued to meet the requirements of the position and met or exceeded all performance targets. The desired outcome of the service provided by the CCYP is that ‘the views and issues of children and

⁵ Natalie Hall, Director – Policy, Monitoring and Research, Commissioner for Children and Young People, *Transcript of Evidence*, 13 October 2021, p. 9.

young people are heard and acted upon'. The Commissioner has ensured that views and issues are being heard; whether they are acted upon is often not within his control.

One of the achievements of 2020–21 that stands out to the Committee is the administration of the second Speaking Out Survey, and we look forward to seeing the analysis of results over the next months.

The other piece of work that we regard as particularly important – the exploration of the decline in wellbeing for girls – emerged from the results of the first Speaking Out Survey. This is a great demonstration of the value of the survey, which can reveal insights that warrant further investigation. The wellbeing results for girls are alarming and we are hopeful that the follow-up activities to the literature review produce solutions that will make a difference.

Providing children and young people a voice through the survey and through the advisory groups, forums and the personal visits of the Commissioner and his staff is a key function of the CCYP. Of great importance also is the support provided to government agencies and organisations to adhere to the Child Safe standards and to ensure agencies are hearing complaints and involving children and young people in decision-making. We will continue to watch for progress in these areas.

There are a broad range of ways that children and young people can be disadvantaged and/or vulnerable, and the CCYP endeavours to reach all of these groups, even if every group does not receive the same amount of attention every year. Limited resources no doubt impact the ability of the CCYP to do more, but these groups should not be further disadvantaged in this way. Greater resourcing would enable the CCYP to better fulfil the function under section 20 of the *Commissioner for Children and Young People Act 2006* to 'give priority to, and have special regard to, the needs of Aboriginal children and young people and Torres Strait Islander children and young people; and children and young people who are vulnerable or disadvantaged'.



MRS R.M.J. CLARKE, MLA
CHAIR

Appendix One

Committee's functions and powers

The following was agreed by concurrence between the Legislative Assembly and the Legislative Council on 26 May 2021, establishing the Joint Standing Committee on the Commissioner for Children and Young People:

1. Pursuant to section 51 of the Commissioner for Children and Young People Act 2006, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.
2. The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
3. It is the function of the Joint Standing Committee to —
 - i. monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - ii. examine Annual and other Reports of the Commissioner; and
 - iii. consult regularly with the Commissioner.
4. A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.
5. The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.



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