



commission for
children and young people
and child guardian

Strategic Review of the
Office of the Qld
Ombudsman
Submission 011

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LEGAL AFFAIRS AND COMMUNITY
SAFETY COMMITTEE

Telephone: 07 3211 6700
Reference: SMRP/DN48548
Your reference: 11.9.3.c

- 9 AUG 2012

Mr Ray Hopper MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Hopper

Thank you for your letter dated 16 July 2012 inviting my written submission to the Legal Affairs and Community Safety Committee's review of the strategic review of the Office of the Queensland Ombudsman (the Ombudsman).

As you may be aware, the Commission for Children and Young People and Child Guardian is an independent statutory body with a broad mandate to proactively promote and protect the rights, interests and wellbeing of all Queenslanders under 18, particularly those most vulnerable. My mandate includes:

- promoting laws, policies and practices that uphold the rights, interests and wellbeing of children and young people, especially those at risk;
- administering an employment screening system (the blue card system) of certain types of child-related employment including educating the community about their obligation to comply with the Commission's Act;
- conducting research into matters affecting the safety and wellbeing of children and young people;
- proactively monitoring, auditing and reviewing systems, policies and practices relating to services provided to children and young people receiving child protection or youth justice services;
- administering a state-wide Community Visitor program for visiting children and young people in foster care, residential services, authorised mental health services and youth detention centres;
- resolving and investigating complaints about services to children and young people in the child protection and youth justice systems; and
- maintaining Queensland's child death register and supporting the independent Child Death Case Review Committee process.

In relation to my oversight of government service delivery to children and young people in the child protection and youth justice systems, a formal liaison agreement has been in place between my Commission and the Ombudsman for some time to clarify the respective roles and responsibilities of, and the relationship between, the two agencies in relation to complaints about services provided to children and young people. The agreement confirms that both agencies are committed to avoiding the inappropriate duplication of effort and ensuring that our respective resources are used efficiently.

Under the agreement, a quarterly liaison meeting is held between senior officers of both agencies, which provides an opportunity for sharing of relevant information and collaboration on areas of shared interest. This interface works very well.

Overall, from the perspective of my Commission, I have no concerns and am satisfied with the Ombudsman's performance of its functions.

I would like to take this opportunity to highlight the significant work undertaken by the Ombudsman to date to help agencies develop effective complaints management systems through its Complaints Management Program, and to respectfully submit that the Ombudsman should target its future activities in this area towards proactively auditing complaints management systems involving complaints made by or on behalf of some of our most vulnerable young people in Queensland, namely, those residing in youth detention centres, residential facilities, disability respite facilities and authorised mental health facilities.

Young people residing in these facilities are particularly vulnerable due to a range of individual factors such as their age, the social circumstances leading to their detention or accommodation in these facilities, mental health and disability issues, and a lack of supportive adults in their lives. The environments in which these young people are accommodated also add to their vulnerability due to the power imbalances inherent in such settings and the fact that these facilities are often 'closed' environments (i.e. shut off from the outside world). Young people accommodated in these facilities are also likely to have lower levels of educational attainment than the general population and are unlikely to have a full appreciation of their rights, including their right to complain or the circumstances in which it is appropriate to do so.

I would therefore welcome any efforts by the Ombudsman to proactively monitor and audit the complaints management systems available to this particularly vulnerable cohort of young people, to help ensure that these systems are effective in encouraging and enabling these individuals to speak up and be heard about matters affecting their rights, safety and wellbeing.

Yours sincerely



Elizabeth Fraser
**Commissioner for Children and Young People
and Child Guardian**