

CDRT Charter

NSW Child Death Review Team



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National Relay Service
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1. Introduction

The NSW Child Death Review Team (CDRT) is a statutory body established to prevent or reduce the deaths of children in New South Wales through the exercise of its functions. Since 1996, the CDRT has been responsible for registering, classifying, analysing and reporting to the NSW Parliament on data and trends relating to all deaths of children in New South Wales.

The NSW Ombudsman convenes the CDRT, and Ombudsman staff support and assist the CDRT in discharging its functions. The CDRT is constituted under Part 5A of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (the Act). The CDRT works to identify and facilitate individual and systemic change to achieve its purpose.

The CDRT Charter (the Charter) has been developed through the participation of CDRT members and staff to provide a concise and focused framework for the work of the CDRT.

The Charter identifies the CDRT's vision and purpose as well as detailing its specific legislative powers and authority, its values, strategic priorities, and operational imperatives.

2. Vision

Our vision is:

A society that values and protects the lives of all children, and in which preventable deaths are eliminated.

3. Purpose and functions

Our purpose is defined by the legislation that creates the CDRT and gives it powers and responsibilities. Our purpose – to prevent and reduce the deaths of children in New South Wales – is achieved by exercising the functions conferred by the Act. These functions are to:

- maintain a register of child deaths occurring in NSW
- classify those deaths according to cause, demographic criteria, and other relevant factors, and to identify trends and patterns relating to those deaths
- undertake, alone or with others, research that aims to help prevent or reduce the likelihood of child deaths and to identify areas requiring further research, and
- make recommendations as to legislation, policies, practices and services for implementation by government and non-government agencies and the community to prevent or reduce the likelihood of child deaths.

4. The Organisation

CDRT membership is prescribed in legislation, and consists of:

- The NSW Ombudsman, who is the Convenor
- The NSW Advocate for Children and Young People
- The Community and Disability Services Commissioner (Deputy Ombudsman)
- Two persons who are Aboriginal persons
- Representatives from NSW Government agencies:
 - NSW Health
 - NSW Police
 - Department of Communities and Justice (three representatives – one in respect of the *Children and Young Persons (Care and Protection) Act 1998*; one in relation to the *Disability Inclusion Act 2014*, and one from the former Department of Justice)
 - Department of Education
 - Office of the NSW State Coroner
- Experts in healthcare, research methodology, child development or child protection, or persons who because of their qualifications or experience are likely to make a valuable contribution.

The Ombudsman, the Advocate and the Commissioner are ex officio appointments. Other members may be appointed for a period of up to three years, with capacity for reappointment. The CDRT must have at least 14 members, in addition to the Convenor and ex officio members. The Act provides for the Convenor to appoint expert advisors – persons with relevant qualifications and experience who can advise the CDRT in the exercise of its functions.

All members are appointed by the Minister for Families, Communities and Disability Services, including agency members who are nominated by the Minister responsible for their agency. Members are appointed as individual experts in a field and/or representatives of agencies, but engage with the work as individuals. Members bring the experience and perspectives of their agencies or the disciplines in which they operate but must individually consider issues and make decisions that are consistent with the objectives of the Team. Members must be willing to put aside or go beyond their key interests or the mandate of their agency to focus on adding value to all aspects of the Team’s broad scope.

The CDRT is supported and assisted by NSW Ombudsman staff who manage the day-to-day work of the Team, including:

- Identifying, registering and triage of individual death notifications
- Gathering relevant information and records from stakeholders and service providers
- Recording information in the Register of Child Deaths, and analysing and reviewing that information for trends and patterns
- Identifying key issues and matters that require further action, and providing strategic advice
- Coordinating, oversight and completion of research and other projects
- Drafting statutory reports (annual, biennial, and research)
- Monitoring recommendations from previous reporting periods, and

- Managing appointments and the operation of the membership and meetings.

Staff are ‘team-related persons’ under the Act, and as such, have the same responsibilities and protections as members. Members can be as involved in any aspect of the CDRT’s day-to-day work, as they are able.

5. Powers and Authority

We report directly to the NSW Parliament, with oversight by the Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission, and the Crime Commission. There are three provisions in the Act under which the CDRT is required to report Parliament.

- The **annual report** (s34F), which details the activities of the CDRT and progress of its recommendations.
- The **biennial child death review report** (s 34G), which consists of data collected and analysed in relation to child deaths.
- **Other reports** (s 34H), which provide information on the results of research undertaken in the exercise of its research functions. The CDRT may report to Parliament at any time, and is expected to report on its research at least once every three years.

We have broad powers to obtain information needed to exercise our functions. These powers are balanced with strict provisions to maintain confidentiality of information (see section 9 below, and the CDRT Code of Conduct for additional information).

Section 34K of the Act requires a range of NSW government and non-government agencies, and individuals, to provide the CDRT with ‘full and unrestricted access’ to records under their control, if those records are reasonably required by the CDRT to meet its obligations.

We do not have the power to obtain information from Commonwealth or interstate agencies. However, the Act does allow for the Convenor to enter into an agreement with another state or territory child death review team for the purpose of exchanging relevant information. Such arrangements are dependent on the legislation and administrative frameworks within those states or territories.

6. CDRT Purpose

To eliminate preventable deaths in New South Wales by working collaboratively to drive systemic change based on evidence.

Some of the important elements of this undertaking include:

Working to eliminate preventable deaths ...

Our approach and actions aim to make a positive difference by identifying risks that may contribute to the deaths of children, analysing those risks, recommending the right evidence-based solutions to reduce or eliminate those risks, and tracking the progress of change.

Working collaboratively as colleagues and partners ...

Achieving organisational outcomes and structural change requires high-level collaboration between members, staff, external partners and stakeholders. Collaboration and partnered approaches are fundamental to the CDRT's work. Together we build trust and influence to make a positive difference.

Driving evidence-based change ...

We drive change through our public reports and research projects. We focus on evidence-based approaches and initiatives, and target our research to address gaps in knowledge. We focus our priorities and energies on areas where we can add value. Our recommendations are informed by evidence, and by sector and system knowledge.

7. Strategic Objectives

We work to achieve our vision and purpose through the clear articulation of strategic priorities that are designed to **build, enhance, collaborate** and **expand** initiatives and strategies that result in the increased safety and wellbeing of children and the elimination of preventable deaths.

To build on our work to lead in prevention of child deaths

In recent years we have increased our data capture and capacity to analyse and report on the deaths of children, as well as undertaking significant and important research and facilitating constructive partnerships. We aim to build on this work to gain and share deeper insights into the causes of deaths of children, and emerging trends, and to use this knowledge to make effective recommendations that aim to prevent deaths.

To undertake meaningful and well targeted projects

We aim to enhance our role and efficacy by designing and conducting projects that are substantial and well targeted. We will use our data to build on previous research to comprehensively examine issues that underpin child deaths. We focus on examining:

- population level factors and social determinants linked to the deaths of children
- how protective factors at a community level can work to prevent child deaths, and what can be learnt from this
- how comparative analysis can help us in preventing deaths.

To engage with stakeholders and promote our work and recommendations

We will identify and pursue opportunities to communicate our findings and recommendations to key stakeholders. We will work in collaboration with external stakeholders to raise public awareness of strategies to prevent the deaths of children.

To explore new opportunities

We will explore opportunities to enhance our role by extending our analysis and reporting to areas that are directly relevant to our purpose of preventing the likelihood of death. We will examine the relationship between mortality and morbidity, in order to learn and understand ways of preventing death.

8. CDRT Meetings

Our meetings are an essential aspect of our work, allowing members to provide input into and governance of our work, including responding to trends, determining and overseeing research, contributing to reports, and participating in strategic direction setting.

Our meetings:

- Are chaired by the Convenor
- Occur at least four times per year
- Achieve a quorum with the presence of a majority of members
- Focus on updates and discussion on current activities and areas of interest, planning, and determining priorities and strategic directions (noting that meetings do not include discussion or review of individual cases).

While the Act provides for decisions of the CDRT to be made by majority vote, with the Convenor (or Deputy, in the Convenor's absence) holding a deciding vote should there not be a majority, our decisions are generally made by consensus.

Responding to trends

Staff will identify and bring to our attention any emerging issue or trends. CDRT meetings will allow for members to consider, and provide strategic advice on, any necessary or value-adding response.

Determining and overseeing research

Our projects – research, cohort reviews or related activities – are assessed and prioritised against the following criteria:

- **Is the project significant and does it link to the objectives of the Team – to prevent and reduce deaths of children in NSW?**
 - Does the register indicate a high number of deaths, a spike in a particular cause of death, and/or a particular lack of decrease in the rate of death?
 - Is there a sentinel event that highlights a systemic issue?
 - Is there a particular trend emerging from death reviews?
 - Is there evidence of gaps in knowledge/policy/legislation that presents a risk to children?
 - Is there evidence for substantial morbidity and/or burden of disease, in addition to mortality data?
- **Is the project timely? Will it add value and provide important information about this particular issue and inform prevention strategies?**
 - Is any other agency or body already considering or researching the issue? If so, how would our work at this time add value?
 - Are there developments in public policy (eg. legislative review, government inquiry) that the project could directly contribute to and influence?
 - Is there a body or agency that might be better placed to undertake the work – either alone, or jointly with the Team?

➤ **Is the project achievable?**

- Are resources available and if so, is this the best use of our time and funds?
- Will the scope of the project allow delivery in a reasonable timeframe?

Decisions about projects are made by members at CDRT meetings. Members may be involved in specific research projects, according to their interest, expertise and capacity. This involvement ranges from leading and/or overseeing a project, to providing guidance or general advice and assistance as required.

Staff provide members with updates about the progress of project work at CDRT meetings, and work closely with any members who may be more actively involved in a particular piece of work. Information about research is also reported publicly in CDRT annual reports.

Contributing to reports

Our reports – annual, biennial, and research – are drafted by staff, with input from members. Draft sections of reports will be reviewed and endorsed by members with relevant expertise prior to a full draft being made available to all members.

Members will be given reasonable time to review draft material and provide feedback. Where possible, and depending on timing, drafts will be the subject of discussion at a CDRT meeting prior to finalisation.

The provisions under the Act allow members to consult or seek advice on draft reports to enable them to provide comments (s 34L (1)(e)). Refer to section 9 below, and the CDRT Code of Conduct for further information about confidentiality.

Participating in strategic direction setting

In addition to meetings, we hold planning days every 2-3 years – generally in line with strategic priority setting. The purpose of these planning days is to review progress and refresh the direction and goals of the Team.

Strategic priority plans are made on a triennial basis, and outline critical focus and outputs to meet our vision and purpose. Progress on achieving actions associated with strategic priorities is reported in CDRT annual reports.

9. Confidentiality

Members must abide by confidentiality provisions outlined in the Act (s 34L).

The legislation states that a team-related person (inclusive of members, expert advisers and staff) must not make a record of, or directly or indirectly disclose any information, including the contents of any document, that was acquired by them by reason of being a team-related person, unless:

- The record of disclosure is made in good faith for the purpose of exercising a function of the CDRT. Our functions are detailed at section 34D of the Act (Attachment A).
- The record or disclosure relates to a draft report of the CDRT. This allows members to consult within their home agencies and with relevant external agencies or individuals to gain advice in order to make comment on draft reports. It should be noted that this provision for consultation applies only to draft reports.

Further information about confidentiality is included in section 7 of the CDRT Code of Conduct.

10. Conflict of interest or roles

In the CDRT context, a conflict of interest exists where a reasonable, informed observer would perceive a member's responsibilities to the CDRT might be influenced by their own, or someone else's, private interest. In addition, a conflict of roles can occur when a member's obligations to the CDRT, or CDRT observations or recommendations in themselves, are in conflict with a member's home (employer) agency policy or public position.

Members must be willing to put aside or go beyond their key interests or the mandate of their agency to focus on adding value to all aspects of the CDRT's broad scope.

Section 6 of the CDRT Code of Conduct provides detailed information about conflicts and the response to potential conflicts.

11. Charter Review

We will from time to time (a maximum three-year interval) review the charter to ensure that it remains relevant to our purpose and objectives. The content and scope of the review will be determined by the Convenor and will include the methodologies for gauging the progress in our activities to achieve our goals and functions.

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