

# Child Death Review Team (CDRT) Charter

**NSW Child Death Review Team**

**NSW Ombudsman**

Level 24, 580 George Street Sydney NSW 2000

**Phone: (02) 9286 1000**

**Toll free** (outside Sydney Metro Area): **1800 451 524**

**National Relay Service: 1300 555 727 (ask for 1800 451 524)**

**Website:** [ombo.nsw.gov.au](http://ombo.nsw.gov.au)

**Email:** [deathreviews@ombo.nsw.gov.au](mailto:deathreviews@ombo.nsw.gov.au)

[info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au)

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# 1. Introduction

The New South Wales (NSW) Child Death Review Team (CDRT) is a statutory body established to better understand the circumstances of the deaths of children, and to use that knowledge to help prevent and reduce the risk of deaths in the future. 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 NSW.

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).

This CDRT Charter (the Charter) has been developed 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 functions, its membership, strategic priorities, and operational matters.

## 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

Our purpose is aligned to the objects of the relevant part of the Act that establishes the CDRT and gives it powers and responsibilities, namely to prevent and reduce the deaths of children in NSW (s 34A).

**Our purpose is:**

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

Some of the ways we do this are by:

### **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. We also identify protective factors and consider strategies to promote these to help prevent and reduce future child deaths.

### **Working collaboratively as colleagues and partners ...**

Achieving system or 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. Our research is assessed and prioritised against the CDRT Research Framework. We focus our priorities and energies on areas where we can prevent and reduce child deaths and add value to the community. Our recommendations are informed by evidence, and by sector and system knowledge.

## **4. Functions**

Our purpose 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.

## **5. Strategic Objectives**

We work to achieve our vision and purpose through the clear articulation of strategic priorities that are designed to guide our work, resulting in the increased safety and wellbeing of children and the elimination of preventable deaths. Our strategic priorities can be found in our current Strategic Priorities Plan.

## **6. Powers and Authority**

We report directly to the NSW Parliament, with oversight by the Parliamentary Committee that is established under the *Ombudsman Act 1974*. There are three provisions in the Act under which the CDRT is required to report Parliament.

- The **annual report** (s 34F), which details the activities of the CDRT and progress of its recommendations.
- The **biennial child death review report** (s 34G), which includes data in relation to child deaths that has been collected and analysed.
- **Other reports** (s 34H), which provide information on the results of research undertaken. 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 10 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 require 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.

## 7. Membership

CDRT membership is prescribed by the Act, 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 are appointed by the Minister responsible for the Act and 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 three ex officio members.

The Act also provides for the Convenor to appoint expert advisors – persons with relevant qualifications and experience who can advise the CDRT in the exercise of its function.

## 8. Role of NSW Ombudsman staff

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 child death notifications
- gathering relevant information and records from stakeholders and service providers
- recording and analysing information in the Register of Child Deaths for trends and matters that require further action
- commissioning, oversight and completion of research and other projects
- drafting of statutory reports (annual, biennial, and research)
- monitoring recommendations from previous reporting periods, and
- managing appointments and the operation of the membership and meetings.

Staff also identify and bring to the CDRT's attention any emerging issue or trends to allow for members' consideration and advice.

Staff are 'team-related persons' under the Act, and as such, have the same responsibilities and protections as members.

## 9. 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 and endorsing reports, and participating in strategic direction setting.

Our meetings:

- are chaired by the Convenor (or in their absence, the Deputy 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, research, planning, and determining priorities and strategic directions (noting that meetings do not include discussion or review of individual cases), and
- may include presentations by external speakers on emerging research or reports of interest to members.

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.

### **Contributing to reports**

Our reports – annual, biennial, and research – are prepared by staff with input from members and expert advisers. External researchers and organisations may be engaged to prepare a report, or to assist in preparing a report.

Members or experts with particular expertise of relevance may also be asked to review draft sections of reports prior to a full draft being made available to all members. Whenever possible, and depending on timing, draft reports 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 10 below, and the CDRT Code of Conduct for further information about confidentiality.

### **Participating in strategic direction setting**

Strategic priority plans are made on a triennial basis and outline critical focus and outputs to meet our vision and purpose.

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

Progress on achieving actions associated with strategic priorities is reported in CDRT annual reports.

## **10. Confidentiality & Conflicts of Interests**

### **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.
- 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.



## **Conflict of Interest**

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.

Further information about confidentiality and conflicts are included in the CDRT Code of Conduct.

## **11. Charter Review**

We will from time to time (and at least every three years) review this Charter to ensure that it remains relevant to our purpose and objectives.