

NSW Ombudsman's Statement of Commitment to Children's Rights

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1. Purpose and context

Much of the NSW Ombudsman's work involves or impacts on children, including complaint handling and investigations, oversight of community services, reviewing and reporting on child deaths and monitoring Aboriginal Programs. We have a responsibility across our varied functions to ensure that children's rights are recognised, protected and promoted.

This Statement of Commitment sets expectations for our handling of complaints and our conduct of investigations, reviews and inquiries to give practical effect to children's rights.

As an integrity body, we acknowledge our role in upholding children's rights in our oversight of public authorities and community service providers in NSW.

For the purposes of this Statement, and in keeping with the [United Nations Convention on the Rights of the Child \(UNCRC\)](#), a child means a person under 18 years.¹

2. The overarching principles

Our commitment is grounded in the full range of human rights recognised under international law, including but not limited to those set out in the UNCRC, the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) and the [UN Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#).

These instruments affirm that all children and young people are entitled to enjoy their rights without discrimination, and that their dignity, safety, development, identity and participation must be respected and protected.

Our approach is guided by four overarching principles identified by the UN Committee on the Rights of the Child:

- **Non-discrimination** – every child must enjoy their rights free from discrimination of any kind.
- **Best interests of the child** – a primary consideration in all decisions and actions affecting children.
- **Right to life, survival and development** – children's physical, mental, spiritual, moral and social development must be supported and protected.
- **Right to be heard** – children have the right to express their views freely and to have those views taken seriously in all matters affecting them.²

These principles underpin our commitment to ensuring that the full spectrum of children's human rights – including their cultural identity, participation, equality, safety and access to services – are recognised, upheld and promoted.

¹ This is consistent with *Community Services (Complaints, Reviews and Monitoring) Act 1993*; Article 1 of the United Nations Conventions on the Rights of a Child - Article 1, [Convention on the Rights of the Child | OHCHR](#); NSW Child Safe Standards, [Children's Guardian Act 2019](#).

² [General Comment No. 5 \(2003\), "General measures of implementation of the Convention"](#), [12].

3. We commit to upholding children's rights

We commit to upholding the legal and human rights of all children and to promoting their safety, welfare and wellbeing in our work.

We will ensure our services are inclusive, accessible and safe.

We recognise that children's experiences and rights are shaped by intersecting factors such as culture, disability, gender, sexuality, family background and socio-economic circumstances. We will actively remove barriers, adapt our practices to meet individual needs and embed inclusive approaches that empower children and their families to be heard and treated fairly.

When overseeing other agencies, we will uphold children's rights to safety, participation and equitable access to services that support their best interests.

4. How we uphold children's rights across our work

Where our work involves direct interaction with children, staff will apply the *NSW Ombudsman Practice Guide for Interacting with Children and Young People*³ to ensure their engagement with children is inclusive, accessible and safe. However, not all our work which impacts on children will involve direct engagement (such as relating to child deaths).

In exercising our broad range of legislative responsibilities, we will:

- **Actively identify and eliminate** any practices that may unlawfully discriminate⁴ on the basis of age (for example, by making services inaccessible to children), disability, race or cultural heritage, sex, gender identity, sex characteristics, intersex status or sexuality.
- **Treat the best interests of the child as a primary consideration in matters affecting children.**
- **Amplify the voices of children in the care of the NSW Government or in other vulnerable, dependent or isolated circumstances** – including those in out-of-home care (OOHC), youth justice settings or other institutional settings - recognising their right to special care, assistance and protection.
- **Seek out, listen to and give due weight to** the views of children, and **support their meaningful participation** in decisions that affect them, having regard to their age and maturity.
- **Uphold children's right to privacy** and ensure their personal information is handled with care and respect.
- **Take active steps to uphold** children's rights to be free from abuse, exploitation and violence in all aspects of our work.
- **Recognise and respond to the rights** of children with disability to ensure dignity, promote self-reliance and facilitate active participation in the community.
- **Work in partnership with** Aboriginal and Torres Strait Islander children, families, communities and organisations, and **respect their rights to culture, identity and self-determination.**

³ As at November 2025, the draft is only accessible to NSW Ombudsman staff but will be publicly available once finalised.

⁴ For example, s 21 of *Anti-Discrimination Act 1977* (NSW) exempts from racial discrimination anything done in affording persons of a particular race access to facilities, services or opportunities to meet their special needs or to promote equal or improved access for them to facilities, services and opportunities.

- **Equip staff with the knowledge, skills and support** needed to deliver services that uphold children's rights and meet the diverse needs of the people we serve.

When exercising our roles under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* relating to community service providers, we will apply the principles in section 3(2) of the Act, including that:

- the paramount consideration in providing a service for a child must be their best interests⁵
- a child who receives a community service must be heard, provided with adequate information and able to question decisions or actions that affect them, and
- a service provider must promote and respect the legal and human rights of each child who receives a service.

5. Ombudsman approval

Paul Miller
NSW Ombudsman
Date:

⁵ Noting also that a child or young person's safety, welfare and well-being is the paramount consideration in any action or decision concerning that particular child or young person under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), s 9(1).