

Accreditation Guide

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Introduction

The Office of the Children’s Guardian (OCG) accredits organisations which provide, or wish to provide, statutory out-of-home care and/or adoption services in NSW. The purpose of the NSW accreditation scheme is to ensure that the rights of children and young people are upheld and that children and young people will receive quality services, regardless of where they are placed. The accreditation scheme also requires agencies to continually strive to improve the care they provide to children and young people. The OCG also undertakes monitoring of accredited agencies to ensure they are meeting their responsibilities under the *Children and Young Persons (Care and Protection) Act 1998* and the *Adoption Act 2000*. For more information about the OCG, please refer to Appendix 1.

This Guide provides information about applying for accreditation, applying to add a service type to an existing accreditation, accreditation renewal and the compliance monitoring program. It is intended for use by designated agencies, adoption agencies and potential applicants.

1. The Standards

NSW has had standards regarding the care to be provided to children and young people for almost twenty years. The standards have evolved over time in response to changes in legislation and new research about the care of vulnerable children and young people.

The *NSW Child Safe Standards for Permanent Care* (the Standards) cover a number of service types and were developed in consultation with the out-of-home care and adoption sectors. The *Standards* have also been informed by the relevant legislation, regulation and evidence-based research and best practice developments in the sector.

The *Standards* establish minimum requirements for accreditation as a designated agency or adoption service provider. The *Standards* provide a more streamlined accreditation system for agencies wishing to provide both out-of-home care and adoption services.

The Standards are set out in four sections:

- Children and young people – Care and Wellbeing
- Casework Practice to Support Care
- People Who Work With and Care for Children and Young People
- Child Safe Organisations

The *Standards* are available from the OCG website at www.kidsguardian.nsw.gov.au Guidance information to accompany the Standards is also available from the website. Agencies may find it useful to refer to the guidance information when developing and reviewing policies and procedures.

2. Key terms

Term	Definition in relation to Statutory Out-of-Home Care and Adoption
The Standards	The <i>NSW Child Safe Standards for Permanent Care (2015)</i> set the minimum standards for organisations providing statutory out-of-home care and adoption services in NSW. The standards were merged in 2015 from the <i>NSW Standards for Statutory Out-of-Home Care 2010</i> and the <i>NSW Adoption Standards</i> to support permanency planning for children and young people.
Statutory Out-of-Home Care	Section 135(1) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> defines out-of-home care as the residential care and control of a child or young person by someone other than the parent in a place that is not the usual home. Statutory out-of-home care is the care of children and young people who are under an order of the Children’s Court. There are two types of out-of-home care services - foster care and residential care. An agency can be accredited to provide one or both types of care.
Adoption	Adoption is a legal process whereby all parental rights and responsibilities for a child are transferred from the birth parents to the adoptive parents.
Principal Officer	The Principal Officer is the person who has the overall supervision of the arrangements for the provision of out-of-home care or adoption services.
Designated agency	Section 139(1) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> defines a designated agency as a NSW public service department or an organisation that provides out-of-home care, if the department or organisation is accredited. Organisations that were providing out-of-home care services at 15 July 2003 were given interim accreditation under the <i>Transitional Regulation</i> . These organisations are designated agencies.
Adoption agency	Section 11(1) of <i>Adoption Act 2000</i> states that: An adoption service in relation to the adoption in NSW South Wales (including the intercountry adoption) of a child may be provided only by: (a) the Director –General or (b) an organisation accredited under Part 2 (of the Act) as an adoption agency that may provide the service. Section 12(1) of the <i>Adoption Act 2000</i> states that: A charitable or non-profit organisation may apply to the Children’s Guardian for accreditation as an adoption service provider that may provide adoption services specified by the Children’s Guardian.
New applicant	An organisation that is applying for accreditation and has not, immediately prior to their application, held any accreditation. New applicants cannot legally provide or arrange statutory out-of-home care for children and young people under a court order in NSW or provide adoption services for children and young people, until they are accredited by the NSW Children’s Guardian.

3. Does your organisation require accreditation?

3.1 Statutory Out-of-Home Care Services

Organisations that arrange or facilitate the placement of a child or young person for statutory out of home care or adoption must first be accredited by the OCG. It is illegal for an organisation to provide or arrange statutory out-of-home care or adoption services in NSW unless it has current accreditation from the OCG.

3.2 Adoption Services

If your organisation provides or plans to provide any of the following services, they must be accredited as an adoption service provider by the OCG:

- the assessment of the suitability of a person or persons to adopt a child. (This includes the process from lodgement of an application to adopt until approval of an application and, for intercountry adoption, it also includes the transfer of the file to the overseas authority).
- any decision to place a child with a person or persons wishing to adopt a child (This includes the process for selecting a family most suitable for a child requiring an adoption placement and approving the placement. In the case of intercountry adoption, it also includes the approval of an allocation recommended by the overseas authority, only if it is in accordance with the specific approval and any conditions given to the adoptive parents when their application was approved).
- the transfer of the care of a child to the person or persons who will adopt the child. (This includes the process from planning the transfer until the child is in the care of adoptive parents and an adoption order is made. In intercountry adoption the planning commences for applicants in New South Wales, continues and concludes when the adoption order is made or the requirements for post placement are finalised).

If you provide these services and are not accredited, you are guilty of an offence under the *Adoption Act 2000*. Only organisations that are charitable or non-profit organisations may apply for accreditation to provide adoption services.

4. Accreditation Types

There are two different types of accreditation

4.1 Provisional Accreditation (three years)

An organisation is eligible to apply for provisional accreditation for three years if it:

- is not currently accredited **or**
- has not made any arrangements for the provision of statutory out-of-home care or adoption services during the 12 months prior to applying for accreditation or accreditation renewal.

Applicants for provisional accreditation must demonstrate how the organisation will comply with each Standard by providing indirect evidence. Examples of indirect evidence are provided in section nine.

Once an organisation is provisionally accredited and its first out-of-home care placement or adoption work commences, it is required to demonstrate how it complies with each Standard by providing direct evidence of practice. Examples of direct evidence are provided in section nine.

4.2 Full accreditation (one, three or five years)

An organisation is eligible to apply for full accreditation for one, three or five years if it:

- is currently accredited and is due for accreditation renewal and
- has provided statutory out-of-home care and/or adoption services during the 12 months prior to applying for accreditation renewal.

In order to continue providing statutory out-of-home care and/or adoption services, an accredited agency must apply for and successfully achieve accreditation renewal before its current accreditation period expires.

The organisation must demonstrate how it complies with the *Standards* by providing indirect evidence and direct evidence (see examples provided in section 9).

If an organisation is currently accredited and is due for accreditation renewal, but has not provided statutory out-of-home care services during the 12 months prior to applying for accreditation renewal, it is eligible to apply for 3 years provisional accreditation only (see section 4.1).

An organisation ceases to be accredited at the end of its accreditation period, unless renewed. Without current accreditation, an agency cannot provide statutory out-of-home care or adoption services to children and young people in NSW.

5. Conditions of accreditation

Schedule 3 of the *Children and Young Persons (Care and Protection) Regulation 2012* and Schedule 1 of the *Adoption Regulation 2015* impose general conditions of accreditation which apply to all designated and adoption agencies. In addition to these, the Children's Guardian may impose other conditions on an organisation under Clause 65(2) of the *Children and Young Persons (Care and Protection) Regulation 2012* and Clause 27(2) of the *Adoption Regulation 2015*.

When an organisation is accredited, it will be notified of any conditions that are applied. The Children's Guardian can vary or cancel these conditions at any time.

Examples of conditions of accreditation include:

- This agency may arrange:
 - statutory out-of-home care (foster care)
 - statutory out-of-home care (residential care)
 - supported out-of-home care (residential care)
 - Adoption services (domestic)
- This agency may not provide, arrange or supervise voluntary out-of-home care.

In accordance with Clause 66 of the *Children and Young Persons (Care and Protection) Regulation 2012* and Clause 28 of the *Adoption Regulation 2015*, the OCG may suspend or cancel an organisation's accreditation if it fails to comply with any of these conditions. The OCG may also publish details of failure to comply with conditions of accreditation in the OCG's Annual Report to Parliament.

A decision by the OCG to impose, not impose, vary or revoke a condition of accreditation is reviewable by the NSW Civil and Administrative Tribunal (NCAT) under clause 7 of the *Children and Young Persons (Care and Protection) Regulation 2012* and Clause 125(2) of the *Adoption Regulation 2015*, following an internal review by the OCG.

Conditions of accreditation for provisionally accredited agencies

For all organisations who receive provisional accreditation, the following conditions will apply as soon as out-of-home care or adoption services commence:

- This agency must notify the OCG in writing when the agency first makes arrangements for the provision of statutory out-of-home care. The notice must be given by the next working day after the first arrangements are made.
- This agency must notify the OCG in writing when the agency commences providing adoption services. The notice must be given by the next working day after adoption services are first provided.
- This agency must provide to the OCG direct evidence for assessment in accordance with the *Program to meet Accreditation Criteria – Direct evidence*. The direct evidence should include information relating to all subsequent out-of-home care placements or adoption services.
- This agency must maintain records of practice relevant to the safety, welfare and well-being of children and young persons placed with it. These records must be made available to the OCG for inspection upon request, in a format approved by the OCG.

6. Applying for Provisional Accreditation

6.1 Agency contacts the OCG

To apply for accreditation, an agency must first contact the OCG to discuss the proposed application. The OCG may arrange to meet (or hold a teleconference) with the agency to discuss the proposed services to be provided and the process and timeframes for accreditation.

6.2 Agency submits an application for accreditation

Following discussions with the OCG, the agency needs to complete and submit an *Application for Accreditation*, available from the OCG's website.

The *Application for Accreditation* should include the following attachments:

- a program profile for each out-of-home care or adoption program the organisation wishes to provide,
- documentation confirming the organisation's legal entity such as:
 - a copy of the certificate of incorporation if incorporated under the Corporations Act 2001 (Cwth) or the Associations Incorporation Act 1984 (NSW),
 - a copy of the organisation's business registration certificate,
 - if the organisation is legally constituted under other legislation, such as the *Cooperatives Act 1992* (NSW), documentation showing this.
- an outline of the organisation's structure.
- If applying for accreditation as an adoption service, proof of the organisation's charitable or non-profit status.
- If funded, a copy of the current funding agreement for each service provided.

The *Application for Accreditation* can be completed electronically or manually, and the application must be signed by the organisation's Principal Officer(s) and the organisation's signatory. The application and attachments listed above can be emailed or posted to the OCG (see section 14 for contact details). The OCG will acknowledge receipt of the application in writing.

6.3 Indirect evidence is submitted, assessed and feedback is provided

The agency contacts the OCG to schedule a date for the submission of indirect evidence. (Submissions that have not been scheduled cannot be assessed).

The agency may choose to complete a self-assessment process using the *Self-Assessment Tool*. This is optional and the tool is not submitted to the OCG.

Once a submission date has been agreed the agency needs to complete the Evidence Index. The Evidence Index lists each standard and indicator of compliance and is completed by the agency demonstrating how the evidence submitted meets the requirements of the standards.

On the submission date the agency submits the Evidence Index and the Indirect evidence (Indirect Evidence is explained in Section 9). Indirect evidence should be provided electronically **and** in hard copy. Electronic submission can either be emailed or saved to a memory stick and provided with the hard copy submission.

Please note: Evidence submitted for assessment to OCG will not be returned to the agency.

Indirect evidence is assessed against the requirements of the *Standards* and relevant legislation. The assessment seeks to confirm that the evidence provides the agency with a framework to provide appropriate care for children and young people.

The OCG will provide a feedback report to the agency. This report outlines areas where the *Standards* and legislation are met and areas where further information is required. A resubmission date is negotiated between the agency and the OCG.

The agency submits any additional information that has been requested and the evidence is reassessed. The process is repeated if further information is required.

6.4 Consultation and Decision Making

Legislation allows the Children's Guardian to consult with other statutory bodies that may have information about an agency, prior to making a decision about accreditation. The timeframe for response by these statutory bodies is generally four weeks.

The OCG analyses the information gathered to determine whether the agency is to be accredited. During this process, the agency may be asked to provide additional information.

OCG staff draft a report with a recommendation regarding accreditation. The Children's Guardian makes the final decision regarding the accreditation of an agency.

6.5 Agency is provisionally accredited

The agency may now provide statutory out-of-home care services or adoption services for children and young people. Agencies cannot be fully accredited until the agency can demonstrate that its practice meets the *Standards*.

The agency's Accreditation decision will include Conditions of Accreditation (see section five).

A Condition of Accreditation for a statutory out-of-home care service is the requirement for the agency to notify the OCG immediately after receiving the first placement of a child or young person in statutory out-of-home care in the accredited service. An adoption service must notify the Children's Guardian in writing when it first provides adoption services after being accredited. The notice must be given by the next working day after adoption services are first provided. The second stage of the accreditation process will then commence which is a direct evidence program.

7. Direct Evidence Program

The second stage of accreditation involves the OCG conducting on-site assessments of direct evidence to confirm that the agency is meeting the *Standards* in practice. Direct Evidence is evidence of how the agency is implementing its policies and procedures and other forms of indirect evidence.

The OCG will prepare a program of visits setting out the evidence that is to be assessed during each visit. The program is designed as a guide to assist the agency in preparing direct evidence (evidence of practice) for assessment.

The direct evidence program is a staged program, allowing agencies to provide evidence of practice over time as practice is embedded.

The agency will receive a written feedback report following each on-site assessment of direct evidence. The assessments continue until the program has been completed and the agency demonstrates compliance with the *Standards*.

8. Accreditation Renewal

Application for accreditation renewal

The OCG will guide the agency through the process of accreditation renewal and provide individualised timeframes and documentation for each stage of the process.

A preliminary meeting (usually 12 months prior to accreditation expiry) is scheduled to:

- confirm the nominated contact people
- provide an overview of the process of accreditation renewal
- provide the documents for accreditation renewal and discuss how they are to be completed
- set timeframes for the receipt of the accreditation application and supporting documentation, and
- discuss the process and timeframes for onsite assessment.

Following this meeting the agency prepares and submits:

- an Application for Accreditation
- an Evidence Index
- indirect evidence – policies and procedures
- Other information which may be requested by the OCG

Refer to section six for details about submitting the *Application for Accreditation* and attachments. Section ten explains how to prepare evidence for submission.

The accreditation renewal process and an indication of timeframes is set out in Table 1.

Applying to add a service type to an existing accreditation

Agencies can be accredited to provide foster care, residential care or adoption services or any combination of all three service types. At any time an agency can apply to the Children's Guardian to add a service type to its accreditation. The application process to add a service is the same as for provisional accreditation (see section 6) and a direct evidence program will apply. In some cases, given the agency is already accredited, less information may be submitted for assessment. Further information is available by contacting the Accreditation Team at the OCG (See section 14 for contact details).

Table 1: Accreditation renewal process

Timeframe	Action
At any time	<p>The agency may choose to complete the <i>Self-Assessment Tool</i> and action plan which is designed to encourage agencies to reflect on how they meet the requirements of the <i>Standards</i>, and identify areas for improvement.</p> <p>While self-assessment is recommended, it is a voluntary process and the documents are not provided to the OCG.</p>
Twelve months prior to accreditation expiry date	Contact occurs between the agency and the OCG to commence the accreditation renewal process and arrange a meeting to discuss the processes for application and assessment.
Nine months prior to accreditation expiry date	The OCG undertakes a 2-3 day preliminary assessment of the agency's practice to assist in planning the renewal assessment.
Eight months prior to accreditation expiry date	<p>The agency submits a completed <i>Application for Accreditation</i>, a completed <i>Evidence Index</i> and the indirect evidence.</p> <p>The OCG assesses the indirect evidence against the <i>Standards</i>.</p>
Seven months prior to accreditation expiry date	<p>The OCG will consult with the agency and will schedule the on-site assessments according to the size, locations and program types.</p> <p>The on-site assessment plan will advise the agency of the times, dates and locations of on-site assessments.</p>
Six months prior to accreditation expiry date	<p>The OCG will conduct on-site assessments of all direct evidence in accordance with the agency's <i>Evidence Index</i> and details provided in its <i>Application for Accreditation</i>.</p> <p>On-site assessments will generally be completed within a two week period.</p> <p>The OCG assessors will discuss the assessment outcome with the agency. The discussion will include the possibility for the agency to provide additional evidence to support any areas assessed as not meeting the requirements of the <i>Standards</i>.</p>
Three months prior to accreditation expiry date	The Children's Guardian will consult with Family and Community Services and the NSW Ombudsman in relation to any matters to consider before finalising the accreditation decision.
Prior to accreditation expiry date	The Children's Guardian will confirm the decision regarding the agency's application for accreditation renewal.

9. Types of Evidence

Indirect evidence

Examples of indirect evidence may include:

- Policies and procedures
- Template documents used to implement policies and procedures e.g. forms, letters, checklists and training
- Service agreements such as: funding agreements, header agreements, interagency guidelines, contracts with other human service providers
- Publications such as: annual reports, strategic plans, publications for clients, induction and orientation kits, brochures, media releases and articles

Direct evidence

Direct evidence is information that shows how an organisation meets the *Standards* through its practice – how it implements its policies and procedures.

Accredited agencies applying for accreditation renewal will need to provide direct evidence.

Direct evidence may be found in a variety of locations including:

- discussions with agency representatives
- case files/records of children and young people in care
- case files/records of authorised carers or prospective adoptive parents
- staff records
- meeting records

Examples of Direct evidence may include

Documentation such as:

- internal and external auditor reports
- management information systems
- intake and assessment reports
- critical incident reports
- life story work
- case plans for children and young persons

Minutes from:

- staff meetings
- board meetings
- case conference/plan/review meetings

Site observations of:

- premises such as working areas, reception areas, meeting spaces, notice boards and safety equipment, filing cabinets and storage areas
- residential housing such as bedrooms, living areas and outdoor areas

Signed or completed documents including:

- position descriptions, staff and carer recruitment records
- staff training records, certificates of attendance/attainment
- employment contracts, induction records, exit interviews
- supervision notes/minutes, performance management and appraisals
- surveys of staff, carers, children and young people, families
- internal evaluation reports incorporating feedback from staff, carers, children and young people, families
- accreditation by another accreditation system, for example International Organisation for Standardisation (ISO).

10. The Evidence Index

The *Evidence Index* is part of the accreditation application package and is available from the website. It lists each of the *Standards* and the indicators of compliance against which evidence will be assessed. It provides a guide for the preparation of the agency's evidence and references the supporting evidence and documentation.

At a date agreed with the OCG, the organisation will be required to provide an *Evidence Index* referencing indirect evidence, and for accreditation renewal direct evidence, for assessment.

How to present the evidence

The agency's evidence should be referenced in the *Evidence Index* against the assessment criteria for each Standard, noting all relevant documents and specific pages in which evidence is located.

It is important that evidence is organised clearly. In the sample extract from the *Evidence Index* set out in Table 2, the agency has listed some indirect evidence provided for Standard 5. It is well presented because the name and location of the supporting evidence is given.

The agency has also provided the name and location of some direct evidence to support Standard 5.

Table 2: an example of a well presented Evidence Index

Section 1: Children and young people – Care and Wellbeing	
Standard 5 - Family and significant others	
Children and young people have placements which facilitate the ongoing involvement of their families and communities and support significant attachments.	
Assessment Criteria	Location of evidence
<p>Children and young people maintain relationships with family and other significant individuals in accordance with their wishes, where it is safe and appropriate</p>	<p>Record where the related documentation and evidence is located</p> <p>Indirect evidence</p> <p>Policies and procedures are provided that cover all the following:</p> <ul style="list-style-type: none"> Maintaining identity (Staff Policy and Procedure Manual – pp12-25). Maintaining relationships (Staff Policy and Procedure Manual – pp25-35). Children and young persons, their family and significant others – recording genogram, contact details and contact arrangements (Staff Policy and Procedure Manual – pp35-38, Template form 2.1a). Disclosure of placement information – assessment and record of information provided (Staff Policy and Procedure Manual – pp38-52, Template form 3.2b). <p>Direct evidence</p> <ul style="list-style-type: none"> Case plans and contact arrangement forms (form 2.1a) identifying contact with family and significant others, and contact reports (children and young people’s files: AA, BB, CC) Case work notes indicating discussion with young person about who they wish to have contact with and who they want to attend their case review meeting (young people’s files: AA, CC) Copies on file of genogram, contact details of significant others, disclosure of placement information risk assessments and information provided (children and young people’s files: AA, BB, CC)

11. Assessment of evidence

The OCG's assessment of evidence considers the agency's application, Evidence Index and indirect evidence, and for accreditation renewal there is also an assessment of the agency's direct evidence of practice.

The OCG uses four basic rules of evidence:

1. *Validity*
2. *Sufficiency*
3. *Currency*
4. *Authenticity*

These rules are applied to all evidence to determine if the evidence provided meets the requirements.

The OCG's approach to assessment is strengths-based and relies on being able to confirm that:

1. Assessment of the policies and procedures confirm that the requirements of the standards are met and the procedures provide sufficient guidance to staff to undertake their role.
2. Discussions conducted onsite with staff during assessment visits confirm their understanding of, and the implementation of, the approved policies and procedures.
3. Direct evidence of practice assessed onsite shows that the approved policies and procedures are implemented in practice.

Scheduling onsite visits

The OCG assessors will consult with the agency when scheduling dates for on-site assessment visits. When planning for these visits, factors such as the number of out-of-home care or adoption programs, number of placements and geographic locations will be taken into consideration.

Assessment outcomes

The Children's Guardian will provide assessment feedback in an Accreditation Report as soon as is practicable.

A decision will be recorded against each standard:

- Met – the evidence meets the requirements of the Standard
- Not Met – the evidence does not meet the requirements of the Standard and more evidence is required.

If further evidence is required, the OCG will provide the agency with a timeframe to provide the information.

The OCG may also require the agency to amend its policies, procedures and practices to meet the *Standards*. All standards must be Met for accreditation to be granted.

Final accreditation decision

If the Children's Guardian accredits an organisation, it will be for one, three or five years. The OCG will send documentation advising the expiry date, a *Certificate of Accreditation* and a *Notice of Conditions of Accreditation* (see section five).

The organisation will also be listed on the OCG website as an accredited designated agency or adoption provider, with the accreditation conditions and expiry date. Information about the location, phone number, website and details of the principal officer(s) will also be listed on the website.

NSW Family and Community Services (FACS) and the NSW Ombudsman will be advised that the organisation has been accredited to provide statutory out-of-home care and/or adoption services in NSW. The OCG will also advise these organisations of the Conditions of Accreditation applicable to the agency.

If the Children's Guardian decides not to accredit an organisation, the reasons for the decision will be provided to the agency and the agency will be invited to reapply when ready.

If an organisation objects to the Children's Guardian's accreditation decision or conditions of accreditation, it has the right to request a review (see section twelve).

12. Reviews and Appeals

If an agency objects to the OCG's accreditation decision or conditions of accreditation imposed, it has the right to request a review.

Step 1: Internal review

An independent person within the OCG undertakes an internal review, after which the OCG decide to:

- affirm the decision or condition of accreditation
- vary the decision or condition of accreditation
- set aside the original decision or condition and make a new decision.

The OCG will notify the agency in writing of the outcome and the reasons for the decision.

Step 2: Further review

Following the internal review, an agency may apply to the NSW Civil and Administrative Tribunal (NCAT) to review the Children's Guardian's accreditation decision.

NCAT may review a decision by the Children's Guardian to:

- accredit or not accredit an organisation as a designated agency or as an adoption agency
- the specification of the adoption services that may be provided by the accredited adoption service
- impose or not impose a condition on the accreditation of an organisation
- vary or revoke a condition of accreditation
- shorten, suspend or cancel a designated agency's accreditation
- refuse to make a decision

The agency will need to lodge an application for review by NCAT. The agency can contact NCAT for an application form and assistance.

If NCAT decides in the agency's favour, then it may:

- vary the decision
- replace the decision with its own decision
- set aside the decision and ask the Children's Guardian to follow its directions or recommendations.

To contact NCAT, go to www.ncat.nsw.gov.au, or call 1300 006 228.

13. Continuous Improvement

The *NSW Child Safe Standards for Permanent Care (2015)* provide a framework for driving continuous improvement in the quality of out-of-home care services.

Standard 23 *Strategic Planning and Evaluation Processes* requires organisations to maintain planning, evaluation and continuous improvement processes. The focus of strategic planning and continuous improvement should be to improve outcomes for children and young people. Compliance with this Standard will be assessed during the accreditation process.

14. More information

Accreditation staff at the OCG are available to support and guide organisations through the accreditation process.

Phone 02 8219 3600

Email accreditation@kidsguardian.nsw.gov.au

Post Office of the Children's Guardian,
Level 13, 418a Elizabeth St,
Surry Hills NSW 2010

Please also refer to the Out-of-Home Care and Adoption accreditation pages on the OCG's website at www.kidsguardian.nsw.gov.au for more information, including:

- NSW Child Safe Standards for Permanent Care (2015)
- Guidance information accompanying the standards
- The Accreditation Application Package

APPENDIX 1

Information about the Office of the Children's Guardian

The Office of the Children's Guardian (OCG) was established under the ***Children and Young Persons (Care and Protection) Act 1998*** to promote the interests and rights of children and young people living in out-of-home care.

In 2013 legislative changes expanded the role of the OCG to be an independent government agency that works to protect children by promoting and regulating quality, child safe organisations and services.

The Office reports to the NSW Minister for Family and Community Services and to Parliament.

Under our legislation, the Office of the Children's Guardian:

- Accredits and monitors the designated agencies that arrange statutory out-of-home care (OOHC)
- Registers and monitors agencies that provide, arrange or supervise voluntary out-of-home care (VOOHC)
- Administers the NSW Carers Register
- Accredits non-government adoption services providers
- Authorises the employment of children under the age of 15, and child models under the age of 16, in the entertainment sector
- Administers the Working With Children Check and encourages organisations to be safe for children
- Administers the Child Sex Offender Counsellor Accreditation Scheme (CSOCAS) – a voluntary accreditation scheme for persons working with those who have committed sexual offences against children.

The independence of the OCG is reinforced by direct reporting to Parliament (sections 187 – 188 of the Act) in addition to reporting to the Minister for Family and Community Services.

Designated agencies and accreditation

Section 139 of the *Children and Young Persons (Care and Protection) Act 1998* provides that a designated agency is a department of the Public Service, or an organisation that arranges the provision of statutory out-of-home care, if the department or organisation is accredited for the time being in accordance with the regulations.

Clause 48 of the *Children and Young Persons (Care and Protection) Regulation 2012* provides for the OCG accrediting a department or organisation as a designated agency if the agency satisfies accreditation criteria.

Principal statutory out-of-home care functions of the OCG

The main statutory out-of-home care functions of the OCG include:

- promoting the best interests of all children and young people in statutory out-of-home care - s181(1)(b) of the Act;
- ensuring that the rights of all children and young people in statutory out-of-home care are safeguarded and promoted - s181(1)(c) of the Act;
- developing criteria for the accreditation of designated agencies, for the approval of the Minister – clause 48(2) of the *Regulation*;
- accrediting designated agencies - s181(1)(e) of the Act and Division 4 of Part 6 of the *Regulation*;
- monitoring the responsibilities of designated agencies under the Act and *Regulation* - s181(1)(e) of the Act;
- policy development and making recommendations – see sections 150(4), 149D and 187(2)(c) of the Act;
- registering agencies to provide VOOHC.

Section 180(2) of the Act provides that the OCG has no jurisdiction to investigate or resolve disputes that are the subject of a community services complaint within the meaning of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA) or to investigate the death of a child that is subject to investigation by the coroner, or review or investigation by the NSW Ombudsman.

The NSW Ombudsman fulfils the 'watchdog' role for the out-of-home care sector and, whilst the OCG and Ombudsman need to cooperate in the exercise of their respective functions, their functions are distinct.

The OCG may provide advice and make recommendations relevant to children and young people in out-of-home care generally, classes of children and young people in out-of-home care, or individual children and young people in out-of-home care. The OCG may attach reasonable conditions to an agency's accreditation that require effect to be given to such recommendations (such conditions are subject to NCAT review).

The OCG does not have a specific advocacy function in respect to children and young people in out-of-home care. CREATE is a non-government advocacy group for children and young people in statutory out-of-home care and the NSW Advocate for Children and Young People (ACYP) has a general advocacy function in respect of all children and young people. ACYP does not advocate on behalf of individual children.

All of the OCG's functions have a quality assurance/improvement focus and are consistent with the recommendations of the Usher Committee and Parkinson Review that there should be a separation between the funder of care services (i.e. Community Services) and the body responsible for ensuring the quality of those services.