

Statutory OOHC Fact Sheet 1

Designated agency FAQs

About the NSW Office of the Children's Guardian (OCG)

The OCG is an independent, statutory authority committed to delivering better outcomes for children and young people living in statutory out-of-home care (OOHC). The OCG is a regulator, not a provider of care services. We accredit and monitor the performance of agencies that arrange statutory and supported OOHC and adoption services. We also register and monitor agencies that provide, arrange, or supervise voluntary OOHC. The OCG will soon be administering a Carers Register for the purpose of authorising individuals to provide statutory and supported OOHC.

Amendments to legislation

What are the changes and how will they affect the statutory OOHC sector?

A number of legislative and regulatory changes came into effect on 29 October 2014. The changes are being made by the following:

- Child Protection Legislation Amendment Act 2014
- Child Protection (Working with Children) Amendment Regulation 2014
- Adoption Amendment Regulation 2014
- Children and Young Persons (Care and Protection) Further Amendment Regulation 2014
- Children and Young Persons (Care and Protection) Miscellaneous Amendments Regulation 2014

The amendments align the adoption and statutory OOHC accreditation systems, streamlining the accreditation process for agencies that wish to provide both statutory OOHC and domestic adoption services in NSW. For details about the changes to the adoption accreditation system, please refer to the [fact sheet: Changes to Adoption Law October 2014](#).

There are also changes to Working With Children Check requirements for specific individuals, including (but not limited to) members of governing bodies of registered agencies and accredited out-of-home care agencies, and pre-existing Principal Officers of accredited statutory out-of-home care and agencies. For details, please refer to the [fact sheet: Changes to the Working With Children Check October 2014](#).

Will the NSW Standards for Statutory Out-of-Home Care be changing?

Yes. The OCG has created a new set of draft Standards that will apply to both statutory OOHC and adoption service providers in NSW. The new Standards will enable the OCG to accredit an agency to provide statutory OOHC services, or adoption services, or both.

Agencies that wish to provide only one type of service will not be required to apply for accreditation for both.

As well as establishing minimum requirements for accreditation as a statutory OOHC provider and/or a domestic adoption service provider, the new Standards will also provide a framework to drive continuous improvement in service quality.

The new Standards will focus on four areas:

- Children and young people's care and wellbeing
- Casework practice to support care
- Recruitment, training, supervision and support of people who work with and care for children and young people and
- Organisational management.

While child safe concepts already underpin the *NSW Standards for Statutory Out-of-Home Care* and *NSW Adoption Standards*, the new Standards will incorporate child safe principles more explicitly into accreditation criteria. The new Standards will also have a greater focus on permanency.

What are the transition arrangements?

The project to align the standards for statutory OOHC and adoption is expected to continue throughout 2014 and into early 2015. Once the standards are agreed, agencies with current accreditation will be invited to provide written feedback on the draft standards to the OCG.

Following the consultation process, the standards will be piloted which may result in further changes to improve the standards. Full details of the transition arrangements will be provided to all affected agencies in NSW. The transition period is likely to be between 12 and 18 months.

In the meantime, current Standards will continue to apply. The *NSW Standards for Statutory Out-of-Home Care* and *NSW Adoption Standards* are available from the OCG's website at www.kidsguardian.nsw.gov.au

Compliance monitoring program 2014 - 2015

The OCG will be conducting onsite compliance and monitoring assessments of all designated agencies in NSW. These assessments will commence at the end of November 2014 and will continue in 2015.

The assessments will consider outcomes for children and young people in a range of care domains and assess the management and operation of each organisation. The assessments will include a broad review of records and discussions with staff.

A schedule of visits will be developed and agencies will be provided with sufficient notice to arrange for relevant personnel, including representatives of the governing authority, to be available to meet with OCG assessors. Details regarding the content of the assessment will be provided to the agency prior to the visit and based on compliance with the Standards.

The OCG will provide a written feedback report following the assessment and where concerns are identified, will discuss the regulatory options available to the Children's Guardian to address these concerns.