



Oversight and regulatory mechanisms aimed at protecting children and young people

In NSW there are many oversight and regulatory mechanisms that function to prioritise the safety and wellbeing of children.



Child Safe Organisations

Office of the Children's Guardian

Child Safe Standards	OOHC and Adoption Accreditation	Voluntary OOHC Registration	Carers Register	Capability Building and Support
The Child Safe Standards provide a framework for child safe organisations. All organisations working with children should implement them.	Out-of-home care (OOHC) and adoption agencies must meet Child Safe Standards and be accredited by the OCG to provide services to children.	Organisations that provide overnight care to children and young people in certain circumstances must be registered with the OCG.	A centralised database of carers authorised to provide statutory or supported OOHC in NSW.	Staff and volunteers can utilise training, resources and templates to implement the Child Safe Standards. Dedicated coordinators work with priority sectors.
Working With Children Check	Reportable Conduct	Children's Employment	Community Visitors	Further work
Child-related organisations must use the Working With Children Check to support the recruitment of people suitable to work with children.	Organisations are oversighted when they notify and investigate certain allegations about how an employee, volunteer or contractor has acted towards a child.	Employers in the entertainment and modelling industry are regulated to prevent child exploitation and abuse.	Independent appointees visit and report on out-of-home care services for children and young people in residential care placements.	The OCG is working to develop a regulatory scheme to implement the Child Safe Standards, and to create a Residential Care Workers Register.

Other regulators

Early Childhood Education and Care Directorate (Department of Education) – Early education and care service are monitored, regulated, assessed and rated to ensure children are kept safe and secure. Services are assessed under the National Quality Framework.

NDIS Quality and Safeguards Commission – Registered National Disability Insurance Scheme (NDIS) providers, including those providing services to children, are monitored against the NDIS Code of Conduct and Practice Standards.



Advocacy

Advocate for Children and Young People

General	Children's Participation	Systemic Research	Recommendations	Strategic Planning
ACYP has general broad advocacy powers for children and young people aged 0–24 on systemic issues but not individual concerns.	Children are consulted to promote the participation of children and young people in decision making.	Research is undertaken on issues that affect children and young people to inform improvements.	Recommendations are made to improve legislation, policies, reports and practices that affect children and young people.	Strategic Plans set out the NSW Government's vision and priorities for children and young people.



Integrity, Oversight and System Improvements

NSW Ombudsman

General	Complaints	Juvenile Justice ¹	Child Death Prevention
<p>Complaints about public authorities and community service providers are received and resolved.</p> <p>Serious/systemic maladministration is investigated.</p> <p>The delivery of community services and Aboriginal Programs are monitored.</p> <p>Public Interest Disclosures by public officials (whistleblowing) are oversights.</p> <p>Evidence-based recommendations are made to achieve systemic improvements.</p>	<p>Complaints about the provision of community services – including child protection and OOHC – can be made.</p> <p>The delivery of community services are monitored and reviewed.</p>	<p>Complaints can be made by, or on behalf of, children and young people involved with Youth Justice.</p> <p>Youth Justice Centres are visited to provide an avenue for complaints to be made, and to monitor the situation of children in detention.</p> <p>The use of segregation in Youth Justice Centres is monitored.</p>	<p>The NSW Child Death Review Team reviews all deaths of children 0 – 17 years that occur in NSW.</p> <p>Separately, the Ombudsman reviews and monitors the deaths of children that occur in circumstances of abuse or neglect, and children who die while in OOHC or detention.</p>



Reporting and Liability

Mandatory Reporting	Reportable Conduct	Police	Working with Children Check	Failure to protect	Duty of Care
Some professions that work with children have a legal responsibility to make a report if they believe a child is at risk of significant harm.	Employers subject to the Reportable Conduct Scheme must notify the OCG of an allegation of reportable conduct, including sexual misconduct or physical abuse.	All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child abuse offence has been committed against another person.	Employers of adults in child-related roles have an obligation to register with the WWCC system, verify their workers hold a WWCC and remove from child-related work any who are not eligible to work with children.	An adult working in an organisation doing child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child, and they have the power to reduce or remove the risk, and they negligently fail to do so.	Child-related organisations have a duty of care to prevent child abuse perpetrated by individuals associated with the organisation.

¹ The NSW Inspector of Custodial Services is appointed to inspect youth justice centres, and report to Parliament on the findings of these inspections. The Inspector also oversees the Official Visitor programs conducted in youth justice centres.