

# Agency Information Guide

Published in accordance with section 20 of the  
Government Information (Public Access) Act 2009.

July 2022

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

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# 1. Introduction

The Office of the Children’s Guardian (OCG) is committed to regulating and overseeing organisations to uphold children and young people’s right to be safe. We influence and lead change by building capability in organisations to be child safe.

The OCG supports the broad object of the *Government Information (Public Access) Act 2009* (GIPA Act) to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective by making government information publicly available unless there is an overriding public interest against disclosure.

We acknowledge that Agency Information Guides (AIGs) play an important role in promoting access to information, supporting participation and contributing to open government. As government transforms service delivery through the application of digital technologies, information should be more readily accessible to citizens. New ways of storing, locating and providing information become available through digital technology and agencies have new opportunities to uphold their responsibilities to make information available.

This AIG is published in accordance with section 20 of the GIPA Act and provides a mechanism to make government information accessible, promote currency of information and appropriate release, and support the management of government information as a strategic asset.

The purpose of this AIG is to provide general information about the OCG on:

- structure and functions
- ways in which our functions, including the decision-making, affect members of the public
- specific arrangements in place to enable members of the public to participate in the formulation of OCG policy and the exercise of our functions
- kinds of government information we hold and make publicly available
- how we make government information publicly available
- kinds of information that are made publicly available free of charge and those kinds for which a charge would be imposed.

Where appropriate we have provided links to documents, reports, data and other information throughout this AIG.

This AIG is reviewed at least every 12 months and is available from our website at [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au). We value your feedback on this AIG to ensure that we achieve the highest levels of accessibility. You can provide feedback to us by calling (02) 8219 3600 or emailing [ocg@ocg.nsw.gov.au](mailto:ocg@ocg.nsw.gov.au)

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## 2. About the OCG

### 2.1 About us

The OCG is a separate statutory agency within the Stronger Communities Cluster.

#### **Our purpose**

We regulate and oversee organisations to uphold children and young people’s right to be safe.

#### **Our vision**

We influence and lead change by building capability in organisations to be child safe.

## Our strategic priorities

- Regulate, monitor and foster capability in quality child safe practices.
- Strong outcomes-oriented stakeholder relationships.
- An integrated child-safe authority supported by contemporary systems.
- A great place to work and make a difference.

## Our values

We are guided by our values of integrity, trust, service, accountability, respect and empathy.

More information about us is available in the About us section on the OCG website.

# 2.2 Our functions

The Children's Guardian's principal functions are defined in section 128 of the *Children's Guardian Act 2019* (CG Act).

## Child Safe Organisations

The OCG has been supporting organisations to develop a child safe culture for many years mainly through providing training and resources.

With the NSW Government accepting in principle the Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, our work in this area has expanded to develop a Child Safe Standards Scheme and oversee its implementation. Under the CG Act, the role of the OCG in connection with the Child Safe Scheme includes implementing regulatory approaches that:

- improve systems for the prevention, identification, response to and reporting of child abuse in organisations captured by the Scheme (child safe organisations) through implementation of the Child Safe Standards
- assist child safe organisations to implement the Child Safe Standards by raising awareness and providing guidance, training and education
- monitor and report on the compliance of child safe organisations with the Child Safe Standards
- enforce compliance with the Child Safe Standards
- provide for the investigation of complaints about child safe organisation with regards to Child Safe Standards
- establish child safe action plans with prescribed agencies
- provide for the ongoing exchange of information about risks to child safety in organisations between government agencies with child safety responsibilities.

The OCG is also responsible for monitoring organisations that employ children in the entertainment, exhibition, still photography, modelling and door-to-door sales industries to ensure that the children's welfare while working is given due consideration.

## Out-of-Home Care Regulation

The OCG is responsible for regulating and monitoring government and non-government agencies authorised to provide out-of-home care to children and young people across NSW. Our role is to protect the safety, wellbeing and welfare of children and young people who have been placed in out-of-home care through the accreditation and monitoring of care agencies.

The OCG also regulates adoption services in NSW. Agencies that offer adoption services are required to be accredited and then meet specific adoption standards and comply with legislative requirements.

The OCG manages the Carers Register and Residential Care Workers Register. Both registers allow probity assessments by agencies of carers and residential care workers in the out-of-home care sector. They are important in preventing unsuitable people from moving between services.

### **Reportable Conduct**

The Reportable Conduct Scheme provides oversight of how certain organisations prevent and respond to allegations that their employees, volunteers or certain contractors who provide services to children, have engaged in conduct with or towards children that may be unlawful or inappropriate.

With the introduction of the CG Act, the scheme has been expanded to also cover religious bodies, in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Under the CG Act, the role of the OCG in connection with the Reportable Conduct Scheme is to:

- provide advice and education to relevant entities to assist in the detection of and response to reportable conduct
- provide oversight and guidance on reportable conduct investigations and ensure the relevant entity takes appropriate action
- monitor the progress of relevant entities' investigations and conduct inquiries and direct investigations when it is in the public interest to do so
- monitor relevant entities' systems for preventing, detecting and dealing with reportable conduct and reportable convictions.

### **National Disability Insurance Scheme (NDIS) Worker Check**

The Commonwealth's NDIS Quality and Safeguards Commission is responsible for safeguarding NDIS participants.

The requirement to have a worker screening clearance, and which workers require one, comes from the Commonwealth's *National Disability Insurance Scheme Act 2013*. States and Territories have agreed to perform the screening of NDIS workers, and the Commonwealth gives effect to these screening outcomes.

The NDIS Worker Check (NDISWC) in NSW is administered by a screening agency in the OCG, and is performed in accordance with the *National Disability Insurance Scheme (Worker Checks) Act 2018*.

### **Working with Children Check**

The Working with Children Check (WWCC) in NSW is a function exercised by the Children's Guardian in accordance with the *Child Protection (Working with Children) Act 2012* (WWC Act).

The WWCC is one of a number of tools that organisations can use to build a safe environment for children.

The WWC Act requires people who engage in paid or volunteer child-related work to hold a WWCC clearance or have a current WWCC application, unless an exemption applies. Unless exempted, it is an offence for a person to engage in child-related work without a current application or clearance.

The Children's Guardian is responsible for deciding whether to grant or refuse a WWCC clearance to a person who applies for a WWCC clearance, or whether to cancel the WWCC clearance of a person who holds a WWCC clearance.

The WWC Act provides that, unless exempted, employers must require child-related workers to hold a WWCC clearance or a current WWCC application, and must verify and record clearance details of those workers.

We monitor employer compliance against the legal requirements with a focus on educating employers who have not verified their workers' WWCCs. Having verified workers' Checks with continuous monitoring is one of the strengths of the system.

### **Official Community Visitors Scheme**

The child-related function of the Official Community Visitors Scheme transferred to the Children's

Guardian with the commencement of the CG Act. However, as the Official Visitors Scheme covers both child and non-child related functions it has stayed as one unit in the Ageing and Disability Commission.

Official Community Visitors visit accommodation services for children and young people, people with disability and people living in assisted boarding houses, throughout NSW. The Children's Guardian is responsible for making recommendations to the Minister for Families and Communities with regards to the appointment of Official Community Visitors.

The OCG and the Ageing and Disability Commission developed an agreement under section 146 of the CG Act, that enables the Ageing and Disability Commission to oversee and support Official Community Visitors Scheme on a day-to-day basis.

## 2.3 Corporate support

We have corporate functions and obligations that we are required to fulfil including the effective and efficient management of:

- finances
- staff
- procurement
- assets
- annual reporting
- information technology
- legislative compliance
- corporate governance.

These functions are conferred on the OCG under a number of Acts. Some of the key Acts include:

- *Government Sector Employment Act 2013 – employment of staff*
- *Government Information (Public Access) Act 2009 – publication of certain government information and granting access to other information*
- *Privacy and Personal Information Protection Act 1998 – standards and requirements for collection and use of personal information*
- *Work Health and Safety Act 2011 – requirements for healthy and safe work practices*
- *Workplace Injury Management and Workers Compensation Act 1998 – management of injury and return to work*
- *Annual Reports (Departments) Act 1985 – requirements for annual reporting*
- *Government Sector Finance Act 2018 – management and administration of financial affairs*
- *Public Interest Disclosures Act 1994 – requirements for dealing with complaints under the Act.*

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## 3. Organisational structure

We are a separate agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act), the Children's Guardian is appointed as agency head and is responsible to the relevant Minister. As the agency head, the Children's Guardian is responsible for the budget and the general administration of the OCG, including employing and allocating staff to carry out our work.

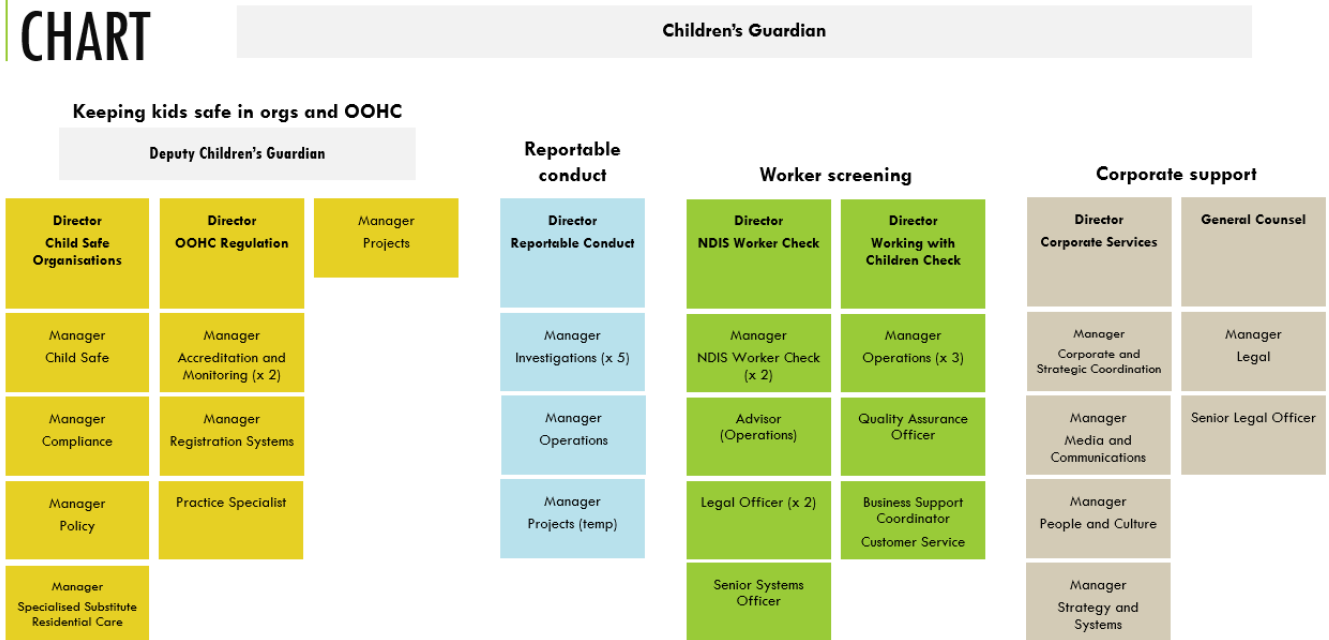
The Joint Parliamentary Committee on Children and Young People monitors the execution of the Children's Guardian's functions with respect to the WWCC under the *Child Protection (Working with*

Children) Act 2012 (WWC Act), and the Reportable Conduct Scheme.

The Children’s Guardian, Janet Schorer PSM was appointed under the CG Act for a term of five years, commencing 10 July 2017. Ms Schorer was re-appointed for a second term for the period 10 July 2022 to 30 November 2022.

We have seven directorates to assist the Children’s Guardian in the exercise of the functions of the OCG. These directorates are:

# OCG ORG CHART



## 3.1 Our contact details

For further information, you can contact us using the details below:

- Post: Locked Bag 5100, Strawberry Hills NSW 2012
- Web form: <https://ocg.nsw.gov.au/contact-us#section-target-2>
- Website: [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)
- NDISWC enquiries: 13 77 88
- WWCC enquiries: (02) 8219 3777
- Switchboard: (02) 8219 3600

## 4. How we engage with the public and our stakeholders

### 4.1 Public participation

We are committed to promoting public participation and to establishing arrangements that support members of the public to participate in forming our policies and exercising our functions.

We recognise the importance of public involvement in developing policy and service delivery. Engaging with and maintaining public participation ensures that the needs and expectations of the public are considered in the business of government, and we can deliver meaningful improvement in

policy outcomes and service delivery.

Throughout the year we seek opportunities to engage directly with the public for input on our work, in the exercise of our functions and on important issues affecting information access and privacy rights.

## 4.2 Our channels of engagement

We engage with the public regularly through a number of electronic channels, to provide a fast and easy way for the public to approach us, seek our assistance or provide us with feedback.

When considering any consultation with the NSW community, we consider what we are asking, why we are asking it, and who we want to ask. This informs which channel will be used to conduct the consultation or survey.

We use many channels to let people know when we are consulting publicly. We will provide the necessary information to understand the purpose of any consultation we do.

### NSW Have Your Say

We use *Have Your Say* whenever we consult formally. *Have Your Say* is a website that enables NSW Government agencies to publicise consultations being conducted throughout the state. The site provides a central place for the public to search via their location and/or by topic to discover consultations that interest them. It enables them to share their views and ideas on Government plans to improve services, the economy and infrastructure in NSW.

### Surveys

We conduct surveys to obtain the views of our stakeholders to inform our work. Survey results assist us to understand citizen's knowledge and awareness of our legislation, key themes and trends. This information is used to inform the development of resources. We proactively publish the results from the surveys we conduct on our website and these results are generally available as part of our reports.

### OCG website

Our website is used to provide the public with resources and information about our regulatory functions and activities, awareness campaigns, submissions, events, policies, news and developments. Members of the public can use the Contact us section of the website to get in touch with us and provide feedback on our activities and functions. The website can be accessed at [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au).

### Social media

The OCG Twitter (@nswocg) and Facebook (NSW Office of the Children's Guardian) accounts are used to share our news, information and events. Our social media accounts are monitored during office hours. Members of the public can join the conversation. However, we may not respond individually to all comments on posts that we receive via Twitter or Facebook. Additionally, given the character limitation on Twitter, we may request that you contact us via our other channels to complete your enquiry.

The OCG LinkedIn account is used to promote and encourage connection with us by other organisations. Where possible we use this channel to promote events, launches, and recruitment.

### Open data

We use our website – [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au) – to publish a range of operational data, including data about our out-of-home care regulation responsibilities. We proactively release open data for the public.

### OpenGov NSW

OpenGov NSW is a website that allows NSW Government agencies to make information available to the public including annual reports and open access information released under the GIPA Act. We

use this channel to publish annual reports, and to proactively release open access information for the public.

## 4.3 Feedback and complaints about us

We welcome input and feedback from the public, community organisations and government agencies regarding our services and publications. We receive a range of diverse correspondence and complaints through a variety of channels including our website, emails, letters, phone calls and social media.

Members of the public are encouraged to provide feedback on our services and publications. This feedback is important to us and assists us to inform our policies and publications and improve our services.

We are committed to responding to feedback and complaints.

All feedback and complaints are dealt with confidentially and personal information is managed in accordance with the privacy protection principles in the *Privacy and Personal Information Protection Act 1998* (PPIP Act). Further information about how we handle personal information is available in our Privacy Management Plan.

You can provide feedback to us by calling (02) 8219 3600 or emailing [ocg@ocg.nsw.gov.au](mailto:ocg@ocg.nsw.gov.au)

## 4.4 How to provide input to our regulatory activities

As an agency that administers NSW child safety legislation, a key part of our work is delivered through our regulatory functions and activities. These relate primarily to our assessment, review, complaint and investigative work.

We use a range of approaches to deliver the compliance activities we identify as necessary to achieve our regulatory objectives and to influence long-term cultural change. This involves examining processes and requirements to inform our regulatory activities and resources. Visiting organisations to regulate them, creates an opportunity for meaningful engagement with both agencies and citizens. Our engagement is designed to be achieved through the mechanisms outlined in section 6.2 of this AIG.

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## 5. Information we hold

We hold a range of information including:

- policy and planning documents
- documents on the internal administration of the agency
- internal working papers of the agency
- documents relating to assessments, reviews, complaints and investigations conducted by the Office of the Children's Guardian
- correspondence with NSW government agencies
- correspondence with the public
- correspondence with other jurisdictions
- guidelines and directions issued by the Children's Guardian
- submissions made by the Children's Guardian to parliamentary and other inquiries
- information resources for the community, public sector and private sector.



Some of this information can be accessed on our website at [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au). If you have difficulties reading our documents or other material, please contact us on (02) 8219 3600 so we can provide other options for you to access our material.

If you cannot find the information you are seeking on our website, please contact us to assist you.

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## 6. How to access our information

We keep records associated with our functions of reviewing agency decisions, providing advice and guidance to the public and regulated entities, as well as other non-regulatory functions.

We make information available under the GIPA Act in four ways:

1. as open access information
2. through proactive release of information
3. through informal access
4. in response to a formal access application.

### 6.1 Open access information

Information classified as open access information is government information that we are required to make available. This information is made available unless it is not in the public interest to do so.

Open access information that we make available is generally via our website free of charge. This freely available information is generally provided through the following publications:

- OCG Annual Reports
- OCG Strategic Plan
- other documents tabled in Parliament concerning the OCG
- current agency policy documents
- all current guidelines and directions issued by the Children's Guardian
- Register of government contracts and tenders
- our disclosure log (section 6.6 of this guide provides further information about our disclosure log)
- this OCG Agency Information Guide.

### 6.2 Proactive release of information

Through our proactive disclosure of government information, we provide the public access to other government information.

Currently, proactively released information that is available on our website includes:

- Aboriginal applicants and the WWCC Policy Statement
- Business Ethics Statement
- Code of Ethics and Conduct
- Compliance and Enforcement Policy
- Correspondence Handling Statement
- Gifts and Benefits Policy

- Guidelines on Internal Information Sharing
- Privacy Management Plan
- Reconciliation Statement
- Sponsorship Policy and Guidelines.

## 6.3 Informal access

Members of the public can request information from us that is not available on our website. We aim to respond to these requests informally, depending on the information that is requested. We cannot informally release government information that we hold if there is an overriding public interest against disclosure of the information.

If we consider that it is in the public interest to release government information that we hold in response to an information request, we will make the information available free of charge.

An informal request for access to information can be made by contacting our Right to Information Officer – see contact details below at section 6.7.

## 6.4 Formal access applications

Applicants who want to submit a formal access application can do so by contacting the Right to Information Officer.

To do this, an access application must:

- be in writing and sent by email to [legal@ocg.nsw.gov.au](mailto:legal@ocg.nsw.gov.au) or posted to Locked Bag 5100, Strawberry Hills NSW 2012
- clearly indicate that it is a formal access application made under the GIPA Act
- be accompanied by payment of the application fee
- state the name of the applicant and a postal or email address as the address for correspondence in connection with the application
- provide such information as is reasonably necessary to enable the government information applied for to be identified.

An applicant must disclose on their access application whether they have applied to another agency, at any time, for substantially the same information, and if so, they must identify the agency. However, an application will not be invalid if an applicant fails to make this disclosure.

A GIPA Access Application form for information is available on our website – [www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au).

Applicants intending to make a formal application are encouraged to consider the impact of the excluded information provisions on the information that they intend to request access to. This is outlined in summary at section 6.5 of this AIG.

For further assistance, you can contact our Right to Information Officer (section 6.7). However, please be aware that we cannot provide you with legal advice.

## 6.5 Excluded information

Excluded information is information that relates to a function of an agency specified in Schedule 2 to the GIPA Act. Under Schedule 2, clause 2 to the GIPA Act, information relating to reportable conduct matters under Part 4 of the CG Act (including report handling, investigative and reporting functions) is excluded information. This also includes records formerly kept by the Ombudsman

under Part 3A of the *Ombudsman Act 1974*, when the Ombudsman administered the analogous Reportable Conduct Scheme. Upon commencement of the CG Act on 1 March 2020, records kept in relation to Part 3A of the Ombudsman Act were transferred to the OCG.

Under section 43 of the GIPA Act, an access application cannot be made to the OCG for access to the OCG's excluded information, and an application will not be valid to the extent that it seeks access to the excluded information of the OCG. Additionally, it is conclusively presumed that there is an overriding public interest against disclosure of the OCG's excluded information unless the OCG consent to disclosure.

## 6.6 Disclosure log

We maintain a disclosure log under section 25 of the GIPA Act which documents the information we release in response to access applications, and that may be of interest to members of the public.

Our disclosure log provides a mechanism to further proactively release information to the public.

A regular review of our disclosure log provides a valuable opportunity to analyse data collected from across the OCG on requests for information and to identify trends and documents that could be released proactively. This allows us to update our AIG to reflect the released information.

Increased disclosure of information from our disclosure log allows citizens greater opportunity to participate in our policy formulation and service delivery, and identifies trends and documents that could be released proactively.

## 6.7 Our Right to Information Officer

Our Right to Information Officer can be contacted using the details below:

Right to Information Officer, Office of the Children's Guardian

Post: Locked Bag 5100, Strawberry Hills NSW 2012

Email: [legal@ocg.nsw.gov.au](mailto:legal@ocg.nsw.gov.au)

Phone: (02) 8219 3600

Business Hours: Monday to Friday 9am to 5pm (excluding public holidays)

We can be contacted through the National Relay Service (NRS) on 133 677 for anyone with a hearing or speech impairment and through the Translating and Interpreting Service (TIS) on 131 450 for anyone requiring the assistance of an interpreter.

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## Policy metadata (Table 1)

Category	Description
Status	Final
Date of approval	14 September 2022
Approver	Executive Leadership Forum
Directorate	Corporate Services
Policy owner	Director, Corporate Services
Document location	Internal – Objective and Intranet and External – Website
Next review date	July 2023
Superseded document	All previous versions of the OCGs Agency Information Guide
Document Reference	A5606160

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## Appendices

Nil.

### Office of the Children’s Guardian

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

Switchboard: (02) 8219 3600

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