

Accreditation guide

For statutory out-of-home care and adoption service providers

September 2022

www.ocg.nsw.gov.au

Introduction

The NSW Children's Guardian accredits organisations which provide, or wish to provide, statutory out-of-home care 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 Office of the Children's Guardian undertakes monitoring of accredited agencies to ensure they are meeting their responsibilities under the *Children Children's Guardian Act 2019*. For more information about the Office of the Children's Guardian, please refer to [our website](#).

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

Contents

Introduction.....	1
The Standards.....	4
Key terms	5
Does your organisation require accreditation?	6
Statutory out-of-home care and adoption services	6
Adoption services.....	6
Types of accreditation	7
Provisional accreditation (3 years)	7
Full accreditation (1, 3 or 5 years).....	7
Conditions of accreditation.....	8
Conditions of provisional accreditation.....	8
Applying for provisional accreditation	9
Contact the Office of the Children’s Guardian	9
Submit an application for provisional accreditation	9
Submission of indirect evidence for assessment	9
Consultation and decision making.....	10
Agency is provisionally accredited	10
Direct Evidence Program.....	11
Accreditation renewal	12
Application for accreditation renewal	12
Accreditation renewal timeframes.....	12
Applying to add a service type to an existing accreditation.....	14
Types of evidence.....	15
Indirect evidence	15
Direct evidence.....	15
The Evidence Index.....	17
How to present evidence	17
Assessing evidence	18
Scheduling on-site visits	18
Assessment outcomes.....	18
Final accreditation decision.....	19
Continuous improvement.....	19
Reviews and appeals.....	20
Contact information	21
Information about the Office of the Children’s Guardian	22
Other	22

The Standards

NSW has had standards regarding the care to be provided to children and young people for more than 20 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 our website at www.ocg.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.

Key terms

Term	Definition in relation to Statutory out-of-home care and adoption
The Standards	The NSW Child Safe Standards for Permanent Care (2015) set the minimum standards for organisations providing statutory out-of-home care and adoption services in NSW.
Statutory out-of- home care	<p>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.</p> <p>A designated agency's Certificate of Accreditation and its Notice of Conditions of Accreditation specifies accreditation to provide one or both types of care. Designated agencies are accredited under Schedule 3A of the <i>Children's Guardian Act 2019</i>.</p>
Adoption	<p>Adoption is a legal process whereby all parental rights and responsibilities for a child are transferred from birth parents to adoptive parents.</p> <p>Where the child is in care at the time of adoption, all parental responsibilities for the child are transferred from the Minister to adoptive parents.</p> <p>An adoption agency's Certificate of Accreditation and its Notice of Conditions of Accreditation specifies its accreditation to provide adoptions services.</p>
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 72 of the <i>Children's Guardian Act 2019</i> provides that a designated agency is a government sector agency or part of a government sector agency, or an organisation, or part of an organisation, that arranges the provision of out-of-home care.
Adoption agency	<p>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:</p> <ul style="list-style-type: none"> the Secretary, or an organisation accredited by the Children's Guardian under the <i>Children's Guardian Act 2019</i>, as an adoption agency that may provide the service. <p>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. Adoption service providers are accredited under the provisions in Schedule 3B to the <i>Children's Guardian Act 2019</i>.</p>

New applicant	<p>An organisation that is applying for accreditation and has not, immediately prior to their application, held any accreditation.</p> <p>New applicants cannot legally provide or arrange statutory out-of-home care for children and young people who are under a Children's Court order in NSW nor provide adoption services for children and young people, until they are accredited by the Children's Guardian.</p>
---------------	--

Does your organisation require accreditation?

Statutory out-of-home care and adoption 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 Children's Guardian. 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.

Adoption services

If your organisation provides or plans to provide any of the following services in NSW, it must first be accredited by the Children's Guardian as an adoption service provider:

- 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.

Types of accreditation

There are two different types of accreditation: provisional and full.

Provisional accreditation (3 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 under the [‘Types of evidence’](#) section.

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 under the [‘Types of evidence’](#) section.

Full accreditation (1, 3 or 5 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.

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 under the [‘Types of evidence’](#) section).

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 Provisional accreditation).

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.

Conditions of accreditation

Schedule 3 and Schedule 5 of the Children's Guardian Regulation 2022 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 12 of Schedule 3A and clause 12 of Schedule 3B to the *Children's Guardian Act 2019*.

When an agency 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:

The agency may arrange/provide:

- Statutory out-of-home care (foster care)
- Statutory out-of-home care (residential care)
- Supported out-of-home care (foster care and residential care)
- Domestic adoption services

In accordance with clause 18 of Schedule 3A and clause 19 of Schedule 3B to the *Children's Guardian Act 2019*, we may suspend or cancel an organisation's accreditation if it fails to comply with any of these conditions. The Office of the Children's Guardian may also publish details of failure to comply with conditions of accreditation in our Annual Report to Parliament.

A decision by the Children's Guardian to impose, not impose, vary or revoke a condition of accreditation is reviewable by the NSW Civil and Administrative Tribunal (NCAT) under section 154 of the *Children's Guardian Act 2019*.

See '[Reviews and appeals](#)' for more information.

Conditions of provisional accreditation

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

- This agency must notify the Children's Guardian 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 Children's Guardian in writing when it first provides domestic adoption services. The notice must be given by the next working day after the adoption services are first provided.
- This agency must provide to the Children's Guardian direct evidence for assessment in accordance with the Program to meet Accreditation Criteria – Direct Evidence issued by the Children's Guardian. The direct evidence should include information relating to all subsequent out-of-home care placements or adoption services.

Applying for provisional accreditation

Contact the Office of the Children's Guardian

To apply for accreditation, an agency must first contact the Office of the Children's Guardian to discuss the proposed application. We may arrange to meet (or hold a teleconference) with the agency to discuss the proposed services to be provided and the process and timeframes involved for accreditation.

Submit an application for provisional accreditation

Following discussions with us, if the agency is eligible to proceed, we will send an electronic invitation to apply for provisional accreditation.

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
- 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.

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 us (see 'More information' for contact details). We will acknowledge receipt of the application in writing.

Submission of indirect evidence for assessment

The agency contacts us 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 us.

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 under 'Types of evidence'). 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 the Office of the Children's Guardian 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.

We 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 Office of the Children's Guardian.

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

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.

We analyse the information gathered to determine whether the agency is to be accredited. During this process, the agency may be asked to provide additional information.

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

Provisional accreditation

If the Children's Guardian decides to grant provisional accreditation, the agency may provide statutory out-of-home care services or adoption services for children and young people in NSW. The agency cannot be fully accredited until it can demonstrate through direct evidence that its practice meets the Standards.

The agency's accreditation decision will include Conditions of Provisional Accreditation (see section on ['Conditions of Accreditation'](#)).

One of the Conditions of Provisional Accreditation for a statutory out-of-home care service is the requirement for the agency to notify us when it first makes arrangements to place a child or young person in statutory out-of-home care. A provisionally accredited adoption service provider must notify the Children's Guardian in writing when it first commences adoption services.

The notification of first placement or commencement of adoption service must be provided to our Office by the next working day after commencement.

When the agency makes notification of first child placed or adoption services commenced, the second stage of the accreditation process will then commence – the direct evidence program.

Direct Evidence Program

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

For more information about direct and indirect evidence, see '[Types of evidence](#)'.

We 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.

Accreditation renewal

Application for accreditation renewal

We 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 assessments.

Following this meeting the agency prepares and submits:

- An Application for Accreditation
- An Evidence Index
 - Indirect evidence – policies and procedures
- Other information we may be request.

Refer to '[Applying for provisional accreditation](#)' for details about submitting the Application for Accreditation and attachments. '[The Evidence Index](#)' includes information on how to prepare evidence for submission.

Accreditation renewal timeframes

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

Table 1: Accreditation renewal process- example timeframes

Timeframes for Accreditation Renewal will be discussed with the agency during the initial meeting. A number of factors including size of agency and location of sites will determine timeframes. Therefore, the table below should be used as a guide only.

Timeframe	Action	Details
At any time the agency chooses	The agency may choose to complete the Self-Assessment Tool to reflect on how they meet the requirements of the standards and identify areas for improvement.	Self-assessments are a voluntary process and the documents are not provided to us.
Approx 13 months prior to expiry	We write to the designated Principal Officer to remind them of the agency's accreditation expiry date and to request a meeting to commence the accreditation renewal process.	The letter to the agency provides contact details for the OCG representatives and seeks or confirms a meeting to discuss the process for accreditation renewal.

Approx 12 months prior to expiry	We will meet with the agency and provide documents to commence the assessment process and for the agency to apply for accreditation renewal.	The Application Package can be found online at http://www.ocg.nsw.gov.au/statutory-out-of-home-care-and-adoption/application-package https://ocg.nsw.gov.au/organisations/statutory-out-home-care-and-adoption/apply-become-accredited-statutory-out-home-care
Approx 12 months prior to expiry	We will consult with the agency and schedule the onsite assessments The onsite assessment plan will advise the agency of the times, dates and locations of onsite assessments	We will schedule onsite assessments according to size, locations and program types.
Approx 10 months prior to expiry	The agency submits a completed Evidence Index and the agency's indirect evidence (including current policies and procedures) We will assess the indirect evidence against the Standards	A copy of the agency's Evidence Index and indirect evidence is required in electronic format, as well as in paper copy.
Approx 9 months prior to expiry	We will conduct onsite assessment (1) of direct evidence against the standards	Onsite assessments may involve two or more assessors. We will discuss the assessment with the agency and will include the possibility for the agency to provide additional evidence to support any areas assessed as not meeting the Standards.
Approx 6 months prior to expiry	The agency submits an application to renew its accreditation	The application to renew the agency's accreditation will include a completed Application for Accreditation form and attachments
Approx 3-5 months prior to expiry	We will conduct onsite assessment (2) of direct evidence against the Standards	Onsite assessments may involve two or more assessors. The agency is able to provide additional evidence to support any areas assessed as not meeting the standards
4 weeks prior to expiry	The Children's Guardian will confirm the decision regarding the agency's application for accreditation	The decision documents will include information about procedures for seeking a review of the accreditation decision.

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 '[Applying for provisional accreditation](#)') 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 '[Contact information](#)' for details).

Types of evidence

Indirect evidence

Examples of indirect evidence may include:

- Policies and procedures
- Template documents used to implement policies and procedures such as 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

Documentation such as:

- Internal and external auditor reports
- Management information systems
- Intake and assessment reports
- Critical incident reports
- Life story work
- Case plan 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).

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 us, the organisation will be required to provide an Evidence Index referencing indirect evidence, and for accreditation renewal direct evidence, for assessment.

How to present 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
	Record where the related documentation and evidence is located
Children and young people maintain relationships with family and other significant individuals in accordance with their wishes, where it is safe and appropriate.	<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> <p>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)</p> <p>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)</p> <p>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)</p>

Assessing evidence

The Office of the Children's Guardian'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.

We use 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.

Our 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 on-site visits

The 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, we will provide the agency with a timeframe to provide the information.

We 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 agency, it will be for a period of one, three or five years. We will send documentation advising the expiry date; a **Certificate of Accreditation** and a **Notice of Conditions of Accreditation** (see '[Conditions of Accreditation](#)').

The agency will also be listed on our website as an accredited designated agency or adoption provider, with the conditions of accreditation 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 Department of Communities and Justice will be advised that the organisation has been accredited to provide statutory out-of-home care or adoption services in NSW. We will also advise the Department 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 organisation.

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 '[Reviews and appeals](#)' section).

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, requires accredited agencies 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 is assessed during the Direct Evidence Program, monitoring of agency practice and the accreditation renewal process.

Reviews and appeals

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

Step 1: Internal review

An independent person within the Office of the Children's Guardian undertakes an internal review, after which we can 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

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

Step 2: Further 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:

- Accredite 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 or cancel a designated agency's accreditation
- Transfer or refuse to transfer 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.

Contact information

The Accreditation and Monitoring team at the Office of the Children's Guardian is available to support and guide organisations through the accreditation process.

Phone 02 8219 3796

Email accreditation@ocg.nsw.gov.au

Post Office of the Children's Guardian
Locked Bag 5100
Strawberry Hills NSW 2012

Please also refer to the out-of-home care and adoption accreditation pages on our website at www.ocg.nsw.gov.au for more information, including:

- Accreditation framework – including the NSW Child Safe Standards for Permanent Care (2015)
- List of accredited agencies
- Apply for accreditation to provide out-of-home care or adoption services
- Information for accredited agencies
- Notification forms
- Newsletter

Information about the Office of the Children's Guardian

The Office of the Children's Guardian is a statutory agency and we deliver the functions of the *Children's Guardian Act 2019* and *Child Protection (Working with Children) Act 2012*.

Our office was initially established to promote the interests and rights of children and young people living in out-of-home care. The accreditation and quality improvement program for organisations providing statutory out-of-home care in NSW commenced 15 July 2003.

In 2013 legislative changes expanded the role of our office as an independent government agency that works to protect children by promoting and regulating quality, child safe organisations and services. The independence of our office is strengthened by direct reporting to Parliament in addition to reporting to the Minister for Families and Communities.

The Children's Guardian's principal functions are defined in the *Children's Guardian Act 2019*.

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

- accredits non-government adoption service providers
- monitors adoption services provided by the Secretary
- accredits and monitors the designated agencies that arrange statutory out-of-home care
- registers and monitors agencies that provide, arrange or supervise voluntary out-of-home care
- administers the Carers Register and the Residential Care Workers Register
- administers the Reportable Conduct Scheme
- 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 Safe Scheme

Other

Our office 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.

We 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 Children's Guardian may impose conditions to an agency's accreditation that require effect to be given to such recommendations (such conditions are subject to review by the NSW Civil and Administrative Tribunal).

The Office of the Children's Guardian 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.