



the children's guardian  
annual report

2008  
- 2009



NSW OFFICE FOR CHILDREN  
**the Children's  
Guardian.**



The Hon. Peter Primrose, MLC  
President  
Legislative Council  
Parliament House  
SYDNEY NSW 2000

The Hon. Richard Torbay, MP  
Speaker  
Legislative Assembly  
Parliament House  
SYDNEY NSW 2000

Dear Mr President and Mr Speaker

In accordance with section 187 and 190 of the *Children and Young Persons (Care and Protection) Act 1998*, I am pleased to present the Children's Guardian's annual report for the 2008-2009 financial year.

The annual report has been prepared in accordance with the *Annual Reports (Departments) Act 1985* (as modified by the *Children and Young Persons (Care and Protection) Act 1998*, the *Annual Reports (Departments) Regulation 2000* and the *Public Finance and Audit Act 1983*.

As provided by section 190(2) of the *Children and Young Persons (Care and Protection) Act 1998*, I recommend that the report be made public forthwith.

Yours sincerely

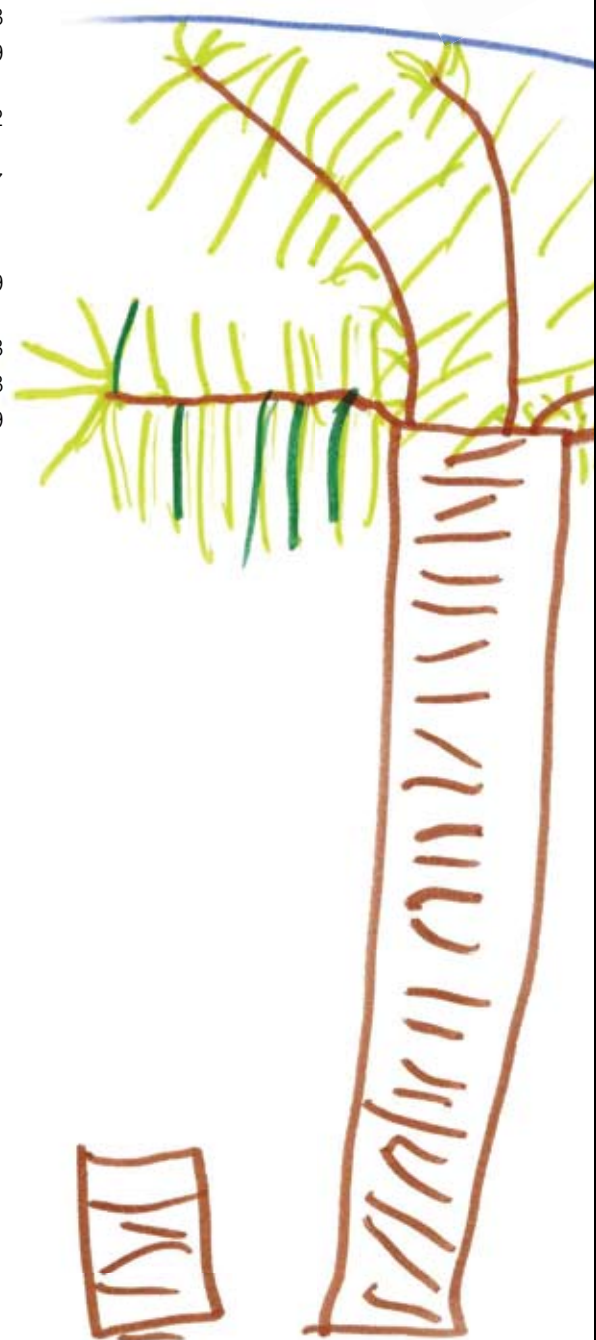
**Kerry Boland**  
**Children's Guardian**  
29 October 2008



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## Message from the Children's Guardian

The year has seen significant changes to the New South Wales Out-of-Home Care (OOHC) accreditation system, its regulatory framework and assessment methods. We saw Ngunya Jarjum, the first Aboriginal agency in our Quality Improvement Program, gain accreditation. Given that around 30% of children and young people in care are Aboriginal this is a significant milestone in our accreditation program. We are pleased to see that at least 2 other Aboriginal agencies are set to do the same in the next reporting year.

Again this year we continue to see an increase in the number of agencies achieving provisional or full accreditation. Now 69% of designated agencies are accredited and have met the NSW Out-of-Home Care Standards with the remainder working towards this goal by the statutory timeframe of July 2013.

Changes were made to the children's employment legislation to extend our coverage for child models from 15 to 16 years. We also commenced a major review of our Regulation in this area as it expires in September 2010.

We also reviewed our internal operations and developed our 2008–2009 business plan based on the Friedman Results Based Accountability (RBA) framework. This has changed the way in which we present this year's Annual Report, making our key results areas the focus.

This has made 2008–2009 a busy year for the OCCG.

In many jurisdictions a licence is a prerequisite for accreditation and accreditation is often a voluntary undertaking. However in the NSW OOHC system, accreditation is mandatory – it operates as a license, sets the standards *and* serves as a quality assurance mechanism.

Following our 2007 Review of the OOHC Accreditation and Quality Improvement program we suggested a number of legislative changes to our regulatory and legislative framework. These were discussed extensively during 2008 with our stakeholders and were the subject of our submission to the Wood Inquiry. The NSW Government accepted the proposed amendments, which were also endorsed by Commissioner Wood, and our new Regulation commenced operation on January 5, 2009.

Under our new regulatory framework we have moved from a compliance system to one that incorporates a strength based approach. By that I mean our approach reflects contemporary casework practice. We promote casework practice that focuses on the strengths of the child and family, therefore our system should focus on the strengths of individual agencies and the sector as a whole.

In addition to reviewing our regulation we have reworked the NSW Out-of-Home Care Standards to become child centred and outcome focused.

The Standards have been streamlined into 4 sections:

- children and young people
- casework practice
- management of authorised carers and staff
- organisational management.





Within these 4 sections, there are now 24 outcome focused standards. This is a reduction from the current 50 standards and 10 mandatory requirements.

We have included the views of children and young people in each standard to show designated agencies what the kids see as important.

Perhaps one of the most exciting projects undertaken this reporting year has been the "Voice of Children and Young People in Residential Care" project. We commissioned new research to find out the views of kids in residential care. We asked 41 young people what was important to them and incorporated their views into our new residential care standards. The results of this great project will be available in late 2009. In the meantime I want to thank each and every young person who participated in this research. Their shared experience will make a big difference for kids who are currently in residential care and for those who come into care in the future.

This year, as part of our monitoring function, we audited the health care of kids in OOHC. The audit looked at the case files of 2,124 children and young people and provided us with invaluable information about how their health needs are being addressed. This information will also be made available to other government agencies who are implementing the *Keep Them Safe* recommendations in relation to health services and outcomes for children and

young people in care. We will release a full report on our findings in 2010.

In 2008–2009 we contributed to the development of government policy associated with out-of-home care service reform, children's employment, the statutory child protection system, the regulation of voluntary out-of-home care, the Official Community Visitor information exchange arrangements and organ and tissue donation by children and young people in the care of the State of New South Wales.

We have also begun the implementation of the recommendations from the "Keep them Safe" Report as they relate to our office. This work will continue into next year.

I look forward to continuing our work with designated agencies, carers, non-government adoption service providers, employers, other government agencies and children and young people to safeguard and protect the rights and wellbeing of children and young people in out-of-home care, placed for adoption or in prescribed employment.



Kerryn Boland  
Children's Guardian

## Acknowledgement of Good Practice

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When looking through this Report, again keep an eye out for this logo – the Children's Guardian's acknowledgement of an initiative or action that promotes good practice.

We commissioned new research to find out the views of kids in residential care. We asked 41 young people what was important to them and incorporated their views into our new residential care standards.





## 2008–2009 year in review

Key Result Areas	The best interests of children and young people in out-of-home care and those placed for adoption are promoted and safeguarded	The best interests and rights of children employed in prescribed industries are promoted and safeguarded	
Outcome	<b>Accreditation &amp; Quality Improvement</b> Children in out-of-home care and those awaiting adoption are in safe, well-functioning, designated agencies	<b>Case File Audits</b> Designated agencies are monitored to provide safe and well-functioning placements	<b>Children's Employment</b> Employers of models under 16 years and children under 15 years in prescribed industries are authorised and abide by the Code of Practice
Highlights	<ul style="list-style-type: none"><li>➤ Over two thirds of all designated agencies have achieved accreditation (69%)</li><li>➤ 4 new agencies achieved accreditation</li><li>➤ 2 QIP agencies achieved accreditation, including the first Aboriginal agency</li></ul>	<ul style="list-style-type: none"><li>➤ Focused on practice related to meeting the health needs of children and young people</li><li>➤ 50 designated agencies participated</li><li>➤ 2124 files were audited</li></ul>	<ul style="list-style-type: none"><li>➤ Forums with employers to explain their legislative obligations</li><li>➤ Increased proportion of still photography employers authorised</li></ul>
Results	<ul style="list-style-type: none"><li>➤ 28 agencies accredited for 5 yrs</li><li>➤ 12 agencies accredited for 3 yrs</li><li>➤ 8 QIP agencies on individualised programs</li><li>➤ 6 accredited agencies on individual programs</li></ul>	<ul style="list-style-type: none"><li>➤ 8 out of 10 children/young people on final orders had a current case plan or review</li><li>➤ immunisation records available for around 7 out of 10 children aged up to 12 years, and under 50% of 12–15 year olds</li><li>➤ 26% of the children/young people had an initial health assessment</li><li>➤ Details of an annual health assessment were available in 44% of the cases</li></ul>	<ul style="list-style-type: none"><li>➤ 140 employer authorities issued</li><li>➤ 18% decrease in authorities issued.</li><li>➤ 810 productions monitored</li><li>➤ 12% increase in productions from 2007–08</li></ul>
Challenges	<ul style="list-style-type: none"><li>➤ A progressive shift from desk-based assessment to on-site assessment</li><li>➤ Working with agencies in the QIP in a more individualised way to support their accreditation by 2013</li></ul>	<ul style="list-style-type: none"><li>➤ No standard criteria for initial or annual health plans made assessment difficult</li><li>➤ Sharing of key information and communication is not sufficiently coordinated and documented</li></ul>	<ul style="list-style-type: none"><li>➤ Legislation was amended to apply to models between 15 and 16 years of age</li><li>➤ Penalties for not complying with the legislation increased</li><li>➤ Fees for employers were doubled in January 2009</li></ul>
Future Direction	<ul style="list-style-type: none"><li>➤ Agencies become due for reaccreditation</li><li>➤ Emphasis on continuous improvement after accreditation/reaccreditation</li><li>➤ Work with the sector as it implements the recommendations of the Wood Special Commission of Inquiry</li></ul>	<ul style="list-style-type: none"><li>➤ The OCCG will explore ways in which to use the monitoring program to not only monitor current performance and compliance, but to encourage continuous improvement</li></ul>	<ul style="list-style-type: none"><li>➤ Planning for the new children's employment Regulation, which will come into effect in September 2010</li></ul>
Chapter reference	Chapter 4	Chapter 5	Chapter 6



## The Children's Guardian

The Children's Guardian's role is to regulate the provision of out-of-home care, adoption services and the employment of children under 15 years in NSW in specific industries. Child models between the ages of 15 and 16 are now also protected under recent changes to the *Children and Young Persons (Care and Protection) Act 1998*.

The Children's Guardian promotes and safeguards the rights of children and young people in out-of-home care in NSW and those placed for adoption.

### Values

The **values** of the Children's Guardian are:

- **Respect for children and young persons and their diversity**  
We respect and value children and young persons, and their diversity.
- **Participation of children and young persons**  
We involve children and young persons in our activities and decisions.
- **Cooperative partnerships**  
We consult with our partners to achieve shared outcomes.
- **Staff contribution**  
We encourage innovation, teamwork, continual improvement and learning.
- **Strong organisational foundation**  
We seek the best available information and efficiently undertake thorough analysis on which to base our decisions and provide timely, objective advice.
- **Partnerships with Aboriginal people**  
We support and promote the principles of reconciliation and partnership when working with Aboriginal people.

## Legislative Functions

The principal **functions** of the Children's Guardian under the *Children and Young Persons (Care and Protection) Act 1998* ("the Act") are to:

- promote the best interests of all children and young persons in out-of-home care
- ensure that the rights of all children and young persons in out-of-home care are safeguarded and promoted
- accredit designated agencies (agencies that arrange the provision of out-of-home care) and monitor their responsibilities under the Act and regulations
- authorise employers to employ children under 15 years of age (16 years for child models) in the entertainment, exhibition, still photography and door-to-door sales industries (children's employment functions delegated by the Minister for Community Services and Director-General of the Department of Community Services)

The Children's Guardian also has a range of other functions under the Act, including developing statutory guidelines on specific issues.

The framework for the Children's Guardian's Out-of-Home Care Accreditation Program and the associated Quality Improvement Program is provided through the *Children and Young Persons (Care and Protection) Regulation 2000* and the *Children and Young Persons (Savings and Transitional) Regulation 2000*.

The regulation of children's employment is provided through the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*. The Regulation includes a Code of Practice that prescribed employers are required to comply with, unless an application to vary the Code is approved by the Children's Guardian.

### Policy

The OCCG informs stakeholders of our role in promoting the best interests of children and young people in out-of-home care, those awaiting adoption and in prescribed industries

- Legislative reforms passed enabling the implementation of a strengths-based OOHC system
- Updating and streamlining the NSW OOHC Standards
- Development of Guidance Notes for each standard
- Commencement of the "Voice of Children and Young People in Residential Care" research project

- Five significant legislative reforms passed by Parliament
- Endorsement of recommendations made by the Children's Guardian to the Special Commission of Inquiry into Child Protection in NSW
- Five submissions to public inquiries

- Full implementation of updated and streamlined NSW OOHC Standards
- Development of regulations and guidelines for voluntary out-of-home care

- Finalisation of additional OOHC Regulations in respect of suitability to be employed as the Principal Officer of a designated agency
- Finalisation of guidelines regarding human tissue donations
- Review of Children's Employment regulations
- Development of policy and systems to manage voluntary out-of-home care





The Children's Guardian is also responsible for accrediting and monitoring non-government adoption service providers under the *Adoption Act 2000* and *Adoption Regulation 2003*, under delegation from the Director-General of the Department of Community Services.

The Act requires the Children's Guardian to make an annual report to Parliament and authorises the Children's Guardian to make special reports to the Minister for Community Services and Parliament on matters relating to the Children's Guardian's functions.

## Background

The Children's Guardian is a statutory position established under the *Children and Young Persons (Care and Protection) Act 1998*, with the first Children's Guardian appointed in January 2001. The current Children's Guardian, Kerry Boland, was appointed in October 2005.

The establishment of the Children's Guardian was first proposed in 1992 by the Ministerial Review Committee established to review substitute care services in NSW ("the Usher Committee").

In 1997, the Wood Royal Commission into the New South Wales Police Service again recommended the establishment of an independent body responsible for assessing quality of care. The 1997 Review of the *Children (Care and Protection) Act 1987* also recommended the establishment of the Children's Guardian.

The Children's Guardian developed an out-of-home care accreditation framework and trialled it with volunteers from the out-of-home care sector, before the Children's Guardian's formal accreditation powers were proclaimed in July 2003, together with regulations that provided for the detail of the out-of-home care accreditation system.

In November 2003, the Children's Guardian's functions were expanded to include the authorisation of employers to employ children under 15 years of age in the entertainment, exhibition, still photography and door-to-door sales industries.

On 1 July 2005 the Children's Guardian assumed responsibility for accrediting and monitoring non-government adoption service providers.

The Children's Guardian was the Chief Executive of the Office of the

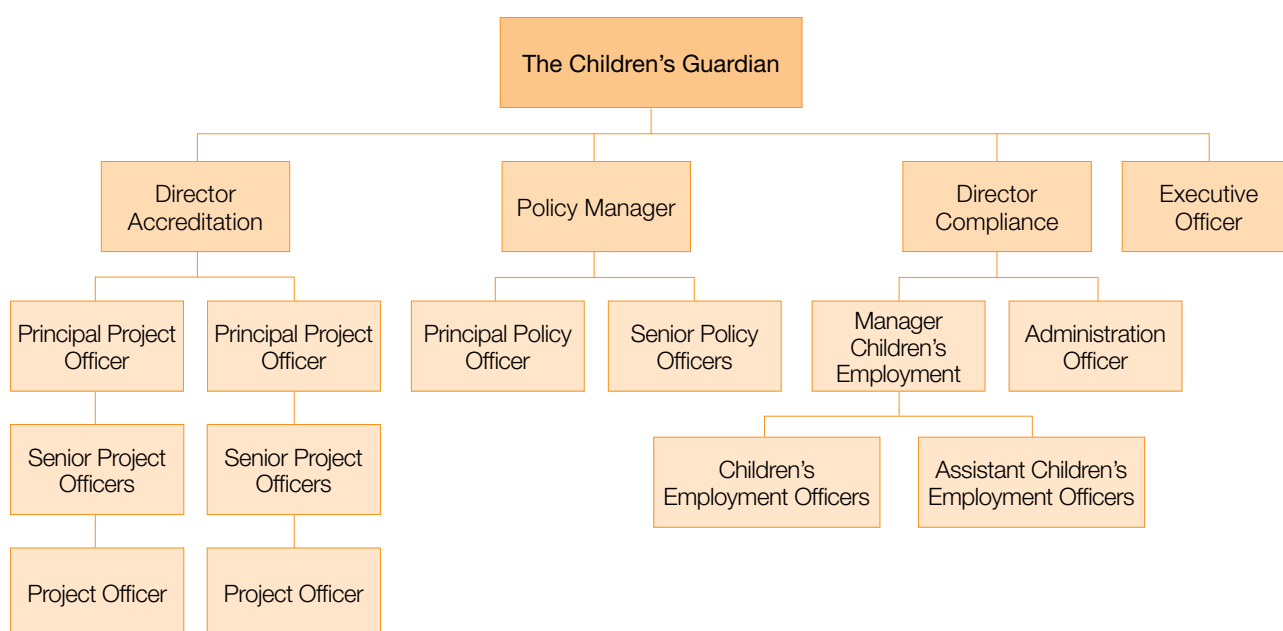
Children's Guardian until 3 April 2006, when the Office was merged with the Commission for Children and Young People to form the Office for Children. The Director-General of the Department of Premier and Cabinet became the Chief Executive of the Office for Children.

The Office for Children was established to provide more efficient shared administrative and financial support for the Children's Guardian and Commissioner for Children and Young People.

The statutory functions of the Children's Guardian, the Commission for Children and Young People, and its Commissioner were not changed as a result of the merger. The Children's Guardian continues to be responsible for, and supported by, staff of the Office for Children – the Children's Guardian (OCCG).

During 2008 and the first half of 2009, the Office for Children was within the portfolio of the Minister for Youth for budgetary purposes. The Children's Guardian reported directly to the Minister for Community Services. On 1 July 2009 the Office for Children was dissolved by administrative order and became part of Communities NSW.

Figure 1: Staff of the Office for Children – the Children's Guardian



## Key stakeholders

The Children's Guardian's stakeholders are:

- children and young people in out-of-home care;
- children and young people who are placed for adoption;
- children and young people under the age of 16 employed in modelling
- children and young people, under 15 years of age, employed in the entertainment, exhibition, still photography and door-to-door sales industries;
- designated agencies and non-government adoption service providers;
- prescribed employers of children;
- carers and parents of children and young people in care, placed for adoption and in prescribed employment;
- organisations and people that work in the best interests of children and young people in out-of-home care, adoption and prescribed employment; and
- organisations and people that provide services to children and young people in out-of-home care, placed for adoption or that employ children.

## OCCG structure and staffing

### The Executive Team

**Kerryn Boland, Children's Guardian**  
Bachelor of Laws  
Graduate Diploma in Legal Practice

**Tom Kenny, Director, Compliance**  
Bachelor of Engineering  
Master of Engineering Science  
Bachelor of Laws

**Susan Nicolson Ph.D.,  
A/Policy Manager**  
Doctorate of Philosophy  
Graduate Diploma in Educational Studies  
Bachelor of Arts (Hons) Dip Ed

**Wendy Lawson, A/Director  
Accreditation**  
Certificate in Child Care Studies

## The annual reporting process this year

The 2008–2009 OCCG Business Plan is based on the Mark Friedman Results Based Accountability (RBA) model. RBA has gained increasing recognition both nationally and internationally and offers an effective platform for government departments, non-government agencies, community organisations and citizens to work together to promote the well being of a community.

RBA offers a disciplined approach for strategic planning and taking action to improve the quality of life for communities. Our Business Plan has adopted this approach by clearly stating the results we aim to achieve in promoting the well-being of children and young people. It also provides us with a framework to measure the efficiency and effectiveness of our programs.

The RBA model uses three common sense performance measures:

- How much did we do?
- How well did we do it?
- Is anyone better off?

In keeping with our Business Plan, this Annual Report reflects the RBA methodology. The opening summary page of each chapter presents an overview of the work we have done this year, within the RBA Framework. Each chapter then provides detail about our programs and what we have achieved. Indicators have been used throughout the report to measure how successful we have been in achieving our stated results.

## Future strategic objectives

- The OCCG will embed a strengths-based accreditation system supported by the *Children and Young Persons (Care and Protection) Regulation 2005*
- The streamlined NSW Out-of-Home-Care Standards will be implemented
- By 2013, all domestic adoption service providers have re-applied and achieved renewed 5-year accreditation
- By 2013 all designated agencies will have achieved accreditation
- *The Children and Young Persons (Care and Protection – Children's Employment)) Regulation 2005* will be reviewed.
- The well-being of children and young people will continue to be monitored through the case file audit program
- Awareness of employer's obligations when employing children is significantly improved
- Recommendations flowing from the Special Commission of Inquiry relating to the functions of the Children Guardian and as endorsed by Government, are implemented.





## Accreditation and quality improvement

### Population:

NSW children in out-of-home care or awaiting adoption.

### Result:

Children in out-of-home care and those awaiting adoption are in safe, well-functioning agencies.

### Indicators:

- The number of agencies the OCCG accredited in 2008–2009
- The number of interim designated agencies on individualised programs
- The number of new agencies accredited
- Percentage of all agencies accredited
- Number of visits to support QI

### Partners:

- Department of Community Services
- Designated agencies
- New agencies seeking accreditation
- Agencies who provide adoption
- NSW Ombudsman
- Peak Bodies
- Specialist out-of-home care clinics
- NSW Commission for Children and Young People

### Baseline and achievements:

In 2008–2009, six agencies were accredited by the OCCG to provide out-of-home care to children and young people in NSW, to bring the total number of accredited agencies to 40, which is 69%.

Designated agencies participating in the Quality Improvement Program have until 2013 to achieve full accreditation. As at 30 June 2009 there were 18 interim designated agencies in this program.

In 2008 the OCCG developed individualised programs to support interim designated agencies through the Quality Improvement Program. This program has proved to be successful, with 25% of agencies achieving full accreditation in 2008–2009.

New agencies wishing to provide out of home care need to be accredited by the OCCG before they can provide this service. In 2008–2009 four new applicants were accredited.

Staff have attended 80 meetings with agencies to support Quality Improvement (QI).

### Did we make a difference?

The rate of agencies being accredited by the OCCG to provide out-of-home care services has been steadily increasing since 2004.

More than two thirds of all designated agencies have now achieved accreditation, with 28 agencies that originally had interim accreditation now having accreditation for five years, one has accreditation for three years and 11 new organisations have achieved accreditation for three years.



# Accreditation and quality improvement

## Overview

The Out-of-Home Care Accreditation and Quality Improvement Program is the Children's Guardian's principal means of promoting and safeguarding the best interests and rights of children and young people in out-of-home care. The *Children and Young Persons (Care and Protection) Act 1998* requires the Children's Guardian to accredit government and non-government agencies that arrange or provide court ordered out-of-home care for children and young people in New South Wales.

Agencies that were providing out-of-home care services at the time the accreditation scheme commenced in July 2003 were granted interim accreditation to enable them to continue providing care for children and young people while working towards accreditation.

The objectives of the Accreditation and Quality Improvement Program are to:

- Promote the best interests of children and young people in out-of-home care;
- Assist designated agencies to meet standards of care and services for children and young people in out-of-home care;
- Provide a reliable measure of designated agency compliance with accreditation criteria;
- Be fair;
- Be transparent;
- Be uniformly applied across all designated agencies;
- Deliver assessment decisions that reflect actual service quality;
- Identify gaps between actual practice and best practice;
- Provide designated agencies with feedback for improvement;
- Provide ongoing monitoring of designated agency performance against accreditation criteria; and
- Be viewed by designated agencies and the out-of-home care sector as a valuable process.

## Results

### Result area

Children and young people in out of home care and those awaiting adoption are placed in well functioning designated agencies

### Indicator 1.1

The number of interim designated agencies achieving accreditation since 2004

The rate of accreditation for designated agencies has steadily increased since 2004.

Status of designated agencies as at 30 June 2009:

- There were 58 designated out-of-home care agencies (see appendix A). Of these:
  - 40 were accredited
  - 18 were participating in the Quality Improvement Program
- There were three designated agencies accredited to provide local adoption services in NSW.

During 2008–2009:

- 2 agencies that previously had interim accreditation achieved accreditation for five years.
- 4 agencies achieved accreditation for three years.

The number of designated agencies at 30 June 2009 remains at 58, the same as at 30 June 2008.

Designated agencies are accredited to provide residential care, foster care or both residential and foster care. As at 30 June 2009, the break down of agency by service type was as follows:

Type of Service	Accredited	QIP	Total
Residential care only	14	10	24
Foster care only	8	6	14
Both residential and foster care	18	2	20
<b>Total</b>	<b>40</b>	<b>18</b>	<b>58</b>

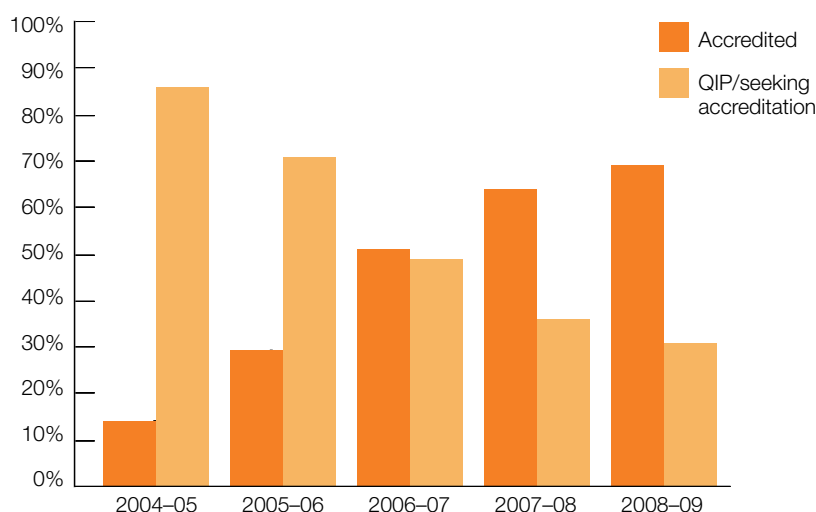
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**the Children's Guardian.**

The increasing rate at which agencies in the Quality Improvement Program are progressing towards accreditation demonstrates the commitment of the out-of-home care sector to improving the quality of their services.

### Status of designated agencies





## Additional information

### NSW Out-of-Home Care Standards

Organisations are assessed according to their level of compliance against the criteria for accreditation. The *NSW Out-of-Home Care Standards* form the basis of the criteria for accreditation. The Standards are divided into three categories, Core, Critical and Significant and cover important areas such as the direct care of children and young people, their carers, casework and case management and organisational management. The criteria for accreditation also incorporates the Mandatory Requirements, which are drawn directly from legislation.

Organisations must meet all the Mandatory Requirements and the Core and Critical Standards that apply to them to achieve accreditation for three years. Organisations that also demonstrate compliance with at least five of the significant standards are accredited for the maximum period of five years.

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Four organisations achieved three year accreditation this year and two organisations achieved five-year accreditation this year.

This year the NSW Out-of-Home Care Standards have been reviewed to streamline and update the requirements in-line with contemporary practice and current research and legislation. The streamlined Standards (see chapter 6) and the associated assessment procedures and tools will be piloted with a number of agencies that are due for reaccreditation in late 2009.

### Indicator 1.2

#### The number of agencies on individualised programs

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The Children's Guardian introduced individualised programs to provide agencies with targeted guidance and regular and prompt feedback on progress.

The number of individualised programs has increased from four to eight this year and will continue to increase to include all agencies remaining in the Quality Improvement Program (QIP). This staged approach to compliance has been successful for agencies in the QIP allowing them to focus their progress on achievable goals.

### Background information on the Quality Improvement Program

Organisations that were providing out-of-home care at 15 July 2003 received interim accreditation under the *Children and Young Persons (Savings and Transitional) Regulation 2000*.

Interim accredited agencies then had a choice to either apply to the Children's Guardian for accreditation or enter the Quality Improvement Program (QIP). Those agencies electing to apply for accreditation have now been accredited. As at 30 June 2009, 18 agencies remain in the QIP. All agencies in the QIP must achieve accreditation by 14 July 2013 at the latest.

The aim of the QIP is to progressively prepare and move agencies towards meeting the standards required for accreditation. Individualised program identify achievable targets for QIP agencies to meet within specified timeframes.

During 2008–2009, the OCCG provided 16 agencies in the QIP with feedback on their progress towards reaching accreditation.

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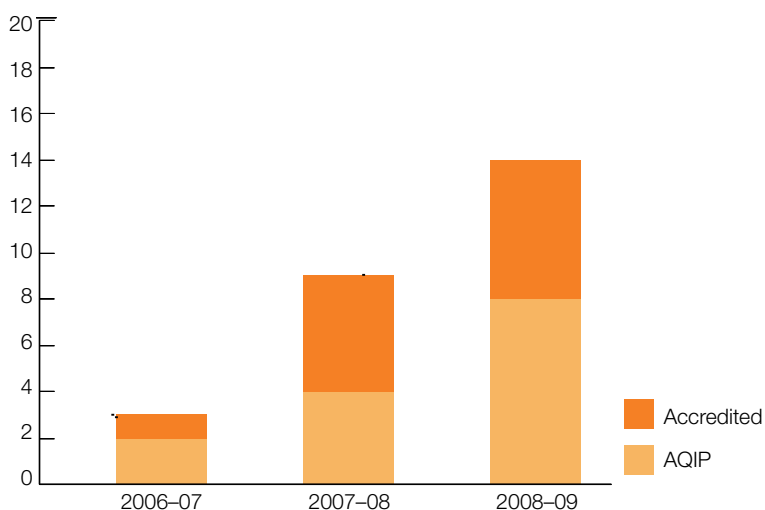
Ngunya Jarjum is the first Aboriginal agency to progress through the Quality Improvement Program and achieve Accreditation.

Ngunya Jarjum developed policies and procedures that embraced concepts in the out-of-home care standards and articulated them in the specific context of an Aboriginal agency.

Around 30% of children and young people in out-of-home care in NSW are Aboriginal. It is important for these children and young people that agencies such as Ngunya Jarjum are committed to meeting the accreditation standards and providing safe culturally relevant care.

During this year the OCCG has met regularly with the AbSec Accreditation Officer to assist in targeting support for Aboriginal out-of-home care agencies to reach accreditation.

### Designated agencies on individual programs







## Indicator 1.3

### The number of new agencies accredited

Four new applicants were accredited in 2008–2009. As at 30 June 2009, a further 18 organisations had lodged applications for accreditation with the Children's Guardian. Following the changes to the Regulations (see chapter 8), effective January 2009, new applicants that wish to provide out-of-home care must first be provisionally accredited by the Children's Guardian.

## Indicator 1.4

### The rate at which adoption agencies are meeting their conditions of accreditation

It is a condition of accreditation that agencies accredited to provide adoption services submit a report to the OCCG each year outlining their activities and progress for the previous year. The three agencies currently accredited to provide adoption services are due to submit their reports in the first half of 2009–2010.

## Performance

### Indicator 1.1

The number of agency visits to support and promote quality improvement and positive outcomes for children and young people in OOHC

Visits to the Children's Guardian by agencies	29
Visits to agencies by the Children's Guardian	51

The OCCG focused its support visits on agencies on individualised programs. The number of visits is lower than in past years, as the introduction of more individualised program for QIP and Accredited agencies has meant that visits are more complex and lengthy. They usually involve on-site assessment of practice and feedback meetings with agency staff. In order to maximise the efficiency and effectiveness of visits to agencies in rural and regional areas, the visits have been undertaken over 2 days.

### Indicator 1.2

#### Proportion of AQIP assessments completed on time.

The OCCG aims to complete all assessments in a timely manner.

The average time taken to conduct assessments in 2008–2009

New applicant submissions	51 days
Quality Improvement Program submissions	38 days
Annual progress reports	88 days

Completing assessments on time means that agencies receive prompt feedback on their progress and timely guidance on meeting the outstanding requirements.

## Have we made a difference?

The rate of accreditation for designated agencies has steadily increased since 2004.

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More than two thirds of all designated agencies have now achieved accreditation

More than two thirds of all designated agencies have now achieved accreditation, with 28 agencies that originally had interim accreditation now having accreditation for five years, one has accreditation for three years and 11 new organisations have achieved accreditation for three years.

The process of meeting the Standards and reaching accreditation has contributed to agencies improving their policies, procedures and practices and in turn providing better outcomes for the children and young people in their care.

### Points to note

- In 2008–2009, the Children's Guardian identified seven agencies whose accreditation was due to expire in 2009. The Children's Guardian extended the accreditation of these agencies to allow them to seek re-accreditation under the revised program. Three of these agencies will participate in the pilot of the revised procedures and assessment tools.



- The Wood Special Commission of Inquiry into Child Protection services in NSW considered the improvements required to legislation to achieve a more flexible and contemporary accreditation system for out-of-home care. The 2007 Review of Out-of-Home Care Accreditation and Quality Improvement also suggested a number of legislative changes; these were discussed during the Wood Inquiry. The NSW Government accepted the changes put forward by the Children's Guardian and new Regulations commenced operation on 5 January 2009.

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The Children's Guardian approved the transfer of accreditation from the Trustees of the Christian Brothers to Mackillop Family Services. This was the first transfer of accreditation approved under the amended legislation.



## Innovative sector projects

*Life Without Barriers* conducted its inaugural National Foster Carers Conference in April this year, with over 200 foster carers from across Australia (and New Zealand) attending. Keynote addresses included topics such as education, health, relationships and moving towards independence. Workshop sessions included four themes: understanding behaviour, Aboriginal culture, carer support and development, and disability. *Life Without Barriers* hopes to hold these conferences every two years.

*Marist Youth Care* has adopted a strengths based approach as the theoretical underpinning for its programs. It has now developed *The Rivers Program – Therapeutic Interactions with Young People in Care* which is based on four premises – a consistent therapeutic approach; the need for staff who can build trusting relationships; training for youth workers; and a whole of agency approach.

*Australian Red Cross* is a new out-of-home care agency that was accredited for three years in 2008. The *Australian Red Cross* is collaborating with Macquarie University on a research project that will look at how their Young Women's Health Program impacts on the health, well-being, education and stability of young women in care.

These projects demonstrate a strong commitment to the well-being of children and young people in out-of-home care.

## What is planned for next year?

### New systems

- The OCCG is introducing a streamlined assessment process with an increased focus on flexibility and including a range of assessment methods
- There will be an increase in assessments conducted onsite at the agency location, and the opportunity for discussion and negotiation about the evidence provided
- The new assessment process will be trialled during the pilot of the revised Out-of-Home Care Standards

### Continuous Improvement

The OCCG will:

- Investigate options for the introduction of a program of continuous improvement in out-of-home care

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the Children's Guardian.

A system of continuous improvement would encourage organisations to consider how they can improve outcomes for children and young people in their care

- Seek comment from stakeholders about a proposed system of continuous improvement





## Monitoring designated agencies

### Population:

New South Wales children in out-of-home care.

### Result:

Designated agencies are monitored to provide safe and well-functioning placements for children and young people in out-of-home care.

### Indicators:

- Case files audited in 2008–2009
- Practice related to meeting the health needs of children and young people in OOHC, such as:
  - Medical History
  - Health Assessments
  - Health Plans
  - Immunisation
  - Mental Health and Behaviour

### Partners:

- Department of Community Services
- NSW Ombudsman
- Peak Bodies
- Designated agencies
- New agencies seeking accreditation
- Specialist out-of-home care clinics
- NSW Commission for Children and Young People

### Baseline and achievements:

2124 case files were audited, from the Department of Community Services, Department of Ageing, Disability and Home Care and non-government agencies – a total of 50 designated agencies were included.

The 2008–2009 case file audit found that basic health information and information about the child or young person's current health and developmental status were significantly more likely to be available on the files of the non-government agencies. It also found that communication between carers, agencies, health professionals and the Department needs improvement in critical areas of care.

The audit provides us with invaluable information about how children and young persons health needs are being addressed in the out-of-home care system, highlights areas that are working well, and identifies areas that can be improved to deliver better health outcomes for children.

### Did we make a difference?

These findings support the health recommendations from the “Keep them Safe” whole of government response to the Special Commission of Inquiry into Child Protection in NSW. Information gathered from this audit will be made available to the inter-departmental group examining the health needs of children and young people in care.

The 2008–2009 audit highlighted a low compliance with regard to medical history and immunisation. We have alerted agencies to this issue and the 2009–2010 case file audit will continue to monitor health, where we hope we will see improvements in these areas.

## Monitoring designated agencies

### Overview

The Children's Guardian monitors the performance of designated agencies against the requirements of the legislation and the NSW Out-of-Home Care Standards. The principal means of monitoring undertaken is an audit of children and young people's case files conducted regularly with all agencies.

The audit focuses on casework practice and case management and assists in identifying areas of good practice and areas for improvement. Agencies are provided feedback after the audit on areas where they are performing well and areas where improved practice is required. Agencies are considered compliant, if 80% or more of their files show compliance with the Audit item.

### What we assess

Children's case files are assessed for the following information:

- content and structure
- case planning and review
- evidence of participation in planning and reviews
- application of the Aboriginal and Torres Strait Islander placement principles
- compliance with priority areas set by the Children's Guardian.

In 2008–2009 the priority area identified by the Children's Guardian was the health needs of children and young people. In determining this priority the Children's Guardian sought advice from specialists in the out-of-home care clinics at Randwick, Westmead and Newcastle children's hospitals and the KARI Clinic.

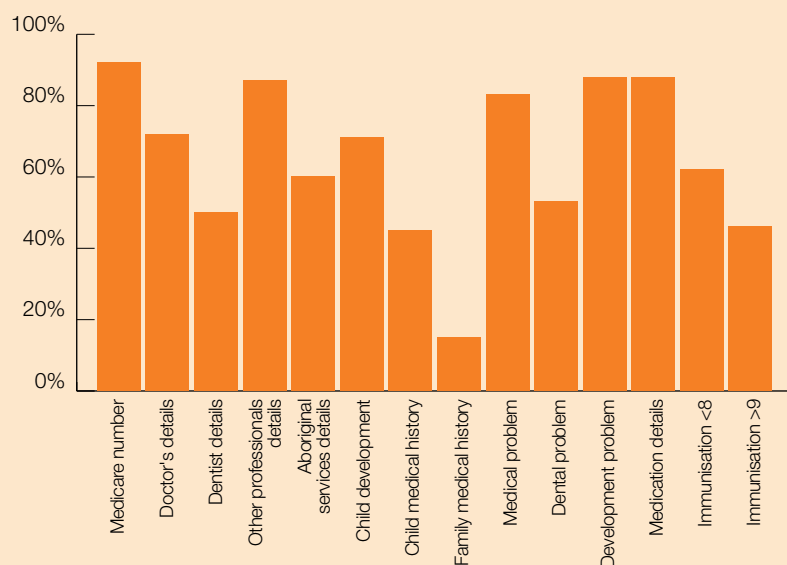
The audit examined how agencies were identifying and meeting health needs and planning for ongoing health and wellbeing. The four areas examined were:

1. obtaining and recording health related information
2. assessments of health status and health needs
3. planning and monitoring of health issues
4. providing health information to parents

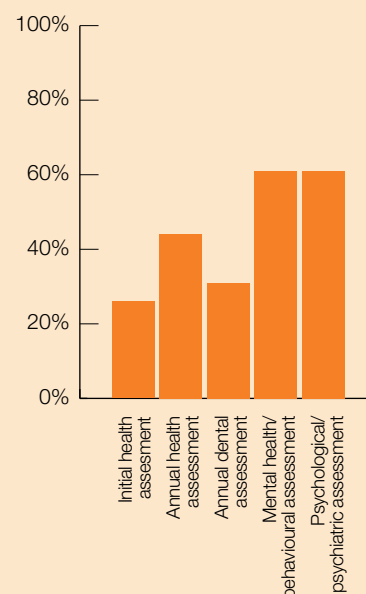
### Scope of the audit

In 2008–2009 a total of 2124 case files were audited; 1198 files were from 48 non-government designated agencies and DADHC; 926 files were from selected regions of the Department of Community Services.

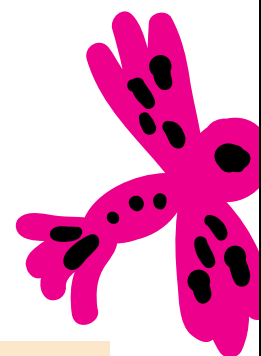
#### 1. Obtaining and Recording Health Related Information



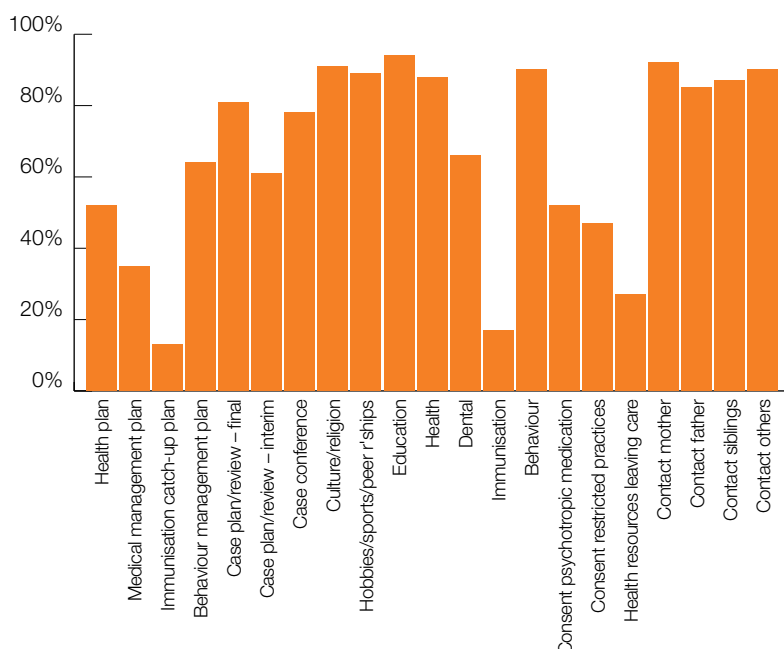
#### 2. Assessments of Health Status and Health Needs



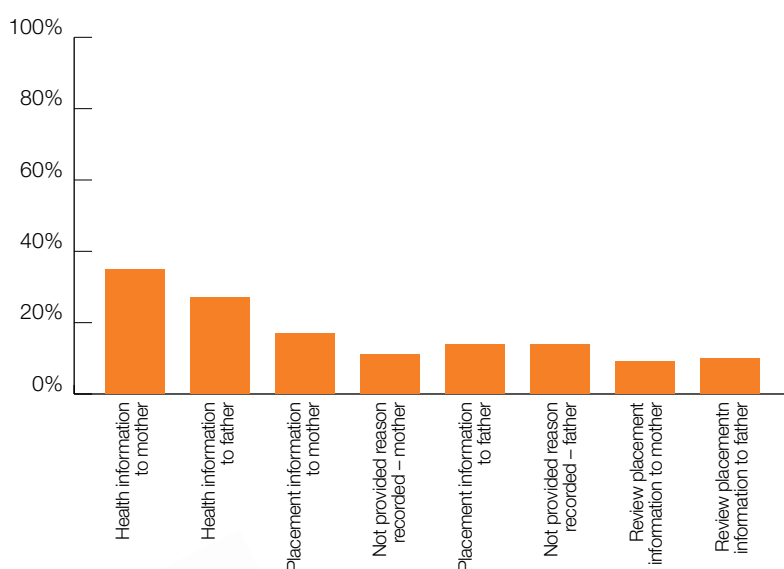




### 3. Planning & Monitoring of Health Issues



### 4. Providing Health Information to Parents



## Results

### Result area

Children and young people in OOHc are in safe, well-functioning, stable placements

### Indicator 1.1

The proportion of OOHc case files reaching compliance levels of 80% or more in the areas of health records as shown in case file audits

### Findings

The findings from the audit will be finalised and published in a report later in 2009. The preliminary findings indicate that:

- 26% of files included an initial health assessment for children and young people who had entered care with the last 12 months
- 44% of all files included an annual health assessment which could inform the review of the case plan
- 31% of all files included an annual dental assessment to inform the case plan
- 61% of files included a mental health/behavioural assessment for children and young people with mental health/behavioural problems.

The preliminary findings of the audit indicate the following levels of compliance regarding health information on file.

### Indicator 1.2

The proportion of case files reaching compliance levels of 80% or more in the case planning and review component of case file audits

The Children's Guardian monitors agency practice to see that children and young people have a current case plan, and whether the scheduled reviews of placement arrangements are recorded. Overall, 81% of files showed compliance in this area. The Department of Community Services reached 64% compliance in this area, while non-government agencies reached 95% compliance.



### Indicator 1.3

#### Proportion of case files demonstrating children and young people's participation in case reviews

Children and young people in care should be given the opportunity to be involved in decisions that affect their lives. This includes being involved in case planning and review processes. The Children's Guardian audits files to find evidence that children and young people had participated in case reviews. The Department of Community Services reached 72% compliance in this area and non-government agencies reached 83% compliance.

The higher number of files completed per staff member per day when auditing DoCS was due to all 926 files being centrally located at their Head Office. This meant auditing time each day was not lost due to travel time. In addition the time taken to complete the audit of each file was reduced as the audit staff became familiar with the location of information within the files.

### Indicator 1.3

What percentage of agencies responded to our requests to remediate non-compliance items identified in the case file audit?	72%
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## Performance

### How well are we delivering our services?

Agencies were asked to comment on whether they used the results of the case file audit to improve practice:

Agencies reporting that they used the results a lot	79%
Agencies reporting that they used the results a medium amount	21%

### Indicator 1.1

#### What proportion of agencies reported that the OCCG staff conducting the audit were helpful?

Agencies reporting that staff were very good	80%
Agencies reporting that staff were fairly good	17%

### Indicator 1.2

#### What is the average number of case files audited per day/staff during case file audits?

DoCS	11.4
NGOs	5.1

### What the findings tell us

The 2008–2009 audit highlighted a low level of compliance with regard to the recording of children and young people's medical histories and immunisation status, conducting health assessments and providing information to parents. Agencies have received this feedback and are expected to improve practice in these areas. Given the nature of out-of-home care it is acknowledged that agencies often experience difficulties in maintaining complete and comprehensive medical records for children and young people. The need for a systematic approach to gathering and sharing health related information is evident. This issue was canvassed in the Wood Commission Report, and the Government's "Keep them Safe" report has also committed to a number of initiatives to further improve the health care needs of children and young people coming into care.

## Reporting

The Children's Guardian provided reports on the results of the audit to each agency to assist them to identify areas of good practice, and patterns of practice where improvement is required.

The following reports were provided to each agency:

- An aggregated report to identify the level of compliance the agency had achieved across all files
- A CD-ROM which contained audit results for each individual case file
- A breakdown report that contained results for the agency's individual regions/offices (if applicable). This was a new initiative to assist agencies to identify any variation in the results for individual regions/offices or programs.

## What's planned for next year?

- The 2009–2010 Case File Audit program will again focus on practice related to health
- The remaining regions of the Department of Community Services (Hunter & Central Coast, Metro West, Metro South West, Southern) will be audited
- QIP agencies where the Children's Guardian has identified that significant progress is required will be audited
- Agencies which commenced providing out-of-home care in 2008–2009 or will commence in 2009–2010, will be audited as part of their *Program to Meet Accreditation Criteria*
- Investigate a range of options for the ongoing monitoring of accredited agencies.





## Children's Employment

### Population:

Children in entertainment, still photography and door-to-door sales in NSW.

### Result:

Employers of models under 16 years of age and children under 15 years of age in prescribed industries are authorised and abide by the Code of Practice.

### Indicators:

- The number of employers issued with an authority
- The number of productions notified to the OCCG
- The number of productions with approved variations to the Code of Practice.
- The number of breaches or warnings issued.

### Partners:

- Employers of children in prescribed industries
- Parents of children employed in prescribed industries
- NSW Office of Industrial Relations
- NSW Department of Education
- Registered nurses and midwives
- NSW Commission for Children and Young People

### Baseline and achievements:

- 150 applications for authorities to employ children or requests to confirm entitlement to exemptions were made. This is less than the previous year (172).
- 810 productions were notified to the OCCG, which is higher than last year (721). The increase this year was in film and television productions and still photography shoots.
- There were 184 productions which required one or more variations to the Code of Practice, which is a similar number to last year but is of smaller proportion due to the increase in overall productions.
- The OCCG issued 4 breach notices and 35 warnings to authorised employers that did not comply with the child employment regulation.

### Did we make a difference?

The number of productions notified to the OCCG of a production has increased. Although this increase cannot be attributed solely to employers awareness of their requirements to abide by the Code of Practice, the OCCG can be satisfied that children employed by these employers are working in an environment where their needs are addressed.





## Children's employment

### Overview

The Children's Guardian regulates the employment of children under 16 years of age for modelling and children under 15 years of age for other types of entertainment, exhibition, still photography work and door-to-door sales. OCCG staff work with employers to make sure children work in an environment where their individual emotional, social, physical and developmental needs are met.

Our role includes:

- promoting the welfare of children covered by the legislation
- assessing applications from employers for authorities to employ children for activities prescribed by the legislation
- assessing requests from employers to confirm entitlement under the legislation for exemption to hold an authority
- monitoring authorised and exempt employers' compliance with legislative requirements

- consulting with employers if specific safety and welfare issues are identified
- investigating and taking appropriate action in response to alleged breaches of legislative requirements
- educating employers and other stakeholders about the legislation
- advising organisations and individuals, for the benefit of children at work, who are not subject to the children's employment provisions of the legislation.

The Children's Guardian fulfils these functions under the children's employment provisions of the *Children and Young Persons (Care and Protection) Act 1998 (Chapter 13 and Schedule 2)* and the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*.

### Code of Practice

Authorised and exempt employers must comply with the Code of Practice in the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*.

The Code of Practice requires employers to notify the Children's Guardian before they employ children.

The Code of Practice includes requirements regarding the maximum hours, number of days and times children may be employed, supervision requirements, parental contact, travel to and from work, a cap on a child's combined education and employment hours in any seven consecutive days, and special conditions relating to children under 3 years of age and babies under 12 weeks of age.

The Children's Guardian may approve employer requests for variations to the Code of Practice. Applications for variations are considered on their merits and are only granted where the Children's Guardian is confident that the welfare of any employed child will not be at risk.



## Results

### Result area 1

**Models under 16 years of age and children under 15 in prescribed industries work only for authorised and compliant employers**

Employers intending to employ models under 16 years of age and children under 15 years of age in a prescribed industry must be authorised. Applicant employers must demonstrate the capacity to employ children appropriately (i.e. comply with the child employment legislation).

#### Indicator 1.1

##### The number of employers applying and issued with authorities

In 2008–2009, 150 applications for authorities to employ children or requests to confirm entitlement to exemptions were made:

- 140 applications were approved
- 4 applications were withdrawn, and
- 6 exemptions were confirmed.

The number of applications approved (140) was less than the previous year (170) but was similar to 2006–2007 (145).

### Additional information

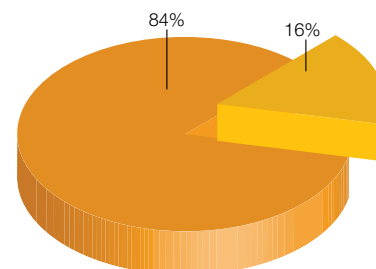
Employers must pay an application fee to obtain an authority, which varies depending on the employment type and duration of the authority.

The profile of authorities approved was similar to previous years:

- 118 (84%) were for entertainment and exhibition and 22 were for still photography only
- 92 (66%) of employers authorised in 2008/2009 had held an authority before
- 45% of all still photography authorities (10 out of 22) where for new employers compared to 59% last year and 56% the previous year.

The OCCG collected \$158,206.40 in fees for authorities from employers. This is greater than the amounts collected in 2007–2008 (\$139,439.80) and 2006–2007 (\$119,990.20). The increase this year, despite the smaller number of authority applications and approvals, is consistent with the Government's decision to increase authority application fees in November 2008, which became effective on 1 January 2009.

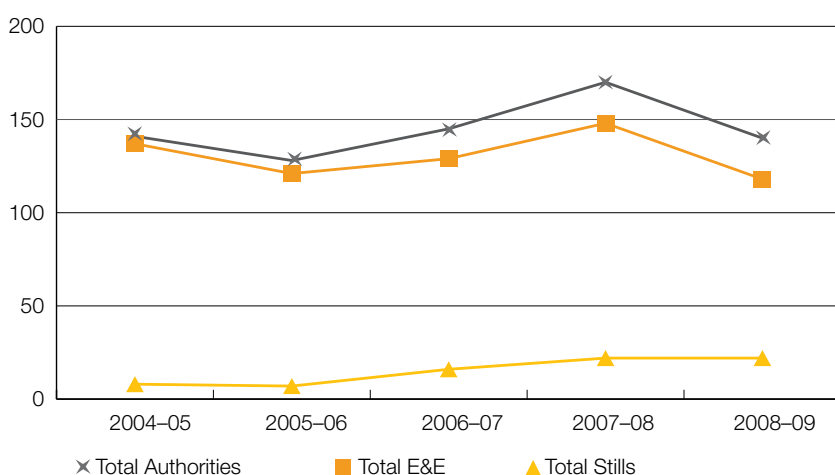
#### Authorities approved by type



■ Stills  
■ E&E

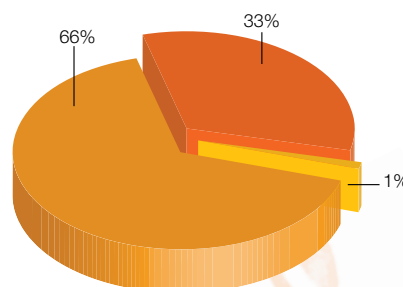
E&E	118	84%
Stills	22	16%

#### Authorities approved – comparison with previous years



	2004–05	2005–06	2006–07	2007–08	2008–09
Total Authorities approved	141	128	145	170	140
Total E&E	137	121	129	148	118
Total Stills	8	7	16	22	22

#### Authorities approved by duration



■ 1 month  
■ upgrade 12 months  
■ 12 months

12 months	92	66%
upgrade 12 months	2	1%
1 month	46	33%





## Result area 2

Models under 16 years of age and children under 15 in prescribed industries are employed in an environment where their individual emotional, social, physical and developmental needs are met

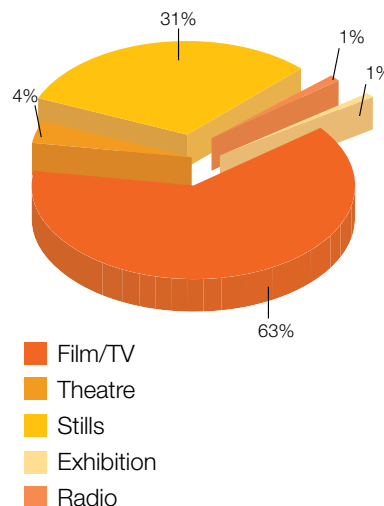
To develop optimally, children and young people should be able to enjoy and benefit from their artistic pursuits. Before every instance of employment, employers are required to demonstrate potential compliance with the Code of Practice, or apply for variations, in order to ensure that children and young people are safe and their welfare promoted when employed in prescribed industries.

## Indicator 2.1

The number of pre-employment notifications of child employment to the OCCG

In 2008–2009, employers notified the Children's Guardian of 810 productions, which is higher than last year (721) and continues the growth trend of previous years. It is not clear how much of the growth is attributable to an increase in activity in the sector as a whole and how much is due to an increase in employers' awareness of their compliance with the legislation.

These figures represent similar results to last year.



## Indicator 2.2

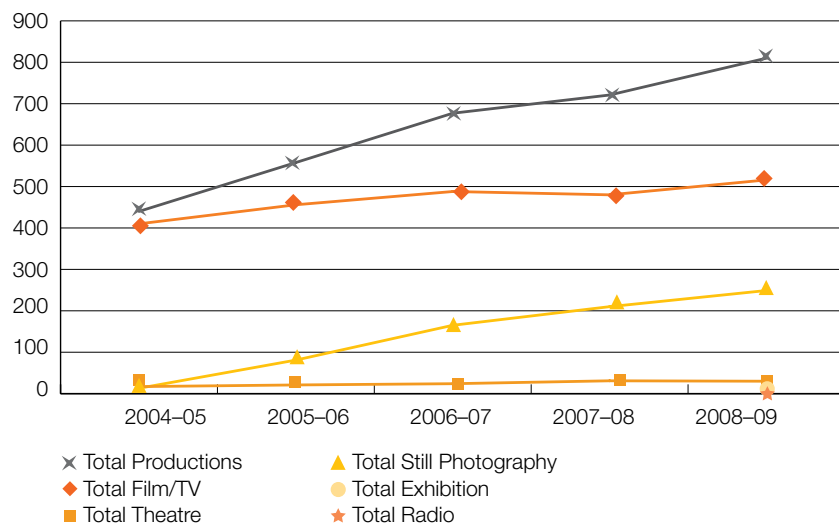
The number of assessments of requests for variations

The Children's Guardian has the delegated authority to approve variations to the requirements of the Code of Practice.

Requests for variations to the Code of Practice are sometimes initiated by the employer. However, many variation requests arise because OCCG staff identify, during the pre-employment notification assessment process, issues that will be outside the Code of Practice. Where necessary, OCCG staff liaise with the employer regarding the variation request and often suggest that the employer modify the proposal to be more consistent with the needs of the child(ren) and the intent of the legislation.

During 2008–2009, 184 productions required variations, which accounted for 23% of all pre-employment productions notified. The proportion of variations approved has remained fairly constant in the three previous reporting years since regulatory reform in 2005–2006 (29%, 25%, and 26% respectively). The very slight decrease this year is consistent with the increased proportion of still photography notified to the OCCG. Still photography work generally does not require as many variations as entertainment and exhibition productions.

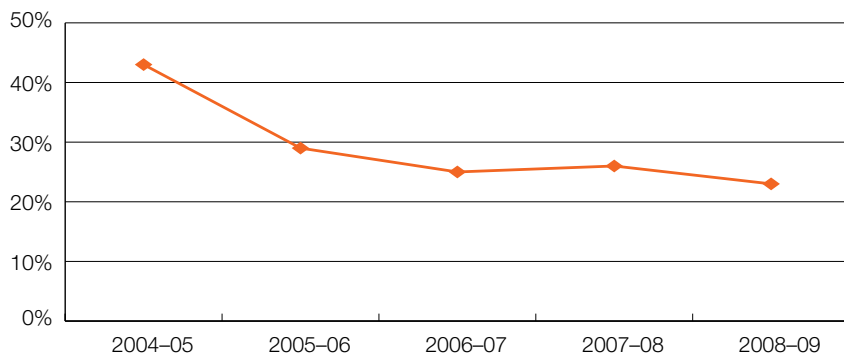
Productions by type – annual comparison



	2004-05	2005-06	2006-07	2007-08	2008-09
Total Productions	440	558	677	721	810
Total Film/TV	410	456	488	480	516
Total Theatre	17	21	24	31	30
Total Still Photography	13	81	165	210	249
Total Exhibition	no data	no data	no data	no data	7
Total Radio	no data	no data	no data	no data	8



### Proportion of productions requiring variations – annual comparison



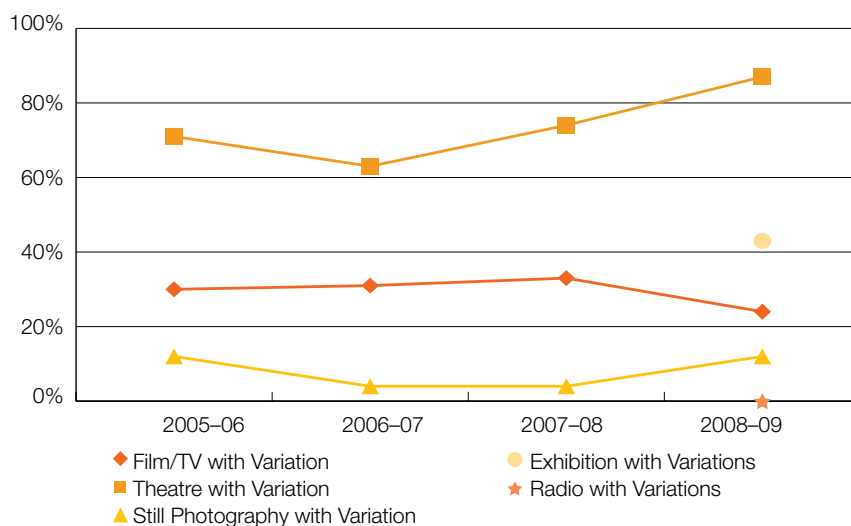
	2004-05	2005-06	2006-07	2007-08	2008-09
Productions	440	558	677	721	810
Productions with variation	189	164	171	187	184
% Productions with variations	43%	29%	25%	26%	23%

In 2008–2009 the profile of the productions requiring variations was mainly consistent with previous years:

- the majority were film and television (68% – 126 out of 184)
- most of the 126 film and television productions requiring variations were commercials (74) followed by TV series episodes (36)
- 87 % (26 out of 30) theatrical productions required variations.

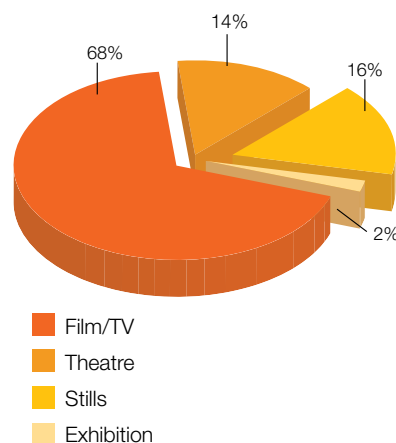
This year 12% (29 out of 249) of still photography productions required variations, compared to 4% (8 out of 187) last year. It appears that this increase was driven by shoots involving young children and babies; including a long term project by a still photographer which will straddle two reporting years and is mainly employing babies under 12 weeks of age.

### Proportion of variations within production type – annual comparison



	2005-2006	2006-2007	2007-2008	2008-2009
Film/TV with Variation	30%	31%	33%	24%
Theatre with Variation	71%	63%	74%	87%
Still Photography with Variation	12%	4%	4%	12%
Exhibition with Variations	No data	No data	No data	43%
Radio with Variations	No data	No data	No data	0%

### Variations by production type



	Productions requiring variations	% of total
<b>Total</b>	<b>184</b>	
Film/TV	126	68%
Theatre	26	14%
Stills	29	16%
Exhibition	3	2%
Radio	0	0%

### Indicator 2.3

The number of investigations instigated (relating to authorised productions) in response to alleged breaches of the Code of Practice which result in formal determinations of breach or warnings

In 2008–2009, 39 (5% of total productions) productions were investigated for possible breaches of the Code of Practice, 4 of which (10%) resulted in a formal determination of a breach and 35 (90%) resulted in a warning or other remedial action. Most of the breaches related to employers that did not provide pre-employment notifications to the Children's Guardian, or children being employed outside the maximum allowed hours and days of employment.

OCCG staff work with employers who do not comply with the conditions of their authority, to increase their awareness of the legal requirements and to improve their procedures to avoid a recurrence.

### Performance

The Children's Guardian makes direct and indirect contributions to ensuring that children in prescribed industries only work for authorised and compliant employers and are employed safely and consistent with their developmental needs. This includes explaining our role and advising potential employers and other stakeholders of the requirements of the legislation.

#### Assessments undertaken and advice provided

In addition to providing compliance advice and assessing employers' requests regarding authorities, exemptions, pre-employment notifications and variations to the Code of Practice, OCCG staff also:

- dealt with 103 pre-employment related enquiries from potential or current authorised employers regarding productions which were cancelled or were subsequently identified as outside our jurisdiction (81 last year)
- met or tele-conferenced with employers or other stakeholders on 18 occasions to explain and promote the Children's Guardian's role (3) or discuss child employment issues and the legislation (5), and compliance issues (10).

When children's employment is not subject to the legislation, we recommend the Code of Practice as a guide to good practice.

The Children's Guardian will improve systems in the coming year to respond to enquiries from other stakeholders.

#### Employers' authorisations or requests for exemptions are processed within set timeframes

The Children's Guardian aims to issue employer authorities and confirm exemptions within 14 calendar days, unless that would not suit the employer.

In 2008–2009, 99% (148 out of 150) applications for authorities and confirmation of exemptions were processed within 14 calendar days.

- 79% of all applications were processed within three days of receipt
- 37% of all applications were processed the same day as receipt

#### Authority/exemption processing days

More than 14 days	2	1%
14 days or less	148	99%
5 days or less	132	88%
3 days or less	119	79%
same day	55	37%



The processing of two authorities was delayed due to banking issues during the Christmas/New Year shutdown period.

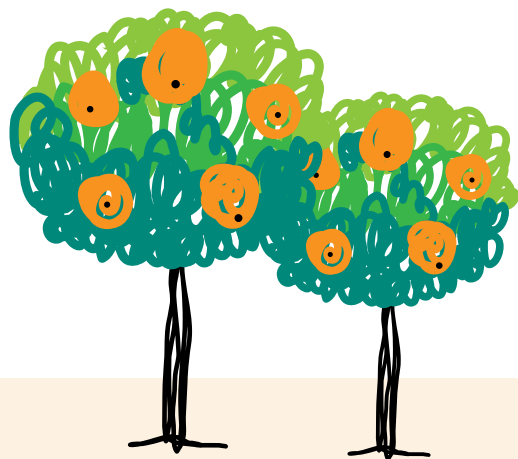
The legislation does not permit the Children's Guardian to grant an authority unless the employer submits a complete and accurate application, a correct payment that can be verified and demonstrates that it can and will comply with the legislation.

### The number of site visits undertaken to assess compliance or provide assistance

Site visits are made where an unusual risk is identified, either by the employer or by staff of the Children's Guardian. Production visits are also made where possible to assist employers to understand their legislative responsibilities if they have limited experience in employing children under 15 years.

In 2008–2009, children's employment staff in the OCCG made 30 site visits to productions in progress. That represented 4% of productions notified to the Children's Guardian, less than 2007–2008 but the same as 2006–2007. The increase last year was mainly due to multiple visits to one theatrical production employing large numbers of children.

Where necessary and appropriate, OCCG staff telephone key production staff on production sets, such as the set nurse, to confirm the well-being of the employed children.



## Children's employment legislation changes

### Child models and penalties for not complying with the legislation

Children and young people who undertake employment in child modelling are now protected up until the age of 16 years due to an amendment to section 221 of the *Children and Young Persons (Care and Protection – Children's Employment) Act 1998* and a consequential amendment to Table A in the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*. The amendments were made by the Government in response to community concern regarding employers who use children to model adult fashion.

These changes came into effect on 27 April 2009. They extended the protection that was previously provided for children and young people up until the age of 15 years and applies to both male and female models, including those employed for still photography or work before a live audience.

Also on 27 April 2009, clause 223 of the *Children and Young Persons (Care and Protection – Children's Employment) Act 1998* was amended to increase the penalty for employers of children for entertainment, exhibition, still photography work and for door-to-door sales who do not comply with the provisions of the Act. The maximum penalty increased from 10 penalty units to 100 penalty units, which currently equates to \$11,000.

The Children's Guardian wrote to, or personally contacted more than 300 employers and other stakeholders, including magazine publishers and still photography representative organisations, to inform them of the changes and their responsibilities.

### Authority Fees

The government announced in November 2008 its decision to increase the application fees for an Authority to Employ Children in NSW. Since 1993, there had been only one increase of 10% in the application fee, which was due to the introduction of the GST.

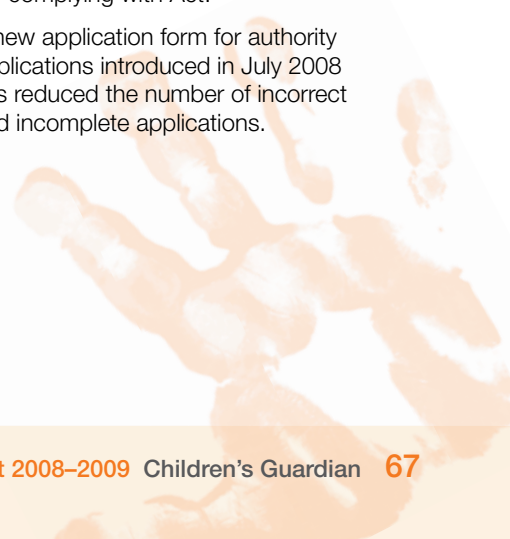
On 3 December 2008 Parliament approved legislation which amended the fees prescribed in clause 8 of the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*. The new fee scale took effect from 1 January 2009. The legislative provisions regarding employers who are exempt from the requirement to hold an Authority have not changed.

### Service improvements

A key priority in 2008–2009 was to communicate with relevant employers and other stakeholders regarding changes to the children's employment legislation:

- in December 2008 the OCCG revised its on-line information and forms to reflect the authority application fee increase which took effect on 1 January 2009. OCCG staff telephoned more than 54 key employers in December to alert them to the changes
- following the changes in April 2009 the OCCG revised its on-line documentation and the Children's Guardian wrote to more than 300 employers and other stakeholders to advise them of the child modeling changes and the increased penalties for not complying with Act.

A new application form for authority applications introduced in July 2008 has reduced the number of incorrect and incomplete applications.







Work commenced in the latter half of 2008–2009 to develop a relational database to better capture and report children's employment data. This initiative, when completed in 2009–2010, will streamline assessment and approval tasks associated with routine employer requests.

The Children's Employment team substantially completed a review of its key processes and procedures documentation, and we will continue to refine it in 2009–2010.

### School leaving age

In May 2009 the *Education Act 2000* was amended so that the minimum school leaving age is now the age at which a child completes the School Certificate or the age of 17 years, whichever occurs first. Previously, children above the age of 15 years were not required to attend school.

Children who have completed the School Certificate but are less than 17 years old are required to remain at school unless they are engaged in other approved training or at least 25 hours per week of paid work. The new laws will apply from 1 January 2010.

From 1 January 2010 it will be necessary for employers to check the circumstances of any model aged

between 15 and 16 years that they propose to cast, because there are provisions in the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005* that apply to children who are required to attend school. Children between the ages of 15 and 16 years will be required to attend school, unless they comply with the law in another way.

### Depiction of children in art

In this reporting year The Australia Council for the Arts developed a new set of protocols in relation to the depiction of children in artworks, exhibitions and publications that receive government funding. The Australia Council consulted a number of stakeholders and received input from representatives from the arts sector, the general community, child protection bodies and government including the Children's Guardian.

The Children's Guardian mainly provided feedback on the New South Wales section of the protocol, with particular reference to the children's employment legislation administered by the Children's Guardian and emphasising the significance of clause 19 of the Code of Practice.

The Councils' final protocols for working with children in art came into effect as of 1 January 2009.

### What's planned for next year?

The main priorities for Children's Employment in 2009–2010 include:

- communicating with stakeholders and developing proposals for the replacement for the *Children and Young Persons (Care and Protection – Child Employment) Regulation 2005*, which expires in September 2010
- test and implement the new children's employment relational database, and
- identify and commence planning for the systems and procedural changes required to implement provisions in the new Regulation that are different from the current one.



## Best Interests of Children and Young People

### Population:

New South Wales children in out-of-home care, awaiting adoption, or employed in prescribed industries.

### Result:

The OCCG promotes the best interests of children and young people in out-of-home care, adoption and prescribed industries.

### Indicators:

- Information is available to the community regarding our role in promoting the best interests of children and young people
- The number of presentation given at conferences, forums and seminars
- The number of interagency forums and visits attended by OCCG staff.

### Partners:

- Department of Community Services
- NSW Ombudsman
- Peak bodies
- Designated agencies
- New agencies seeking accreditation
- Agencies who provide adoption
- Employers of children and young people
- NSW Commission for Children and Young People.

### Baseline and achievements:

The Children's Guardian presented at 31 conferences, forums and seminars, specifically including the Association of Childrens Welfare Agencies 2008 Conference (ACWA08) the Legal Aid Care and Protection Annual Conference and the Australian Institute for Performing Arts (AIPA) screen tests.

OCCG staff attended 129 interagency forums, a number of which were held by the Department of Community Services, Association of Childrens Welfare Agencies and the NSW Ombudsman.

The OCCG was a sponsor of the ACWA08 Conference and the 9<sup>th</sup> Australian Adoption Conference. We also collaborated with the Royal Australian and New Zealand College of Psychiatry and Redbank House Alternative Care Clinic on projects to promote the needs of children and young people in out-of-home care.

### Did we make a difference?

The OCCG believes that in order to promote the best interests of children and young people it is essential to have a strong partnership with our community partners.

The Children's Guardian has been steadily increasing the awareness of the OCCG in the community. This is evident in the number of events the Children's Guardian and staff have attended.





## Promoting the Best Interests of Children and Young People

### Working with our partners

The Children's Guardian has a role in promoting the best interests and rights of children and young people in out-of-home care, those awaiting adoption and those employed in prescribed industries.

We work with community-based and private organisations, government agencies and employers to improve the situation for these children and young people, and to promote participation in decisions that affect their lives. This is achieved through:

- forming partnerships with non-government bodies with similar objectives
- working with other public sector agencies with associated responsibilities
- involvement in community and education activities and events
- participation in relevant seminars, forums and conferences
- building connections with children and young people, particularly those in out-of-home care.

### Results

#### Result area

The Children's Guardian works with community partners to promote the best interests of children and young people in out-of-home care and prescribed industries

#### Indicator 1.1

Information is available to the community regarding our role in promoting the best interests of children and young people

The Children's Guardian website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au) is continually being updated with legislative amendments, revised and updated guidelines, policies and procedures, recent research projects or submissions to government inquiries and information about the out-of-home care and adoption systems and the regulation of children's employment.

#### Indicator 1.2

**The number of presentations given at conferences, forums and seminars**

The Children's Guardian and senior staff members presented at 31 conferences, forums and seminars during 2008–2009. Details of these events are provided later in this chapter.

#### Indicator 1.3

**The number of interagency forums and visits attended by the Children's Guardian or OCCG staff.**

During 2008–2009, the Children's Guardian and OCCG staff attended 129 interagency forums, conferences, meetings and visits to agencies. For a list of the most relevant please see the end of this chapter.

### Additional information

The following provides an overview of our work in promoting the best interests of children and young people during 2008–2009.

#### Association of Children's Welfare Associations (ACWA) Conference 2008

The OCCG was a member of the organising committee and sponsor of the *ACWA08 Conference: Strong, Safe and Sustainable*, which was held on 18–20 August 2008 at the Sydney Convention and Exhibition Centre.

The Children's Guardian also gave a presentation at the conference on *Strength Based Regulation in the NSW Out-of-Home Care System*, which outlined how the new accreditation system (see chapter 2) will help achieve better outcomes for children and young people in out-of-home care and promote continuous improvement.

Staff from the OCCG also attended the conference and gained insights from a variety of presentations from local, interstate and international speakers.

#### Presentations on Section 149 B-K Guidelines

Staff from the OCCG made numerous presentations to non-government organisations about sections 149 B-K of the *Children and Young Persons (Care and Protection Act) 1998*. These provisions relate to the Disclosure of Placement Information to Parents and Significant Others, i.e., sharing information concerning the placement of a child or young person with parents and other people who are significant to the child or young person.

The presentations covered practice requirements for designated agencies, particularly for the staff involved in the disclosure of placement information and in undertaking risk assessments in relation to disclosures. Specifically the training covered:

- The types of placement information that can be disclosed under changes to legislation under section 149 B-K.
- Safeguards for children, young people and carers
- Appeal processes
- Responsibilities of designated agencies.

#### Inter-country Adoption – New Accreditation Model for NSW

NSW is the only state in Australia which has established an accreditation model for non-government organisations that wish to provide inter-country adoption services.

The OCCG presented this model of accreditation to the inter-governmental working group, which is investigating alternative models of inter-country adoption in Australia. This group is made up of representatives from all states and territories and is chaired by Commonwealth representatives. The OCCG has not yet accredited any non-government agency to provide inter-country adoption services.



### The annual Foster Care Week Picnic

The Children's Guardian continues to be a major sponsor and participant in the Association of Children's Welfare Agencies (ACWA) Foster Care Picnic which is held on an annual basis. This is a special event in the calendar for the Children's Guardian and her staff as it provides us with an opportunity to interact with children and young people and their carers.

This year the OCCG was also involved in the organising committee for the event. With thanks to donations from BridgeClimb Sydney, Sydney Tower + OzTrek and Oz Jet Boating, the Children's Guardian was able to offer some amazing experiences to the children and their carers as prizes for the day.

### Australian Institute for Performing Arts (AIPA) screen tests

In 2008 the Children's Guardian presented at The Australian Screen Tests, a world-class event that is unique to the Australian entertainment industry.

This event allows actors to showcase their talent in front of a panel of industry professionals. It was an opportunity for the Children's Guardian to outline her role in regulating children's employment to the industry, with a child welfare focus. Employers of children in the entertainment industry must notify the Children's Guardian and apply for an authority to employ children in paid employment (see chapter 4).

### Working with Specialists and Academics

The Office has been working with the Alternative Care Clinic at Westmead Children's Hospital. Specifically the Office has been utilising the expertise of the staff in relation to Therapeutic Foster Care Training and behaviour management.

The Office has also sought the expertise of the University of Western Sydney in its research into kinship care and the implications for policy and practice. In NSW, kinship care is the most frequently used placement type, particularly for Aboriginal and Torres Strait Islander children and young people.

In streamlining the NSW Out-of-Home Care Standards (see chapter 6), it is crucial that expert advice and feedback is provided by the most relevant and qualified professionals.

### Bourke and Brewarrina visit with Ombudsman's Office

In May 2009, a representative of the Children's Guardian visited Aboriginal communities in Bourke and Brewarrina with the Deputy NSW Ombudsman and AbSec. During these visits, information was provided to Community Working Parties about accreditation and the provision of out-of-home care. This was a valuable experience for the OCCG, as it highlighted the different challenges faced in rural communities. Staff from the OCCG have subsequently met with representatives from Brewarrina in Sydney.



### UNSW Social Work Student

This year the Children's Guardian had a student from the University of NSW undertake her practical placement with us. Jacquelyn Youll, a fourth year social work student experienced the policy and regulation side of social work. Her activities were varied from answering enquiries, attending agency visits (as a regulator), analysing data for the Business Plan and undertaking a major research project. Jackie had this to say about her placement at the OCCG, *"Placement at the OCCG is not a typical social work role for a new graduate, but it is a huge learning curve and is really rewarding."*

### Other opportunities to promote the best interests of children and young people

The Children's Guardian and other senior staff also gave presentations at the following:

- NSW Ombudsman Official Community Visitors Conference
- Legal Aid Annual Care and Protection Law Conference
- Forensic Health – Masters student lectures
- Institute of Psychiatry – Infant mental health student lectures
- ACWA Annual General Meeting
- Youth off the Streets Board of Management Meeting
- National Disability Services Subcommittee on Children and Young People.

### Other events and forums attended by the Children's Guardian and OCCG staff

During 2008–2009 OCCG staff attended:

- The 9th Australian Adoption Conference
- ACWA08 Conference
- 10th Australian Institute of Family Studies Conference (AIFA) – *Families Through Life*
- Centre for Excellence in Child and Family Welfare Inc. and The Child and Family Welfare Association of Australia Symposium *Resilient Families need Resilient Workers*
- Strengthening Organisational Capacity to Protect Children and Young People
- Australian Association for Infant Mental Health and Aboriginal and Torres Strait Islander Perinatal – *Angels in the Nursery Conference*
- APACC (Asia Pacific Association of Children's Commissioners)
- ACCG (Australian Children's Commissioners and Guardians)
- Numerous ACWA out-of-home care forums
- Numerous Research to Practice forums (held by the Department of Community Services).
- Newpin Forum – *Solutions in child protection that promote the wellbeing of Australia's children*
- ARACY – Report card on the Wellbeing of Young Australians Launch
- Benevolent Society's Anti-Poverty Week Seminar
- Stretch-a-Family's Annual General Meeting
- Sydney Democracy Forum – *Neglecting Children and Youth*

### What's planned for next year?

The Children's Guardian has been invited to present at the:

- International Foster Care Organisations conference in Dublin
- ARACY (Australian Research Alliance for Children and Youth) Conference
- 2nd International Conference of the International Society for Child Indicators (ISCI) Conference and
- APPCAN 2009 (Asia-Pacific Regional Conference on Child Abuse and Neglect).

Next year will see the Children's Guardian release the first edition of a bi-annual e-newsletter. The newsletter will keep stakeholders up-to-date with legislative changes, new projects within the office and examples of good practice throughout the sector and upcoming events and conferences.







## Operational Policy and Practice

### Population:

The Minister for Community Services, and New South Wales children and young people in out-of-home care, awaiting adoption or employed in prescribed industries.

### Result:

Develop policies that support the function of the Children's Guardian in promoting the best interests of children and young people.

### Indicators:

- Briefings provided to the Minister for Community Services
- Legislative recommendations implemented
- Research projects undertaken to support our strategic direction
- Submissions prepared in response to public inquiries.

### Partners:

- Department of Community Services
- NSW Commission for Children and Young People
- NSW Ombudsman
- Peak bodies
- Designated agencies
- New agencies seeking accreditation
- Agencies who provide adoption
- Employers of children and young people

### Baseline and achievements:

In 2008–2009 the OCCG prepared 34 briefings to the Minister for Community Services in relation to our functions.

There were 5 submissions prepared this reporting year, which included responding to the Department of Families, Housing, Community Services and Indigenous Affairs National Child Protection Framework, the Australia Council for the Arts, and consultation on raising the school leaving age.

Five significant legislative reforms were passed in Parliament this year which required implementation. They related to both our Children's Employment Regulation and the Out-of-Home Care Regulations.

There were a number of significant research projects undertaken this year, which have informed the updating and streamlining of the NSW OOHHC Standards. One of our main projects which will be continuing into 2009–2010 includes the "Voice of Children and Young People in Residential Care".

### Did we make a difference?

The regulatory reforms that were passed this year were a result of the 2007 review of the AQL system conducted by the OCCG in consultation with the sector. This has led to the development of a strengths based accreditation system, which is currently being piloted.

The Special Commission of Inquiry into Child Protection in NSW published its report in November 2008. A number of recommendations made by the OCCG were endorsed, and subsequently approved by the NSW Government's response "Keep them Safe".



# Operational Policy and Practice

## Overview

To promote the best interests of children and young people, the Children's Guardian keeps informed of Federal and State Government initiatives, as well as local, national and international research. Within this context, the office aspires to be on the forefront of policy development. This is achieved through:

- developing, and contributing to the development of policy and legislation in regard to out-of-home care, adoption and children's employment
- collating data and developing knowledge about the out-of-home care sector performance against the NSW Out-of-Home Care Standards
- partaking in government inquiries.

## Results

### Result area 1

The Minister for Community Services is kept informed of relevant information regarding out-of-home care, adoption, and the regulation of prescribed industries.

#### Indicator 1.1

The number of briefings provided to the Minister for Community Services

In 2008–2009 the OCCG prepared 34 briefings to the Minister for Community Services in relation to the out-of-home care (OOHC) system, legislative issues, designated agencies, adoption agencies and the regulation of children's employment. This ensures the Minister is well informed of relevant issues in relation to the Children's Guardian.

### Result area 2

The Children's Guardian develops policies to promote the best interests of children and young people in out-of-home care, adoption and prescribed industries

#### Indicator 2.1

Legislative recommendations are implemented

### The Accreditation and Quality Improvement Program (QIP)

New regulations governing the Accreditation and Quality Improvement Program (QIP) came into operation on 5 January 2009. These were the *Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2008* ('the Principal Regulation') and the *Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2008* ('the Transitional Regulation').

The new Regulations make a number of improvements to the framework for accrediting and monitoring agencies delivering out-of-home care services for children and young people in NSW. Some of the most significant improvements include:

- A new model of accreditation based on continuous improvement
- The introduction of provisional accreditation for new agencies
- The ability to place conditions on designated agencies with interim accreditation in the Quality Improvement Program
- Increased discretion for the Children's Guardian regarding timing of decisions and the shortening of the accreditation periods
- The ability to transfer accreditation of a designated agency
- Allowing designated agencies to authorise respite services.

### Amendments to the Adoption Act

Amendments to the *Adoption Act 2000* were passed by NSW Parliament in November 2008. The amendments were in response to a review of the Adoption Act undertaken by the Department of Community Services in 2006. Some changes to the Act include:

- Streamline the adoption application process
- Simplify the eligibility criteria to have greater focus on parental capacity
- Encourage open adoption practices
- Encourage greater involvement of local Aboriginal communities and agencies in the adoption of Aboriginal and Torres Strait Islander children and
- Ease restrictions on changing the given name of an adopted child.

In May 2009, amendments to the *Adoption Regulation 2003* were passed. These related to the criteria to assess the suitability of applicant to adopt.

In response to the amendments the Children's Guardian conducted an extensive review and update of its Adoption Benchmark Policies, the Adoption Accreditation Manual, and its Statement of Contemporary Adoption Practice. All updates can be found on the Children's Guardian website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

### Streamlining the NSW Out-of-Home Care Standards

In 2008, the Children's Guardian commenced streamlining and updating the NSW OOHC Standards. This was a result of a review of the system that the Children's Guardian undertook in 2006–2007. As part of the Review, the Children's Guardian asked agencies how they thought the standards were meeting their requirements. The results showed that the Standards should be streamlined and assume a child-centered outcome focus. The streamlining of the Standards has occurred in the context of the NSW Charter of Rights for Children and Young People in Out-of-Home Care and the United Nations Convention on the Rights of the Child.





The OCCG undertook this task and was informed by an extensive literature review, and a reference group of key stakeholders including out-of-home care agencies, the Department of Community Services (DoCS), The Department of Ageing, Disability and Home Care (DADHC), Aboriginal Family and Community Care State Secretariat (AbSec), Association of Childrens Welfare Agencies (ACWA), CREATE, the NSW Ombudsman and academics from leading Australian universities. The views of children and young people in residential care are also being incorporated.

The original 50 standards have been condensed into 24 and grouped into four sections which include:

- Children and Young People
- Casework Practice
- Management of Authorised Carers and staff
- Organisational Management.

Designated agencies are expected to have policies and procedures that will explain how they will achieve outcomes for the children and young people in their care. To assist agencies, the office has developed a set of guidance notes for each standard which are drawn from the NSW legislative requirements and current research findings from Australia and overseas.

The effective implementation of these policies and procedures will be monitored through on-site visits. Assessment tools are being developed

to assist with this process. The Case File Audit will continue to be used to monitor compliance (see chapter 3).

Designated agencies are encouraged to use innovative ways to demonstrate how they meet the NSW OOHC Standards.

## Indicator 2.2

Research projects are undertaken to support our strategic direction

### The "Voice of children and young people in residential care" Project

As part of the standards streamlining project, the Children's Guardian initiated the *Voice of Children and Young People in Residential Care* (VOCYPRC) project.

In the move to make the standards more child-centered, the Children's Guardian undertook the VOCYPRC Project to incorporate the experiences of children and young people in out-of-home care.

The voices of children and young people in foster care were consolidated in the report "Voice of children and young people in foster care" in 2000. The voices of children and young people in kinship care are drawn from the work completed by Professor Jan Mason, partnered with ACWA in 2002. The views collected from these reports have informed the streamlined standards relating to foster and kinship care.

The VOCYPRC Project is using the same methodology as the 2000 project including the same researchers.

Forty one children and young people in residential care across NSW were interviewed. The interviews sought answers to the following questions:

- What views do they hold about residential care?
- What views do they have about what constitutes a quality system of care?
- What are their views regarding a range of case management practices and procedures?
- What are their concerns?

In addition, the views of young people leaving care were drawn from the CREATE Foundation's Report Card "Transitioning from Care" completed in 2008 and 2009.

The preliminary findings from the project informed the draft streamlined standards. The final report will be available later this year.

### Children and Young People Forums

The Children's Guardian attended 3 forums with the children and young people that participated in the VOCYPRC Project. These forums were an opportunity for open discussion between the young people that experience out-of-home care, and the Children's Guardian, who regulates



this care. The young people gave the Children's Guardian some valuable insights into the system and shared their views with her. These views will be used to inform the streamlined Standards, as discussed above.

### Indicator 2.3

Submissions prepared in response to invitation or government inquiries

### The Special Commission of Inquiry into Child Protection Services in NSW

Last year the Children's Guardian made a number of submissions to the Special Commission of Inquiry into Child Protection Services in NSW (Wood Commission). Justice Wood handed down his Report at the end of November 2008. This report endorsed recommendations made by the Children's Guardian in relation to her statutory functions, the role of non-government agencies, voluntary out-of-home care, and information sharing with Official Community Visitors.

In response to the recommendations made by the Wood Commission the NSW Government has released, *Keep Them Safe: a shared approach to child wellbeing*.

### NSW Government's "Keep Them Safe"

The "Keep Them Safe" report sets out the Government's action plan over the next five years to improve the safety and wellbeing of children and young people in NSW.

Keep Them Safe's goal is that all children in NSW are healthy, happy and safe, and grow up belonging in families and communities where they have opportunities to reach their full potential, creating better partnerships between government agencies and non-government organisations.

The following table provides an overview of the relevant recommendations that have impacted the Children's Guardian role and our progress in their implementation.

Recommendation	Government Response
<b>Powers of Delegation</b> 16.15 DoCS should consult with the Children's Guardian before delegating parental responsibility to any person, except in circumstances where DoCS has shared parental responsibility and is delegating to the person with whom it shares parental responsibility. In the event that a mechanism for that to occur has not been introduced to the satisfaction of DoCS and the Children's Guardian within 12 months of the publication of this report, the <i>Children and Young Persons (Care and Protection) Act 1998</i> should be amended to require that consultation.	Supported in principle. The Department of Community Services will work with the Children's Guardian to develop an agreed mechanism and evaluate the mechanism within 12 months. This work has commenced.
<b>Voluntary Out-of-Home Care</b> 6.16 With respect to the <i>Children and Young Persons (Care and Protection) Act 1998</i> : <ol style="list-style-type: none"> <li>the proposal set out in the draft Cabinet Minute to introduce a revised scheme for voluntary care should be implemented and the Children's Guardian should receive the additional resources necessary to perform the functions of that office that would apply to those within that scheme.</li> <li>section 183 should be repealed</li> <li>section 181(1)(d) should be repealed</li> <li>section 181(1)(a) should be repealed</li> <li>section 186 should be repealed</li> <li>section 105(3)(b)(iii) should be amended to delete reference to the Children's Guardian and to replace it with the Director-General of DoCS</li> <li>section 90(3)(b) should be repealed</li> <li>section 159 should be proclaimed</li> </ol>	Supported. The Government will introduce legislation to implement this recommendation, with some variations. The Office has commenced work on developing a voluntary out-of-home care system. The <i>Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009</i> has been passed.
<b>Information sharing with Official Community Visitors</b> 23.4 Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOH with appropriate procedural fairness safeguards and s.8 of <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i> and clause 4 of <i>Community Services (Complaints, Reviews and Monitoring) Regulation 2004</i> should be amended to achieve this outcome.	Supported. The Government will introduce legislation to implement this recommendation. The <i>Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009</i> has been passed. The OCCG has commenced discussions with the Office of the NSW Ombudsman.

## National Framework for Protecting Australia's Children

On 30 April 2009, the Council of Australian Governments endorsed the *National Framework for Protecting Australia's Children*, a long-term national project to ensure the wellbeing and safety of Australian children.

The National Framework includes the development of the National Standards for Out-of-Home Care. The Children's Guardian has been asked to contribute to the development of the standards, which aim to ensure that all children who cannot be cared for by their parents or family receive quality support and care.

In addition the Australian Government will lead:

- **Improved information sharing and data consistency** – to improve the understanding of children at risk of harm and ensure that vulnerable children and their families do not fall between the cracks.
- **A National Research Agenda for Child Protection** – this will ensure governments and non-government organisations deliver the best possible support to vulnerable children and families.
- **Workforce development** projects including professional resources and tools to improve services working with families and children to identify children at risk early and respond appropriately.

## Additional information

The following provides an overview of other work performed by the OCCG in the area of policy development during 2008–2009.

### Strategic Planning

This year a number of OCCG staff attended Results Based Accountability (RBA) training facilitated by Mark Friedman. The OCCG has integrated this approach into its strategic planning processes and staff performance development.

In using the RBA approach it enables us to chart our long term progress in relation to improving the well-being of children and young people. This complements our commitment and transition to a more responsive and strengths based form of regulation.

Introducing the RBA performance framework has enabled us to acknowledge the important contribution we all make to improving the lives of children and young people – a message that has been recently reinforced in the "Keep them Safe" Report.

### Changes to the Human Tissue Guidelines enabling children and young people in out-of-home care to be eligible to become organ donors

On 13 February 2009 an amendment to the *Human Tissue Act 1983* about organ donation and children in OOHC was proclaimed.

As a result of these changes there is now a capacity for children and young people in out-of-home care to become organ donors.

The NSW Government asked the Children's Guardian to develop appropriate guidelines for a Principal Care Officer to consider when exercising his/her functions under the *Human Tissue Act 1983* in relation to the removal of tissue from a deceased child in out-of-home care.

As only approximately 1% of people in Australia will die in circumstances making them medically suitable to become donors, organ donation by children and young people in the care of the State of NSW will be an extremely rare event.

The Children's Guardian has drafted these guidelines in consultation with the Department of Community Services and the NSW Department of Health. These guidelines are currently being finalised.

## Revised Statutory Guidelines

During 2008–2009, the Children's Guardian revised and updated two sets of statutory guidelines.

- Guidelines for Designated Agencies for Developing a Behaviour Management Policy
- Guidelines for Designated Agencies on the Review of Placements of Children and Young People in Out-of-Home Care.

The Children's Guardian undertook extensive consultation on each of these documents with key government agencies and peak bodies.

This feedback has been incorporated into the guidelines. The Department of Ageing Disability and Home Care provided extensive and very useful advice.

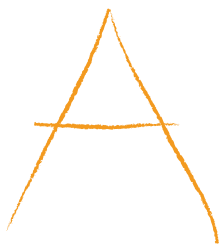
Both sets of statutory guidelines can be found on the Children's Guardian's website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

## What's planned for next year?

The main priorities for the Children's Guardian in relation to policy development include:

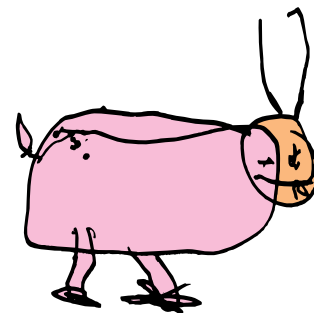
- continue the implementation of the recommendations of the "Keep Them Safe" report
- develop the statutory guidelines required to implement voluntary out-of-home care, and the system that will support this new responsibility
- the release of the VOCYPRC report towards the end of 2009
- piloting the new AQI framework (see chapter 2) and OOHC Standards with full implementation set to take place in 2010
- establish a process for assessing the suitability of Principal Officers of designated agencies
- develop policy and systems in relation to the Official Community Visitor (OCV) Program that providing information to the OCCG
- finalise Guidelines for a Principal Care Officer to consider when exercising his/her functions under the *Human Tissue Act 1983*.





## Appendix A

### Designated Agencies as at 30 June 2009



#### Accredited agencies – 5 years (28)

Allambi Youth Services Inc.  
Anglicare Canberra and Goulburn  
Baptist Community Services – NSW & ACT  
Barnardos Australia  
The Burdekin Association Inc  
CareSouth  
Caretakers Cottage Inc  
Caringa Enterprises Inc  
Catholic Care Newcastle  
CatholicCare Sydney  
CatholicCare Wollongong  
Centacare Catholic Family Services Diocese of Broken Bay  
Life Without Barriers  
Lutanda Children's Services  
Marist Youth Care Ltd  
Mackillop Family Services  
Ngunya Jarjum Aboriginal Corporation  
North Coast Children's Home (CASPA)  
Phoenix Rising for the Children Pty Ltd  
Samaritans Foundation Diocese of Newcastle  
Southern Youth & Family Services Association Inc  
St Joseph's Cowper  
Stretch-A-Family  
Sydney Anglicare Home Mission Society  
Sydney Stepping Stone Inc  
United Protestant Association of NSW Limited  
Uniting Care Burnside  
The Uniting Church in Australia Property Trust (NSW)  
(Wesley Dalmar)

#### Accredited for 3 years (12)

Ability Options  
Australian Red Cross Society  
Benevolent Society\*  
For the Children Ltd  
For-Most Social Services Pty Ltd\*  
The Hills Association for the Intellectually Disabled Limited  
(Interaction Disability Services Ltd)  
Lifestyle Solutions Pty Ltd  
Link Up Family Services  
Mallee Family Care Inc  
Sunnyfield Association  
Sylvanvale Foundation  
The Guardian Foundation

#### Designated Agencies in the QIP (18)

Aboriginal Children's Services  
Armidale Youth Refuge Inc  
Biripi Aboriginal Corporation Medical Centre  
Burrin Dalai Aboriginal Corporation Inc  
Church of Christ Greenacre (Nick Kearns House)  
Community Work Pty Ltd (Guardian Youth Care)  
Disability Enterprises Leura  
Hunter Aboriginal Children's Services Inc  
Impact Youth Services Pty Ltd  
KARI Aboriginal Resources Inc  
Links Youth & Disabilities Services Pty Ltd  
NSW DADHC  
NSW DoCS  
Premier Youthworks Pty Ltd  
South Coast Medical Service Aboriginal Corp  
William Campbell College  
Wundarra Services Pty Ltd  
Youth off the Streets Incorporated

\* "Provisional accreditation" – agencies are accredited on the basis of policies and procedures alone. These agencies have not made any arrangements for the provision of OOHC services during the 12 months prior to applying for accreditation. When provisionally accredited agencies first make arrangements for provision of OOHC services this is automatically treated as application for full accreditation.

## Glossary

AbSec	Aboriginal Child, Family and Community Care State Secretariat
ACCAN	Australasian Conference on Child Abuse and Neglect
ACWA	Association of Children's Welfare Agencies
ACCG	Australian Children's Commissioners and Guardians
ADT	Administrative Decisions Tribunal
AIPA	Australian Institute for Performing Arts
APACC	Asia Pacific Association of Children's Commissioners
AQI	Accreditation and Quality Improvement
ARACY	Australian Research Alliance for Children and Youth
CCYP	NSW Commission for Children and Young People
CFA	Case File Audit (the Audit)
CREATE	An organisation which represents the interests of children and young persons in care.
DADHC	NSW Department of Ageing, Disability and Home Care
Designated agency	An organisation which is accredited by the NSW Office for Children – the Children's Guardian to place or arrange the placement of a child or young person in out-of-home care.
DoCS	NSW Department of Community Services
EEO	Equal Employment Opportunity
E&E	Entertainment and Exhibition
FOI	Freedom of Information
FT	Film and Television
MOU	Memorandum of Understanding
OCCG	NSW Office for Children – the Children's Guardian
OCV	Official Community Visitor
OOHC	Out-of-Home Care
PwC	PricewaterhouseCoopers
QIP	Quality Improvement Program
RANZCP	Royal Australian and New Zealand College of Psychiatrists
RBA	Results Based Accountability
RSP	Results and Services Plan
Stills	Still photography
The Code	The Code of Practice (Children's Employment Regulation)
VOCYPRC	Voice of Children and Young People in Residential Care Project
VOOHC	Voluntary out-of-home care
Wood Commission	The Special Commission of Inquiry into Child Protection Services in New South Wales