

Cooperative arrangements between the Children's Guardian, Ombudsman and Official Community Visitors

The Children's Guardian, Ombudsman and Official Community Visitors (OCVs) are committed to working with each other, and with agencies that provide residential out-of-home care, to promote the best interests of children and young people in residential out-of-home care.

The Children's Guardian, Ombudsman and OCVs have separate, but related, functions in relation to residential out-of-home care services and children and young people in residential out-of-home care.

The *Community Services (Complaints, Reviews and Monitoring) Act 1993* was amended in January 2010 to enable OCVs to share information about residential out-of-home care services with the Children's Guardian.

The Children's Guardian, Ombudsman and OCVs have now entered into a Memorandum of Understanding (MOU) that sets out how they will work together to promote the best interests of children and young people in statutory/supported residential out-of-home care.

This Information Sheet briefly summarises:

- the roles of the Children's Guardian, Ombudsman and OCVs in relation to children and young people in statutory or supported residential out-of-home care and the agencies that provide that care; and
- cooperation and information sharing arrangements between the Children's Guardian, Ombudsman and OCVs.

The Children's Guardian

The Children's Guardian is an independent body that reports to the Minister for Community Services and the New South Wales Parliament.

The Children's Guardian accredits and monitors the designated agencies that provide statutory and supported out-of-home care.

Staff from the Children's Guardian visit designated agencies to:

- assess whether the agency has systems in place that meet the requirements of the *NSW Standards for Statutory Out-of-Home Care* ('the Standards'); and
- conduct Case File Audits to monitor how agency practice complies with the Standards and care and protection legislation.

The Children's Guardian is able to impose conditions on the accreditation of designated agencies to promote improved performance in delivering services to children and young people in out-of-home care.

You can find more information about the Children's Guardian at www.kidsguardian.nsw.gov.au.

Official Community Visitors (OCVs)

OCVs are appointed by the Ministers for Community Services and Disability Services. While the Ombudsman administers the OCV scheme, OCVs are independent of the Ombudsman.

OCVs:

- visit agencies that provide visitable services, including residential out-of-home care services for children and young people;
- observe the standard and adequacy of care provided by visitable services;
- talk to residents, staff and management of visitable services, examine service and resident files and documents, and – where possible – try to resolve any issues they identify directly with services;
- provide a report to visitable services about each visit, and
- provide information and assistance on advocacy.

If OCVs are unable to resolve an issue or an issue is serious, OCVs may decide to refer their concerns to the Ombudsman, the relevant Minister and/or the Children's Guardian.

You can find more information about OCVs at www.ombo.nsw.gov.au.

The Ombudsman

The Ombudsman is an independent watchdog accountable to the New South Wales Parliament. The Ombudsman:

- helps agencies, including visitable services, to meet their obligations and responsibilities and to improve their services;
- handles inquiries and complaints about agencies' delivery of out-of-home care services;
- reviews the situation of children and young people in out-of-home care;
- monitors systems for responding to and investigating reportable allegations, and reportable convictions, involving employees of designated agencies; and
- administers the OCV scheme for visitable (including residential out-of-home care) services and maintains the OCV Online system which benchmarks the service issues identified by OCVs against the Out-of-Home Care and Disability Service Standards.

You can find more information about the Ombudsman at www.ombo.nsw.gov.au.

Cooperation and information sharing arrangements between the Children's Guardian, Ombudsman and OCVs

The Ombudsman and Children's Guardian routinely share information about out-of-home care services and children and young people in out-of-home care. However, OCV information has not been shared with the Children's Guardian until now.

The MOU seeks to ensure that relevant information about statutory/supported residential out-of-home care services is shared between the Children's Guardian, OCVs and Ombudsman.

It also seeks to ensure that if an issue of concern about an agency is being addressed by one of those bodies in an appropriate way, the other bodies do not impose conflicting demands on the agency.

The following arrangements are provided for under the MOU:

- The Children's Guardian will provide the Ombudsman with a summary of any significant concerns about designated agencies that provide residential statutory/supported out-of-home care arising from accreditation/quality improvement assessments or Case File Audits – this information may be provided to relevant OCVs in advance of their visits.

- The Children's Guardian may provide OCVs and the Ombudsman with other information to promote the best interests, or safeguard and promote the rights, of a particular child or young person, or class of children and young people, in out-of-home care.
- The Ombudsman will provide the Children's Guardian with trend and pattern reports about agencies and service issues from the OCV Online system. These reports may be about the sector or particular agencies.
- OCVs may, at their discretion, provide the Children's Guardian with direct written reports that raise serious or systemic concerns about an agency's out-of-home care services.
- The Children's Guardian cannot use OCV information where that would prejudice any Ombudsman investigation, conciliation, review or inquiry.
- The Children's Guardian may otherwise use OCV information in making decisions relevant to an agency's accreditation (including imposing conditions on that accreditation), but only after having advised the agency of the information and given the agency an opportunity to respond to it.
- The Children's Guardian will inform the Ombudsman and relevant OCVs of any action it has taken after receiving a direct report from an OCV.

The MOU places strict limitations on the circumstances in which information provided under the MOU can be passed on to third parties.

A copy of the MOU is available on the websites of the Children's Guardian (www.kidsguardian.nsw.gov.au) and the Ombudsman (www.ombo.nsw.gov.au).

Queries about this Information Sheet

If you have any queries about this Information Sheet please contact the Children's Guardian's office on (02) 8219 3600 or the NSW Ombudsman on (02) 9286 1000 and ask to speak to the OCV Team Leader.

Level 24, 580 George Street
Sydney NSW 2000

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.



This fact sheet is one of a series produced by the NSW Ombudsman. Feedback is welcome.

Our business hours are:
Monday to Friday, 9am–5pm
(Inquiries section closes at 4pm)

Telephone Interpreter Service (TIS): 131 450
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.

General inquiries: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au