



# OFFICE OF THE CHILDREN'S GUARDIAN COMPLIANCE PROGRAM 2015–2016



## Foreword

The functions of the Children's Guardian exercised through the Office of the Children's Guardian include the regulation and accreditation of statutory out-of-home care, adoption and children's employment and, since June 2013, processing and auditing the Working With Children Check, as well as promoting Child Safe practices for organisations that work with children.

Over the next 12 months there are three main areas of focus for compliance activity. Those areas of focus are:

1. building our capability to detect new and emerging risks;
2. assisting employers to understand and identify and promote child safe strategies within their organisations;
3. undertaking targeted compliance programs aimed at providing an escalating response to organisations which fail to provide quality, child safe services to children.

We will continue to identify the key risks facing children arising from employment-related arrangements and promote practices aimed at protecting the rights of children.

We will also continue to work very closely with a wide range of stakeholders to ensure they are well informed on all aspects of our compliance approach.

Our efforts, strategies and approach represent a significant enhancement of our compliance and enforcement efforts to detect and take action against those who intentionally contravene or choose to operate outside the existing system.

The Compliance Program supports employees, employers and the community to understand and comply with all the obligations imposed by legislation that are necessary for the protection of children.

## The Office of the Children's Guardian

The Office of the Children's Guardian is an independent statutory authority in NSW Government. We protect children in NSW by promoting and regulating quality, child safe organisations and services.

The principal functions of the Office of the Children's Guardian are contained in the *Children and Young Persons (Care and Protection) Act 1998*, the *Child Protection (Working with Children) Act 2012*, the *Adoption Act 2000* and the *Children and Young Persons (Care and Protection) Regulation 2012*, the *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2010* and the *Child Protection (Working with Children) Regulation 2013*.

## About this Document

This document outlines key compliance activities for 2015–16. Compliance activity is necessary to ensure that government outcomes are achieved.

It supports our regulatory functions and specifically identifies and explains:

1. **Our compliance priorities**—what the priority areas of compliance will be over the next year.
2. **Our compliance approach**—outlines the strategic focus on information and education to help people comply with their legal obligations in relation to child related employment.
3. **Our compliance model**—explains the mix of compliance activities available as a response to all levels of non-compliance.
4. **Our compliance management**—details how compliance is achieved
5. **Our targeted compliance strategies**—sets out how our compliance activities apply to employers, employees, self-employed people, government agencies, community groups, and the community generally.

This document provides an overview of our compliance strategies and activities. Specific compliance responses are determined in accordance with the individual circumstances of each case.

## Our compliance priorities

1. **Using education and information**—by providing information and education resources and allocating sufficient resources to the closest point at which non-compliance is likely to occur.
2. **Communication channels**—by using a broad range of targeted communication channels to contact people for the purpose of providing or seeking information to assist with achieving our compliance outcomes.
3. **Developing new intervention strategies**—by addressing the risk associated with non-compliance through the use of new and innovative techniques to increase compliance at the earliest possible stage of the process to minimise the risk to children and reduce the time and effort spent on escalated intervention strategies.
4. **Using a risk-based approach to compliance and enforcement**—by using a range of current and historical data and other indicators, we will identify those areas that represent the greatest risk to children and we will apply our resources proportionately in those identified areas.
5. **Building our capability to detect new and emerging risks**—by developing our intelligence capabilities, increasing the rate of early detection of con-compliance and allowing us to better target our compliance and enforcement activities to more efficiently achieve our outcomes.
6. **Working with our regulatory partners**—by working with the key agencies with statutory responsibilities for protecting children to the extent permitted by law to maximise our efficiency, improve detection rates and enhance our enforcement response.

## Our compliance approach

We know the overwhelming majority of our community hold the safety of children as a paramount concern and that most people captured by the system will do the right thing. So we aim to support people in meeting their obligations at the earliest possible opportunity.

We are focused on education and the provision of information as the most effective and efficient way of encouraging compliance and the best way of ensuring the protection of children.

Those who do not comply with their obligations and create an actual or perceived risk to children will be investigated and may face a range of enforcement action.

**We will work with all sectors of the community to resolve issues and provide advice and assistance to assist them to comply with their legal obligations.**

## Our compliance model

The agency's compliance model recognises that most people want to provide correct and up-to-date information. Regardless of their obligation as an employer, employee, volunteer, community group or government agency, a mix of compliance activities help people to provide information, make notifications and disclosures and otherwise meet their legal obligations.

Our main priority remains to work with people to help them comply and we will utilise various communication channels including mail, email, website information, mobile devices, media releases.

Where there is suspected fraudulent activity we use a mix of sophisticated fraud investigation techniques, including advanced data analytics, profiling and working with law enforcement or regulatory agencies.

Our *Compliance Policy* sets out the principles and priorities that will be adopted by the OCG to protect children by monitoring and regulating organisations and individuals who provide services to children or employ children.

# Managing compliance

## Understanding our risks and learning from experience

Continually assessing, controlling and monitoring compliance risks are central to managing compliance.

Through risk assessment processes, intelligence gathering and post-case analysis, we are able to see emerging patterns that allow us to learn from experience and use this knowledge to develop proportionate, efficient and effective compliance responses.

## Focusing on prevention and early intervention

The agency continues its compliance transformation to a risk-based model that focuses on the early identification of risk. Significant progress has been made in this transformation by establishing a risk-based business model and implementing a number of early intervention activities.

Through our continual auditing and monitoring functions we are able to target those agencies who are experiencing difficulty in meeting the required standards. In some situations, it will be appropriate to increase our monitoring functions for these agencies.

The agency continues its compliance transformation to a risk-based model that focuses on the early identification of risk and increasing the rate of contact of people at the earliest possible stage.

## Continuous Checking

Automated 'continuous checking' is a key improvement delivered as part of the new WWC Check. All applicants with a current clearance to work in child related employment will be continuously checked against relevant databases. Where a specified event is recorded during the currency of the clearance, particulars of the event will be assessed to determine the risk to children and, depending on the outcome of the assessment, will trigger an appropriate compliance response.

The assessment of risk to children will continue for the duration of a clearance to work in child related employment. Events that are assessed as posing a risk to children will trigger an appropriate enforcement response.

## Identifying, investigating and prosecuting fraud

### Our targeted compliance strategies

The range of people we support is diverse. Aside from employers, employees and the self-employed, we also support government agencies with responsibilities in relation to child related employment, volunteers along with community, social and sporting groups.

## Contact us

Visit [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au) for more information about our services and our approach to ensuring compliance with the law in relation to child related employment or call the Office of the Children's Guardian on (02) 8219 3600.

Alternatively, email us at [kids@kidsguardian.nsw.gov.au](mailto:kids@kidsguardian.nsw.gov.au) or visit our website for more information: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au).