

Agency Information Guide

As required by s 20 of the *Government Information (Public Access) Act 2009*

20 November 2017



Office of the
Children's Guardian

www.kidsguardian.nsw.gov.au

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1. Purpose of this document

All NSW public service agencies are required by s 20 of the *Government Information (Public Access) Act 2009* (**Act**) to have an Agency Information Guide.

The purpose of this guide is to provide a general overview of:

- 1 The structure of functions of the Office of the Children's Guardian
- 2 The ways in which our functions affect members of the public
- 3 How members of the public can participate in policy formulation and the exercise of our functions
- 4 The kinds of information that we hold
- 5 How members of the public can access our information

2. About the Office of the Children's Guardian

The Office of the Children's Guardian was established under the *Children and Young Persons (Care and Protection) Act 1998* (**Care Act**) to promote the interests and rights of children and young people living in out-of-home care.

In 2013 legislative changes expanded the role of the Office of the Children's Guardian to be an independent government agency that works to protect children by promoting and regulating quality, child safe organisations and services.

The Children's Guardian reports to the NSW Minister for Family and Community Services and to Parliament.

Under the Care Act, the Children's Guardian:

- accredits and monitors the designated agencies that arrange statutory out-of-home care in NSW
- maintains and monitors the NSW Carers Register, a centralised database of people who are authorised, or who apply for authorisation, to provide statutory or supported out-of-home care
- registers and monitors agencies that provide, arrange or supervise voluntary out-of-home care
- accredits non-government adoption services providers
- authorises the employment of children under the age of 15, and child models under the age of 16, in the entertainment sector
- administers the Working With Children Check and encourages organisations to be safe for children
- administers the Child Sex Offender Counsellor Accreditation Scheme – a voluntary accreditation scheme for persons working with those who have committed sexual offences against children.

The current structure of the Office of the Children's Guardian is as set out in Appendix A to this guide.

3. How our functions affect the public

As a regulator, our functions affect the public in a range of ways. For example:

- **Working With Children Check:** we administer the Working With Children Check scheme in NSW, which grants clearances to individuals to work with children or prevents unsuitable individuals from working with children.
- **Carers Register:** we also administer the Carers Register, a centralised database of persons who are authorised, or who apply for authorisation, to provide statutory or supported out-of-home care in NSW.
- **Agencies which provide and/or arrange out-of-home care:** we assess these agencies' performance to promote the best interests and rights of children and young people in out-of-home care.

- **Children’s employment:** employers of children in a regulated activity, such as entertainment, recorded performances and door-to-door sales, are required to hold an employer’s authority, comply with the Code of Practice and develop and distribute a code of conduct.

4. Information held by the Office of the Children’s Guardian

We hold a significant amount of government information. Government information is defined in the Act as “information contained in a record held by an agency”. A record means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.

We keep records associated with our core functions as set out by legislation.

A significant part of our records are sensitive and personal in nature. Records are dealt with in accordance with the *Privacy and Personal Information Protection Act 1998* and the Office of the Children’s Guardian’s Privacy Management Plan.

Examples of the type of information we hold include:

- Information gathered during the course of dealing with Working With Children Check applications, which can include information obtained from other government and non-government organisations and correspondence
- Information provided as part of the accreditation and monitoring of organisations, such as forms, policies and procedures, reports and correspondence
- Publications
- Minutes and reports
- Contracts and associated documents
- Internal working documents
- Correspondence – with the Minister, Members of Parliament, heads and staff of government organisations, the public and other organisations.

5. How to access information held by the Office of the Children’s Guardian

The Act allows members of the public to access government information four ways:

- 1 Open access information
- 2 Proactive release
- 3 Informal release
- 4 In response to a formal access application

We provide access through the Office of the Children’s Guardian website <http://www.kidsguardian.nsw.gov.au> to open access information which is required by s 18 of the Act to be made publicly available, including:

- This Agency Information Guide
- The Office of the Children’s Guardian’s Annual Reports, as tabled in Parliament
- Disclosure Log of access applications
- Register of Government Contracts

As required by s 7(3) of the Act, we review our proactive release program to identify the kinds of government information we hold that should be made publicly available in the public interest and that can be made publicly available without imposing unreasonable additional costs on the Office of the Children’s Guardian.

Members of the public can informally request information from the Office of the Children's Guardian (i.e. in a way that does not meet the requirements of a formal access application). We can release information in response to an informal request for information, and require that the information so released only be used in a particular way. You can informally request information from the Office of the Children's Guardian by contacting the Right to Information Officer on (02) 9286 7724.

To make a formal access application, the application must:

- 1 Be in writing
- 2 Specify it is made under the Act
- 3 Provide an Australian postal address
- 4 Be accompanied by a \$30 fee
- 5 Include sufficient detail to enable us to identify the information requested

You can make a formal access application using the Access Application, available on the Office of the Children's Guardian's website. The completed form can be posted to:

Right to Information Officer
NSW Office of the Children's Guardian
Level 13, 418A Elizabeth Street
SURRY HILLS NSW 2010

If you need help filling out the form, please contact the Right to Information Officer on (02) 9286 7724.

6. How the Office of the Children's Guardian engages with the public

We work closely with stakeholders and the wider community to achieve greater protection for children and young people in NSW.

For example, consultation on significant statutory reform was conducted through the NSW Government Have Your Say website: <https://www.nsw.gov.au/improving-nsw/have-your-say/>.

We maintain a Twitter account, [@nswkidsguardian](https://twitter.com/nswkidsguardian), and Facebook page. <https://www.facebook.com/NSWkidsguardian/>.

7. Expert advice

We have established an expert advisory panel under the legislation which governs the NSW WWC scheme. The panel comprises specialists in fields including forensic psychologists, domestic violence and cyber-security experts. The panel provides expert guidance to the Children's Guardian on matters such as recent trends and contemporary research on the forensic behaviour of particular types of offenders.

8. Feedback and questions

To provide feedback or for more information about accessing information held by the Office of the Children's Guardian, please contact the Right to Information Officer phone on (02) 9286 7724 or by post at:

Right to Information Officer
NSW Office of the Children's Guardian
Level 13, 418A Elizabeth Street
SURRY HILLS NSW 2010

9. The role of the Information Commissioner under the Act

You can complain to the Information Commissioner about an agency's conduct in the exercise of functions under the Act, including conduct that you allege constitutes a breach of the Act.

You can make a written complaint to the Information Commissioner through:

- Post: GPO Box 7011, Sydney NSW 20001
- Email: ipcinfo@ipc.nsw.gov.au
- In person: Level 17, 201 Elizabeth Street Sydney 2000

The Information Commissioner may decide to investigate, not to continue to investigate, or not investigate a complaint.

10. Appendix A – current structure of the Office of the Children’s Guardian

