

Principal Officers

The Office of the Children's Guardian (OCG) is an independent statutory authority. The OCG is a regulator – not a provider of care services.

The OCG accredits and monitors the performance of agencies that arrange statutory and supported OOHC and adoption services. The OCG administers the Carers Register, a database of persons authorised to provide or who apply to provide statutory and supported OOHC in NSW (household members are also recorded on the database).

Role and responsibilities of Principal Officers

The Principal Officer is the person with overall responsibility for supervising a designated agency's arrangements for providing statutory or supported out-of-home care.

Principal Officers have legal requirements under the *Children and Young Persons (Care and Protection) Act 1998* and the *Children and Young Persons (Care and Protection) Regulation 2012*.

These requirements are summarised as follows:

- Immediately ensuring notification of a death of a child in care to the parents of the child, and the Children's Guardian and the Coroner (s 172)
- Ensuring a behaviour support plan is prepared when a medical practitioner has prescribed a psychotropic drug for the child (cl 26)
- Authorising individuals as authorised carers (cl 30(7))
- Authorising relative or kin of a child or young person as an authorised carer for the child or young person in an emergency (cl 31(1)) and
- Authorising individuals as an authorised carer to provide respite for other authorised carers (cl 33(2)).

Under the *Child Protection (Working with Children) Act 2012*, (s 6(3)), the Principal Officer of a designated agency, an accredited adoption service provider or a registered agency is specified as a child-related role, and must have a Working With Children Check (WWCC) Clearance.

While the law prescribes certain functions of the Principal Officer, some of these functions may be delegated with the approval of the Children's Guardian.

What responsibilities can be delegated?

1. The preparation of a behaviour support plan that includes psychotropic medication

Where an authorised carer has notified the designated agency that a medical practitioner has prescribed a psychotropic drug to a child in statutory out-of-home care, the responsibility to prepare a behaviour support plan for the child may be delegated by the Principal Officer, with the approval of the Children's Guardian. The *NSW Child Safe Standards for Permanent Care* indicate that behaviour support and management plans should be developed by suitably qualified professionals and in consultation with the child or young person.

Where the Principal Officer has delegated the preparation of a behaviour support plan for a child who has been prescribed a psychotropic drug, the Principal Officer must still approve the plan.

See also: *Designated agency behaviour support/management guidance tool*, available from www.kidsguardian.nsw.gov.au

2. Authorisation of carers

In accordance with the *Children and Young Persons (Care and Protection) Regulation 2012*, (cl 30(9), 31(9) and 33(4)), responsibility for the authorisation of carers, including respite carers and relative or kinship carers, can be delegated by the Principal Officer *only* with approval of the Children's Guardian.

Principal Officers seeking to delegate this responsibility to another person are required to provide in writing to the Children's Guardian a request that includes:

- details about why the agency is seeking to delegate this responsibility
- details of the person to whom the Principal Officer proposes delegating this responsibility, including their position and how/why they are deemed suitable
- confirmation that the person to whom the Principal Officer proposes delegating this responsibility, holds a current Working with Children Check Clearance or Application that has been verified by the agency
- a copy of the agency's organisational chart showing the role of the person to whom the Principal Officer proposes delegating this responsibility
- the length of time that the delegation is being proposed.

More information

This fact sheet and other resources are available from our website www.kidsguardian.nsw.gov.au

For more information, please contact the Accreditation Team on (02) 8219 3600 or email accreditation@kidsguardian.nsw.gov.au

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