

# When an allegation is made

(whether by a child or young person, carer, employee, anonymous tip or because of your own observation)

## Remember, your first consideration is the welfare of the child

Are they at risk of further harm?

If you think the matter is a criminal offence, report it to NSW Police immediately  
**131 444**

If you have one, you should contact your organisation's Child Well Being Unit for advice.

If you are a mandatory reporter, call the Child Protection Helpline on **133 627**

You are encouraged to use the **Mandatory Reporter Guide** before making a report to the Helpline. eReporting may be used for non-imminent suspected risk of significant harm reports.

If you are not a mandatory reporter, call the Child Protection Helpline on **132 111**

## Then report it to...

### The NSW Office of the Children's Guardian (OCG)

#### SOOHC

Salutatory Out Of Home Care

Are you a designated agency with obligations to report to the Accreditation team?

If you are a designated agency you **must notify** the OCG that an allegation has been made.

[Access the form here.](#)

The Principal Officer of your agency is required to notify the Children's Guardian in writing within **14** days of receiving an allegation of sexual misconduct or serious physical assault towards a child or young person, committed by a child-related worker. A complete Notification of Allegation form should be emailed to:

**oohcnotifications  
@kidsguardian  
.nsw.gov.au**

This information is maintained by the OCG Accreditation and Monitoring Team.

#### Carers

Are you a designated agency with obligations to report to the Carers Register?

If an allegation has been made against a carer or adult household member (of a designated agency) you **must record** the allegation on the Carers Register.

Where the allegation is reportable within the meaning of Section 25A of the Ombudsman Act or an allegation of conduct of a class or kind exempted from being reportable under a class or kind determination issued by the Ombudsman the current reportable allegation flag must be recorded on the Carers Register:

1. For a class or kind matter, the agency must enter the information on the Carers Register within **14** days of the Principal Officer becoming aware of the allegations.

2. Where the matter requires notification to the Ombudsman:

#### WWCC

Working with Childrens Check

Are you an employer registered with the WWCC?

You do not have to inform the OCG WWCC at the allegation stage.

### The NSW Ombudsman

#### Are you required to notify the NSW Ombudsman of reportable allegations?

If your organisation has responsibilities to the NSW Ombudsman (and the matter is not subject to a class or kind agreement) you **must notify** the Ombudsman.

[Access the Part A form here.](#)

Where the allegation is reportable to the NSW Ombudsman as defined in Section 25A of the Ombudsman Act, **Part A** of the Notification form should be sent to the Ombudsman's office within **30** days of the Principal Officer becoming aware of the reportable allegation or conviction against an employee. **Part B** of the Notification form may be completed at the same time if the investigation is completed within the same **30** day period.

a) If the Ombudsman advises your agency that the information may be entered into the Register, you must do so within **14** days of receiving that advice.

b) No earlier than **21** days and no more than **35** days after making the notification to the Ombudsman.

Only the allegation date is recorded on the Carers Register at this stage.

## During the investigation process...

### Notify the NSW Police if criminal activity is discovered

If the person leaves your employment before you have made a finding you **may provide** information to the OCG using the provisions of Chapter 16A.

You **must notify** the Ombudsman of any significant events in the investigation.

## At the completion of your investigation, when a final determination is made...

A designated agency **must update** the Carers Register with the outcome of the investigation.

If an agency has information that may relate to the ongoing safety, welfare or wellbeing of a child or children in OOHC the agency must record the finalised reportable allegation and select 'contact agency' so the sharing flag is retained.

#### Exempt or class or kind matter:

Update the Carers Register within **14** days of the Principal Officer being satisfied the investigation has concluded.

Determine if you need to select '*Finalise reportable allegation - contact agency*' on the Carers Register or select '*Finalise reportable allegation – no record*'.

Where you see 'Contact the NSW Ombudsman's Officer' flag on the Carers Register against a reportable allegation you **must** seek advice from the Ombudsman before you proceed.

If an allegation of workplace misconduct has been sustained and it involves sexual misconduct, grooming or serious physical assault you **must report** it using your WWCC employer registration.

You **must notify** the NSW Ombudsman with the outcome of the investigation.

[Access the Part B form here.](#)

**Part B** must be completed when the investigation is finalised and details the findings of the investigation.

#### ***Do you have a class or kind arrangement with the Ombudsman for certain kinds of allegations?***

Class or kind determinations are entered into with certain agencies when the Ombudsman is satisfied that their investigative practices have reached an acceptable standard and is confident that this standard will be maintained.

### **Carers Register exchange of information:**

Where an individual has a Current or Finalised reportable allegation flag on the Register, your agency should contact the agency responsible for investigating the allegation.

Now you use Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 allows agencies to exchange information relating to the safety, welfare or wellbeing of a child or children in OOHC. This should occur when:

**A)** A designated agency is assessing a carer applicant or undertaking probity checks on adult household members.

**B)** Your agency has received an alert advising you that a reportable allegation has been lodged on the Carers Register about an individual your agency has a relationship with.

## **Next steps...**

Please refer to **Carers Register Reportable Business Rules**

You **must notify** the OCG if a finding is overturned – use a statutory declaration.

You **must notify** the NSW Ombudsman if a finding is overturned.