Communities and Justice

OOHC Accreditation
Framework for advice

Delivery of statutory out-of-home care in NSW

Contracted service provision of statutory out-of-home care (OOHC) including Foster Care, Intensive Therapeutic Care and other residential care is limited to service providers who hold accreditation with the NSW Office of the Children's Guardian (OCG) for the relevant service type. DCJ anticipates that any future tender opportunities will be limited to providers who hold accreditation at that time.

Framework for advice

Accreditation decisions are made solely by the OCG, however the OCG may seek advice from DCJ on potential new applicants. DCJ has developed a framework to outline DCJ's minimum expectations of new providers.

The framework is based on current OCG accreditation and monitoring functions. The framework will be reviewed by DCJ in the event there are any changes to the OCG accreditation functions.

In developing this advice, DCJ has balanced its strong preference for children and young people in OOHC to be placed in family settings where possible with an ongoing need to provide safe, accredited residential OOHC placements and avoid needing to use less desirable placement arrangements.

DCJ Framework for providing advice to the OCG on new OOHC accreditation applicants:

Service providers wishing to seek accreditation should obtain advice from the OCG in the first instance to determine whether an opportunity to progress accreditation is available.

Should the OCG request the service provider seek advice from DCJ on future placement opportunities, DCJ will consider suitability based upon the key considerations below:
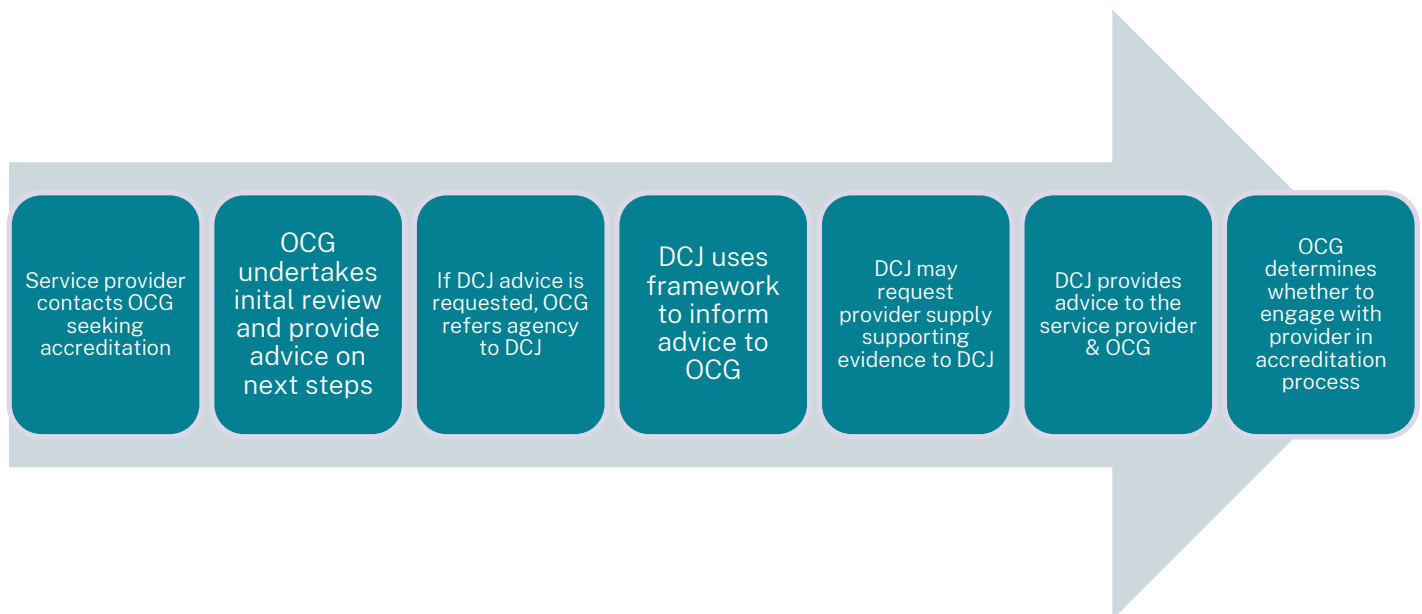
- DCJ's preference to support application requests by Aboriginal Community Controlled Organisations (ACCOs),

- Service delivery type, location and extent to which they fill current market gaps, including scale of placements needed

- Experience in delivering residential care or foster care,

- Governance arrangements and financial capacity of service provider

OOHC Accreditation -
Framework for advice

All applications for accreditation are to be submitted to the OCG directly. DCJ advice is only provided where OCG request it. Prospective accreditation applicants should only submit additional information to DCJ in support of the above if DCJ request it. Please refer to the process below.

Considerations for accreditation

DCJ will use the assessment framework below to inform our advice to prospective accreditation applicants and the OCG. Further detail on each component is included below.

| Service provider contacts OCG seeking accreditation | OCG undertakes inital review and provide advice on next steps | If DCJ advice is requested, OCG refers agency to DCJ | DCJ uses framework to inform advice to OCG | DCJ may request provider supply supporting evidence to DCJ | DCJ provides advice to the service provider & OCG | OCG determines whether to engage with provider in accreditation process |

Aboriginal Community Controlled Organisations (ACCOs)

The NSW Government has committed to the National Agreement on Closing the Gap. This is a new approach in shared governance and partnership with Aboriginal people, which recognises that we need to work with community to improve long-term outcomes.

DCJ is the lead organisation for implementing Priority Reform 2: Build the Aboriginal and Torres Strait Islander community- controlled sector in out of home care

Achieving outcomes in partnership with Aboriginal people, families and communities, who represent a significant proportion of our service recipients, is the greatest driver to create positive change, at a population-wide scale within the human and justice services system.

OOHC Accreditation -
Framework for advice

An ACCO is defined in clause 44 of the National Agreement on Closing the Gap as:

Aboriginal and Torres Strait Islander community control is an act of self-determination. Under this Agreement, an Aboriginal and/or Torres Strait Islander Community-Controlled Organisation delivers services, including land and resource management that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is:

a.   incorporated under relevant legislation and not-for-profit

b.   controlled and operated by Aboriginal and/or Torres Strait Islander people

c.   connected to the community, or communities, in which they deliver the service

d.   governed by a majority Aboriginal and/or Torres Strait Islander governing body

DCJ is committed to supporting ACCOs with seeking statutory OOHC accreditation in response to market gaps.

Service delivery – type, geographical location, market within location and scale

Geographical location is an important consideration for service delivery. In particular, service providers who are more likely to be supported to gain accreditation include:

- providers who have a demonstrated footprint in thin markets, including regional, rural and remote locations
- providers who deliver a specialist service which fills a market gap.

At the time of application, DCJ will also consider the current market within the geographical location that the service provider extends to and assess need for additional placements within that market.

DCJ will also provide advice to the OCG on the scale of placements needed.

Experience in delivering residential care or foster care

Another key consideration is whether providers have experience in delivering OOHC. Service providers are more likely to be supported to gain accreditation if they have successful experience in delivering foster care or residential care, including in other jurisdictions.

Examples of evidence:

- Information and evidence of previous or current experience delivering foster care or residential care either in NSW or other jurisdictions. Relevant information can include:

- o type of services delivered (e.g. foster care, residential care, supported independent living)
- o number of children and young people supported
- o length of time the service provider delivered these services
- o location of service delivery (e.g. in other jurisdictions)
- o whether the services were delivered through a contract or fee-for-service arrangement

Governance arrangements

Providers must have clear governance arrangements in place, including:

- A clear organisation structure which supports legal and ethical operation in the best interests of children and young people
- A governing authority or committee
- Independent oversight of the Principal Officer
- Policies, systems and procedures which demonstrate accountability and good governance.

If registered under the Australian Charities and Not-for-profits Commission (ACNC):

- Corporate governance policies, procedures and practices that meet the ACNC governance standards

If for-profit organisation:

- Corporate governance policies, procedures and practices that meet the ASX Corporate Governance Council's Corporate Governance Principles and Recommendations (Fourth Edition).

Examples of evidence:

- Diagram of Organisational structure
- Roles, responsibilities and accountabilities
- Supporting corporate functions (e.g. risk, audit, finance, human resources).
- Policies and procedures
- Constitution
- Working with Children Check for board members, senior executive(s) or managing director(s).

OOHC Accreditation - Framework for advice

Financial capacity

Providers must demonstrate evidence of appropriate operating capital and financial capability to deliver residential OOHC or foster care placements.

Examples of evidence:

- Three most recent annual reports (including audited financial statements) or audited financial statements for the most recent three financial years

- Interim accounts for the current or immediately preceding financial year

- Evidence of solvency

- Evidence of credit rating

- Details of any material financial commitments which may impact on financial performance

- Details of any circumstances which may affect the provider's ability to meet contractual obligations, including:

    o regulatory or law enforcement agency investigations

    o contract termination for cause

    o disputes or litigations

    o material contingency liabilities

    o mergers and acquisitions

    o liquidations or equivalent.

Additional information

Accreditation decisions are the responsibility of the OCG. Any questions regarding the accreditation process should be directed to the OCG at accreditation@ocg.nsw.gov.au.

If service providers have any questions about the information in this factsheet, please contact:

OOHCRecontracting@dcj.nsw.gov.au for residential care enquiries

permanency.support@dcj.nsw.gov.au for foster care enquiries.