

Carers Register Fact Sheet 1

Probity and suitability checks for carers and household members

September 2022

About the NSW Office of the Children's Guardian (OCG)

The OCG is an independent, statutory authority committed to delivering better outcomes for children and young people in supported and statutory out-of-home care (OOHC). 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 or supported OOHC in NSW. Household members are also recorded on this database.

The OCG registers and monitors agencies that provide, arrange or supervise voluntary OOHC.

Definitions

Designated agency – An agency that has been accredited by the OCG to provide statutory or supported OOHC services is called a designated agency. Designated agencies have a number of responsibilities, including the assessment and authorisation of foster carers and the assessment of the suitability of their household members.

Authorised carer – An individual that has been authorised by a NSW designated agency to provide statutory or supported OOHC in NSW.

Carer applicant – A carer applicant is someone who applies to a designated agency to become an authorised carer.

Household member – A person (adult, young person or child) who resides at the home of an authorised carer or carer applicant is referred to as a household member. Residing at a home is not limited to a permanent living arrangement and there are a number of factors to be considered in determining whether or not someone resides at a home. These include (but are not limited to):

- the amount of time the person spends at the home
- how frequently they stay
- whether or not their staying at the home is a regular or usual arrangement
- whether the arrangement will be ongoing.

Anyone who lives in a structure adjoining a home (e.g. a granny flat or caravan), any person who regularly stays at a home, and visitors who stay at a home for three weeks or more are considered to be residing at the home. It is possible for a person to reside at more than one home.

Relative or kinship care – When a child or young person is placed with a relative or member of their kin, this is called relative or kinship care. Relative care means the carer is related to the child or young person, but the meaning of kinship care will vary across cultural groups. In Australian Indigenous communities, kin may be a relative or someone who shares a cultural or community connection with the child or young person.

Provisional authorisation – A designated agency may in an emergency, provisionally authorise a person who is a relative or kin of a child or young person or who is known to the child or young person. A provisional authorisation must not be granted until a person is deemed capable and suitable and a risk assessment completed including a satisfactory home inspection. To create a provisional authorisation, a designated agency must record:

- the name of at least one carer applicant
- a satisfactory home inspection
- the date the child was placed in relative or kinship care.

Provisionally authorised carers and their household members aged 18 and over must apply for a Working With Children Check (WWCC) within five working days of the provisional authorisation start date.

The provisional authorisation takes effect on the day the child or young person is placed. Provisional authorisation is deemed to be an application for full authorisation, with the full authorisation to be completed within a three-month period.

Probity and suitability checks- legislative requirements

Pre-authorisation requirements for carer applicants

A designated agency is required to conduct a series of probity and suitability checks before it is able to authorise an individual to provide statutory or supported OOHC:

- identification check
- WWCC requirements met
- National Police Check
- Community Services check
- other designated agency check
- health check
- at least two referees checked
- Code of Conduct sighted and signed
- pre-authorisation training conducted
- carer capability and suitability assessed, including suitability of household members.

Probity checks for household members over 16

It is compulsory for household members over the age of 16 to provide:

- approved identification information
- National Police Check
- Community Services check
- WWCC – compulsory for individuals aged 18 or over (for information, go to www.ocg.nsw.gov.au).

Requirements for kinship and relative carers

Under the current NSW legislation, the authorisation of a statutory foster carer and the authorisation of a relative or kinship carer both require the same pre-authorisation probity and suitability checks to be completed.

What is a Community Services check?

A Community Services check is a review of relevant information about an individual held by Community Services. Examples of information reviewed include KiDS database information, carer application and authorisation documents, carer reviews, Risk of Significant Harm reports, allegations of reportable conduct and outcomes of investigations.

What is an ‘other designated agency check’?

A designated agency will be required to contact other designated agencies regarding a carer applicant or household member that is known to have had involvement with these agencies.

The purpose of this check is to ensure information relevant to the assessment of carer applicants is shared between designated agencies.

What is a Working With Children Check?

A WWCC is a legal prerequisite for any person aged 18 or over in paid or unpaid, child-related work. It involves a national criminal history check, a review of relevant findings of misconduct and notifications by the Reportable Conduct Directorate (see fact sheet: Risk assessment).

The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared individuals are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked before the five year expiry date (see fact sheet: Bars and appeals).

PLEASE NOTE! Authorised carers and their household members aged 18 or over are required by law to obtain a WWCC clearance (see [sector guide: Authorised carers and adults who reside at their home](#), available from www.ocg.nsw.gov.au). Designated agencies are required to verify clearances online (see [fact sheet: How to verify online](#)).

What is a National Police Check?

Carer applicants and their household members 16 or over are required by law to have a National Police Check. It is an optional check for 14-15 year olds.

For more for information, go to www.police.nsw.gov.au

More information

Information about the Carers Register is available from the OCG's website at

www.ocg.nsw.gov.au

If you have a question, please email carers-register@ocg.nsw.gov.au.

For information about the OCG's other regulatory responsibilities, including the Working With Children Check, Child Safe Organisations, statutory and voluntary out-of-home care, and adoption, please visit www.ocg.nsw.gov.au

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