

Residential Care Workers Register Fact Sheet

Information for applicants and engaged workers

July 2025

The Office of the Children's Guardian is an independent, statutory authority committed to delivering better outcomes for children and young people living in out-of-home care.

We accredit and monitor the performance of agencies that arrange statutory and supported out-of-home care and adoption services. We also register and monitor agencies that provide, arrange or supervise voluntary out-of-home care. We are a regulator – we are not a provider of care services.

We established a Residential Care Workers Register to help agencies to decide the suitability of an individual to provide direct care to children and young people in residential care.

What is the Residential Care Workers Register?

The Residential Register provides a mechanism for agencies to exchange information relating to the safety, welfare or wellbeing of children and young people in residential settings. This supports agencies to decide on the suitability of an individual to provide care to children and young people in residential care. The Residential Register is a secure, restricted access database which holds information about those individuals who are being considered for employment and those who have been engaged as residential care workers.

The OCG established the register under section 85(1)(b) of the *Children's Guardian Act 2019*. The legislation supporting the establishment of the register and the requirements for designated agencies more broadly can be found at Part 5 Division 5 of the *Children's Guardian Act 2019* as well as in the *Children's Guardian Regulation 2022*.

Who will be recorded on the Register?

The Residential Register holds information about those workers who provide and/or are responsible for the care of children and young people in a residential setting.

These individuals are known as *residential care workers*, and this includes those who:

- provide direct care and supervision to a child or young person (or group of children and young people) in a residential setting
 - provide security services in a residential setting
 - spend more than 60% (or the majority) of their time employed by the designated agency within a residential setting as part of fulfilling their role in:
 - developing or implementing case management plans
 - providing other administrative duties
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How does the Register impact me?

Anyone who applies for a role which meets the definition of a residential care worker should receive basic information about the Residential Register. If your application progresses to the referee check stage of the application process, your details **must** be entered onto the register by that agency. This supports the agency to do mandatory probity checks and make a decision about your suitability. You may withdraw your application at any time during the process. If you withdraw your application, any information collected and recorded on the register before withdrawing will only be visible to the recording agency.

The register does not replace formal recruitment processes which are undertaken by an agency. The register is one part of the overall recruitment process, and other parts of the process may differ depending on how each agency chooses to undertake its recruitment.

At the end of the recruitment process, the agency will record its final decision on the register to either 'engage' or 'not engage' you as a residential care worker.

Where a decision is made to 'engage' you as a residential care worker, the information entered about you will become a permanent record on the register. This will be visible to any other agency that you also have an association with, including any future agencies you may apply to work with.

Where a decision is made to 'not engage', this record will only be visible to the recording agency. A decision to 'not engage' may be a result of determining you as being unsuitable, due to there not being enough positions to offer you a role, or due to your withdrawal from the recruitment process.

Do I need to give consent before my details can be entered onto the register, updated or shared?

Yes. You need to provide consent before your information is entered onto the register. The agency will send you a text message via the register, requesting your consent. The register will confirm your identity and that you hold a current WWCC clearance. If the information you have provided to the agency doesn't match the details you entered when applying for a WWCC, then the agency will not be able to progress your application.

You are not obliged to give consent to be entered onto the register, but your application will not proceed without it, and you cannot be considered for employment as a residential care worker.

By giving your consent at the application stage, you agree to:

- your details being collected and added to the register as part of the recruitment process
- your personal information being used, or disclosed, by the recruiting agency on an ongoing basis. This includes the exchange of information between agencies where it is related to the safety, welfare and wellbeing of children and young people as permitted by Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

If you receive a request for consent from an agency and you are unsure why, you should contact the agency directly. You can also find more [information about the Register on our website](#).

Specific questions about giving consent

How long does the consent process take?

- This is generally instantaneous once you have responded to give consent. As soon as the agency initiates the text from the register, you should receive this to the nominated mobile phone number. Once you have responded, this will be recognised by the register, so the agency is able to see this and take the next steps with your application. If there are any issues with your consent not being recognised, the agency will manage this directly with the OCG to investigate this further.

What if I am not sure if my consent has been received?

- If you have any concerns with how you have responded to the text message providing consent, you should speak with the agency directly about this. They will be able to follow up to see whether your consent has been received.

What if I am overseas when I receive the text message seeking consent?

- If you are heading overseas during the application process, you should advise the recruiting agency so they are aware of this. If you receive the text message while overseas you should respond to this if you are able to. If you are not able to respond, you should make contact with the agency directly to discuss this further so a decision can be made about sending the message after your return.

What if my consent is not being recognised?

- This is something you should discuss with the agency directly. If there are any issues with your consent, the agency will be able to follow up with the OCG to have this investigated further.

What information is held on the Register and who will enter this?

The Residential Register records personal information about individuals who have reached the final stages of a recruitment process and those who have been engaged as residential care workers.

The Residential Register contains only that information necessary to link a worker to the agencies that have engaged their services and to flag any alerts between those agencies. The following information is held on the Residential Register:

- Full name (and any other, or previous, names), date of birth, gender (if disclosed)
- If the individual identifies as Aboriginal and/or Torres Strait Islander (if disclosed)
- The **date** and **outcome** of mandatory probity checks:
 - Working with Children Check (including the APP / WWC number and expiry date)
 - Nationwide Criminal Record Check
 - Other Agency Check¹
 - Community Services Check – to be phased in at a future date
- Decision to engage or not engage an individual
- Once engaged:
 - The commencement and end dates of an individual's engagement
 - The date of any current reportable allegations and any finalised outcomes (but excluding the details of these).
 - It should be noted that the details of an allegation will not be held on the Register. Any relevant information may be exchanged between agencies where they are both currently engaging a person or where an individual seeks employment with another agency.
 - Update an individual's personal details as required.
 - If a determination is made at any time following engagement that the agency holds information about the individual that is relevant to the safety, welfare or wellbeing of children and young people, an indication of this on the register.

Once an engagement is end dated, any other agency that you are currently engaged with will be able to see that this engagement has ended. If you make an application to another agency in the future and reach the stage of the application process where the recruiting agency conducts referee checks, that new recruiting agency will be able to see any current or past engagements you have held which will support them to conduct an Other Agency Check.

Mandatory probity checks

Where an individual is being considered for employment to provide care to children and young people in residential care, a number of mandatory probity checks are required to be completed. More detail on each check is outlined below.

Please note that there is no detailed information recorded on the register about any of the below probity checks. Any contextual information, agency assessments, decision rationale and any concerns the agency might hold about an individual, are all held on the agency own file. None of this is recorded on the register and the OCG is not involved in the decision making.

The only piece of information recorded on the register that will automatically stop a person from being employed is if they do not hold a valid WWCC. All other decisions about whether to employ an individual are made by the individual agency.

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 NSW Children's Guardian's Reportable Conduct Directorate.

¹ Referred to as a *residential care provider check* in the Children's Guardian Regulation 2022

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.

Individuals engaged to work in child-related work, including as a residential care worker, are required by law to obtain a WWCC clearance. Agencies are required to verify clearances online.

What is a National Criminal Record Check?

It is a condition of a designated agency's accreditation to provide statutory out-of-home care that they must undertake a National Criminal Record Check (commonly called a National Police Check) for all employees, contractors and volunteers in child-related work in residential care. Further information can be found at www.police.nsw.gov.au

A National Police Certificate, provided as part of this check, lists "*disclosable court outcomes*" released in accordance with state and federal legislation, including the New South Wales *Criminal Records Act 1991*. Pending charges may also be included in a National Police Certificate.

Australian police criminal record information is generally limited to prosecutions initiated by police. Some offences are prosecuted by non-police organisations and details of convictions resulting from these prosecutions may not be included in the National Police Certificate.

Note: If a worker holds a NDIS worker check clearance, this does not satisfy the requirement for a National Criminal Record Check. Similar to the WWCC, information is reviewed and a decision is made on whether to issue a clearance or not, external to the designated agency.

Conducting the National Criminal Record Check, reviewing any records returned, and assessing this as part of considering a worker's suitability is all part of an agency's broader recruitment processes. There may be disclosable outcomes that result in a WWCC or NDIS worker clearance being issued but should be risk assessed by an agency prior to a determination being made about a worker's suitability to be employed as a residential care worker.

What is an Other Agency Check?

An agency that is recruiting a worker will be able to see on the Residential Register, whether that person has a current association with another agency or a previous association with an agency. Where this is the case AND any of those agencies has determined that it holds information about you that is relevant to the safety, welfare or wellbeing of children, the Other Agency Check will be required. This is one of the mandatory probity checks as part of making a decision about your suitability.

Where the Other Agency Check is required, the recruiting agency will contact the other agencies to request the information they hold that is relevant to any risk you may pose to the safety, welfare or wellbeing of children and young people. This exchange of information is permitted under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

The purpose of this check is to ensure information relevant to the assessment of an individual to be engaged as a residential care worker is shared between agencies. This will support the agency in making a determination about whether to engage the individual.

What information can be shared as part of the Other Agency Check?

Information shared as part of the Other Agency Check must meet the threshold of being relevant to the safety, welfare and wellbeing of children. It is the designated agency who make the determination about this. Information that might meet this threshold could be in relation to a reportable allegation, a misconduct investigation related to the time of your employment, or performance management concerns, where this relates to potential risk to children.

Can I be employed if information is shared under an Other Agency Check?

Yes. Just because one agency exchanges relevant information, this is not a direction to the other agency about your suitability. It is up to the recruiting agency to receive the information and determine whether this indicates to them that you are suitable or not for the role you are applying to

work in. This is an agency decision, and the Other Agency Check is only one part of the overall recruitment process. The OCG has no jurisdiction over this decision.

What if I have been advised that I have been unsuccessful in applying for a role?

If you have been advised by the recruiting agency that you are unsuccessful in applying for a role, or that they are considering your suitability, you should seek advice from that agency directly. There are no contextual details recorded on the residential register, only the outcome decision made by the decision. This is why any questions you have about being unsuccessful should be directed to the agency you have applied to.

What is a Community Services Check?

A Community Services check is a review of relevant information about an individual held by the Department of Communities and Justice (DCJ). Examples of information reviewed include records held on the Child Story database, KiDS database information, Risk of Significant Harm reports, allegations of reportable conduct and outcomes of investigations.

The register commenced with the following three mandatory probity checks: the WWCC; the National Criminal Record Check; and the Other Agency Check. The requirement to complete Community Services Checks will be phased in at a later date.

Outcome of compulsory probity and suitability checks

The register records the outcome of probity checks and does not permit an individual to be engaged until the agency declares that all required checks and assessments have been completed with a satisfactory outcome. The outcome decision about these checks is at the discretion of the recruiting agency.

The register does not hold details of each probity check other than the date completed and the outcome (satisfactory or unsatisfactory). However, agencies are required to maintain records within their own agency files so that any relevant information may be shared with other agencies during an 'Other Agency Check'.

Are reportable allegations recorded on the Register?

Yes. The register requires the agency that has a current engagement with a worker to enter any reportable allegations made against that worker. The register will contain the allegation date, whether the matter has been finalised or not, and once finalised, the outcome. The register will not contain any detail about the particulars of the reportable conduct matter. However, this detailed information is to be documented and held by the agency as part of its own records.

A recruiting agency is not able to view any reportable allegation records about an applicant during the recruitment process. Where another agency is currently or has previously employed an individual as a residential care worker, this information can be exchanged as part of an Other Agency Check.

The OCG does not prescribe that because a reportable allegation has been made and recorded by one agency that this automatically means an individual cannot be employed by another agency. It is up to a recruiting or employing agency to receive information and determine if this indicates to them that a person is suitable or not for the role they are working or applying to work in. This is an agency decision.

How long does a reportable allegation investigation take to complete?

The time taken for an investigation is not set. This will depend on a variety of circumstances specific to the individual matter. If you have been made aware by your employer that an allegation has been made, then the agency should keep you updated about the progress, and the final outcome too. If you have any questions about a specific matter, the agency will have the contextual information to be able to assist you.

Who has access to information on the register?

At the application stage and following consent being given by an individual, an agency can view any current or past association the applicant holds with another agency to support conducting an 'Other Agency Check'. This promotes information exchange between agencies to assist in the recruitment of suitable people to work with children and young people in residential care.

Once an individual is engaged, an agency has access to information about current or past engagements with other agencies.

The Children's Guardian must provide access to information held on the register, if asked by the Secretary of the Department, the Minister for Families, Communities and Disability Services or the NSW Ombudsman. Access to information is only granted if this supports an identified purpose and aligns with privacy legislation.

Am I able to access information recorded about me on the Register?

Yes. Designated agencies should routinely provide information to workers upon engaging them as a residential care worker. At any time though, individuals can request information from their employer. The Register has a print function which allows agencies to print your record and provide this to you.

How do I get a copy of the information on the register?

In most cases, a request made directly to the agency is the quickest way to obtain the print summary on the register as you are already known to the agency.

The Act and Regulation impose a requirement on employing, or previously employing, residential care providers to respond to requests for this information, or to update the Register to correct records, unless there is a reason not to.

What if there is information on the print summary that is incorrect?

You should tell the agency who provided you with the summary so they are aware and can amend this. You may also need to provide supporting evidence depending on the change you are requesting.

What if my employer refuses to provide the print summary or update information?

If the employing agency has refused to provide this information, or correct a record, they must provide a reason for this decision. If they refuse without reason or have not responded in a timely manner, you can make a request to the Office of the Children's Guardian, as the administrator of the Register. This involves the individual completing an application form and submitting this with proof of identification to verify your identity. The application form can be obtained from the OCG by making contact with the team at residential-register@ocg.nsw.gov.au.

The Children's Guardian is also required to notify the individual and the relevant agency of the outcome of any such request, including where a decision is made not to provide, or amend information held on the Register.

Is there any information that will not be included in the summary?

Yes. You will not be provided access to reportable allegation information held about you on the register. Although reportable allegation information recorded on the register is limited, and does not include any contextual details, this restriction on access ensures that agencies can make an informed decision about the timing and appropriateness of giving you this information. The responsible agency should provide more detailed information about reportable allegations separate to the register as is deemed appropriate. There are only limited occasions where this may not occur, and this would generally be informed by advice from NSW Police. All agencies are required to have detailed policies and procedures in place around how they will manage reportable allegations made and how information, including the type and level of information, will be provided to you as a worker.

What if I have been referred by a labour hire agency?

If you have applied for work through a recruitment or labour hire agency, they may have an arrangement with a designated agency to refer you to work as a residential care worker. All of the above information is relevant to you if you are being recorded on the residential register.

It is important to understand that it is the designated agency who will record you on the residential register if you are being considered for employment. The labour hire agency can refer you to that agency, and this will be based on an agreement between the two agencies about minimum requirements an individual must meet before this occurs.

If you are referred to a designated agency, the decision about whether you are suitable to be employed as a residential care worker is made by that agency. If a decision is made to engage you on the register, you are considered an employee of the designated agency. If you have any questions about your employment or potential employment, you can discuss this directly with the designated agency, or you may wish to discuss this with the labour hire agency, who can assist you to liaise with them.

How will my personal information be used and protected?

Your information will be used by agencies to assist them in determining your suitability to be engaged as a residential care worker. Agencies are also lawfully authorised to exchange information they hold about you that is related to the safety, welfare and wellbeing of children and young people where they consider that the information will assist in managing risk that might arise in another agency's capacity as your employer.

Any agency that accesses the Residential Register must comply with the Register's Terms of Access and Use. This includes a requirement that information held on the Register is only used and accessed for a lawful purpose. The register is a secure database which is password protected and is to be accessed only by approved agency staff. The Office of the Children's Guardian can limit, suspend or terminate an agency's access to the Register for misuse.

More information

If you have a question regarding the register, please contact your recruiting agency or employer. There is also more information about the register on the OCG's website.

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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