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# NSW Residential Care Workers Register Guidance notes

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Office of the  
Children's Guardian

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)



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# 1. Introduction

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## 1.1 Residential Care Workers Register

The NSW Office of the Children's Guardian (OCG) is responsible for the administration of the NSW Residential Care Workers Register (the Residential Register) as prescribed under the *Children's Guardian Act 2019* (the CG Act) and the *Children's Guardian Regulation 2022* (the CG Regulation).

The Residential Register commencement date – 18 July 2022.

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## 1.2 OCG functions

The Residential Register operates within a child safe framework. The OCG has a number of functions, and many of these functions will intersect with the register, including the WWCC and Reportable Conduct schemes.

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### Child Safe Standards

The Child Safe Standards recommended by the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission), provide a framework for making organisations safer for children. Based on extensive research and consultation, the standards provide tangible guidance for organisations to create cultures, adopt strategies and act to put the interests of children first to keep them safe from harm. The Child Safe Standards have been accepted by the NSW Government. The NSW Parliament passed legislation in November 2021, giving effect to a Child Safe Scheme. This legislation amended the CG Act to embed the Child Safe Standards as the primary framework to guide child safe practice in organisations captured by the scheme in NSW.

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## 1.3 Purpose of these Guidance Notes

These Guidance Notes apply to all designated agencies that arrange statutory or supported OOHC in a residential setting, where they are considering the employment of, or have engaged an individual who is considered a residential care worker. While the majority of the work required will be for those agencies that provide residential care, all designated agencies may be impacted, even those that provide foster care only. There may be occasions where a child who is usually placed with a foster, relative or kinship carer, is accommodated overnight in a non-home-based care arrangement, including for respite. This includes children who may be cared for in a motel or serviced apartment, either while an alternative placement is secured, or to support the facilitation of birth family contact.

These Guidance Notes have been prepared to:

- address the key Residential Register provisions set out in the CG Act and the CG Regulation
- explain what information must be entered onto the Residential Register

These Guidance Notes should be read in conjunction with the:

- *Children Guardian Act 2019 (CG Act)*
  - *Children Guardian Regulation 2022 (CG Regulation)*
  - *Children and Young Persons (Care and Protection) Act 1998 (Care Act)*
  - *Children and Young Persons (Care and Protection) Regulation 2022 (Care Regulation)*
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- NSW Child Safe Standards for Permanent Care (The Standards)
- Residential Register Compliance Guide
- Residential Register Operational Manual and training resources
- Designated agency's own policies and procedures
- Various fact sheets and resources developed by the OCG and held on the OCG [website](#).

**Please note:**

The content of these guidance notes is subject to change. Designated agencies will be advised of any significant changes, however the most up to date version of this guide should be accessed by visiting the OCG website.

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## 1.4 Developing and updating these Guidance Notes

The principles of these Guidance Notes are an interpretation of the CG Act and CG Regulation. The functional aspects of the Residential Register have been developed in consultation with the OOHC sector and other peak bodies.

These Guidance Notes will be reviewed every five years, in consultation with key stakeholders.

If you have a question about the Residential Register or any comments or suggestions in relation to these Guidance Notes, please email the Registration Systems team at [residential-register@ocg.nsw.gov.au](mailto:residential-register@ocg.nsw.gov.au) or call (02) 8219 3888.

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## 1.5 Definitions and key concepts

Term	Definition
Administrators	<p>Primary Administrator (PA): Each designated agency's PA:</p> <ul style="list-style-type: none"><li>• has oversight of the Residential Register</li><li>• has access to all functions of the Residential Register</li><li>• is the OCG's first point of contact for all matters relating to the Residential Register.</li></ul> <p>General Administrator (GA): The GA has access to all functions of the Residential Register except for the ability to edit the agency's details.</p>
Agency association	<p>The association between a designated agency and an individual who is currently or has previously been engaged as a residential care worker or has applied to be engaged as a residential care worker.</p>
Alternative Care Arrangement (ACA)	<p>The Department of Communities and Justice (DCJ) and the Office of the Children's Guardian (OCG) consider an ACA as an emergency and temporary arrangement for a child in, or entering, statutory or supported out-of-home care (OOHC) after every effort has been made to place them with an accredited OOHC provider and are:</p> <ul style="list-style-type: none"><li>• cared for in a hotel, motel or other temporary accommodation which can be terminated at short notice OR</li><li>• directly cared for and supervised solely by sub-contracted staff from an ACA service provider who are authorised under clause 31B of the Care Regulation.</li></ul> <p>These types of placements are considered residential care for the purpose of placement. Any individual who provides care to a child in these situations must be entered onto the Residential Register and 'engaged' as a residential care worker by the designated agency before providing care. The only exception to this is the limited exemption permitted in relation to Clause 31B of the Care Regulation (see the Residential Register exemptions for further details).</p> <p>All designated agencies (residential and foster care) should be prepared for potential emergency situations and have staff available who have been assessed and entered onto the Residential Register. This includes where an agency seeks staff from a labour hire agency.</p> <p>It is a condition of accreditation that all agencies comply with the <i>guidelines for the emergency authorisation of staff and contractors or when sourcing from labour hire</i>, issued by the Children's Guardian.</p>

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Term	Definition
<b>Applicant</b>	<p>An applicant<sup>1</sup> means a person who has applied to be a residential care worker.</p> <p>The consultation with the OOHHC sector means that not all applicants are to be recorded on the Residential Register. The intent is for this to apply only to:</p> <ul style="list-style-type: none"> <li>a) applicants who reach the referee check stage of the application process (the latter part, or an advanced stage of the recruitment process), and</li> <li>b) individuals who are referred to the provider by a labour hire agency for work as a residential care worker.</li> </ul> <p>An applicant is required to be entered onto the Residential Register for consideration as a residential care worker. An individual is considered an applicant as a decision has not yet been made by the designated agency about whether to engage the individual in the role.</p>
<b>Back capture process</b>	<p>A time limited process used to record existing workers<sup>2</sup> – those who are already engaged to work in a residential setting at the time the Residential Register commenced. All workers who fit within the definition of an existing worker must be entered onto the Residential Register within 90 days of the Register’s commencement<sup>3</sup>.</p>
<b>Carers Register</b>	<p>The NSW Carers Register is a centralised database of individuals who are authorised<sup>4</sup>, or who apply for authorisation, to provide statutory or supported OOHHC in a private capacity in NSW and their household members.</p> <p>The Carers Register stands alone and is independent of the Residential Register. The two registers are managed separately.</p> <p>Individuals authorised under sections 18 or 19 of the Care Regulation are not residential care workers.</p>

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<sup>1</sup> As outlined in the Dictionary of the Children’s Guardian Regulation 2022

<sup>2</sup> Schedule 1, Section 1 of the Children’s Guardian Regulation 2022

<sup>3</sup> As per Schedule 1, Section 3 of the Children’s Guardian Regulation 2022

<sup>4</sup> Under sections 18 or 19 of the Children and Young Persons (Care and Protection) Regulation 2022



Term	Definition
Chapter 16A	<p>Chapter 16A of the of the Care Act allows relevant information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information, such as the <i>Privacy and Personal Information Protection Act 1998</i>, the <i>Health Records and Information Privacy Act 2002</i> and the <i>Commonwealth Privacy Act 1988</i>.</p> <p>Under Chapter 16A, the term “organisation” applies to all “prescribed bodies”, whether they are government or non-government organisations (NGO).</p> <p>Chapter 16A establishes a scheme for information exchange between prescribed bodies and requires organisations to take reasonable steps to co-ordinate the provision of services with other organisations.</p> <p>The four key principles to consider are:</p> <ul style="list-style-type: none"> <li>• organisations that have responsibilities for children should be able to provide and receive information that promotes the safety, welfare or wellbeing of children or young persons</li> <li>• organisations should work collaboratively and respect each other’s functions and expertise</li> <li>• organisations should be able to communicate with each other to facilitate the provision of services to children and young persons and their families</li> </ul> <p>the needs and interests of children and young persons, and of their families, in receiving services relating to the care and protection of children or young people takes precedence over the protection of confidentiality or of an individual’s privacy</p>
Child/children	A child in OOHC is an individual under the age of 18 years
Children and Young People	For the purposes of the exchange of information under Chapter 16A of the Care Act, a <i>child</i> is a person who is under the age of 16 years and a <i>young person</i> is a person who is aged 16 years or above but who is under the age of 18 years <sup>5</sup> .
<i>Children and Young Persons (Care and Protection) Act 1998</i>	The <i>Children and Young Persons (Care and Protection) Act 1998 (Care Act)</i> is the governing legislation that provides for the care and protection of, and provision of services to, children and young people in NSW.
Children’s Guardian Regulation 2022	The Children’s Guardian Regulation 2022 (CG Regulation), provides the detail to support the legislative requirements established by the <i>Children’s Guardian Act 2019</i> .

<sup>5</sup> Section 3 of the *Children and Young Persons (Care and Protection) Act 1998*

Term	Definition
<b>Community Services check</b>	<p>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.</p> <p>Note: The register will commence with the following mandatory probity checks: the WWCC; the National Criminal Record Check; and the Other Agency Check. The requirement to complete a Community Services Check will be phased in at a later date.</p>
<b>Decision</b>	<p>The decision recorded on the Residential Register by a designated agency around whether to ‘engage’ or ‘not engage’ an individual who has applied for a role as a residential care worker.</p> <p>Engaged: The decision by a designated agency to engage an individual as a residential care worker. A decision to ‘engage’ an individual is only recorded after all mandatory probity checks have been assessed and recorded as satisfactory.</p> <p>Not Engaged: The decision by a designated agency not to engage an individual as a residential care worker. A decision to ‘not engage’ an individual may be as a result of determining they are unsuitable, not being the preferred applicant, or due to the applicant withdrawing from the recruitment process.</p>
<b>Designated agency</b>	<p>Section 72 of the <i>Children’s Guardian Act 2019</i> defines a designated agency to mean either a government sector agency or an organisation that arranges the provision of out-of-home care, that is accredited under the regulations as a designated agency to provide or arrange out-of-home care.</p> <p>The Residential Register applies to designated agencies providing statutory out-of-home care.</p>
<b>Engaged – multiple agencies</b>	<p>A residential care worker who is currently engaged by more than one designated agency and therefore has a current association with each.</p>
<b>Existing worker</b>	<p>The Children’s Guardian Regulation 2022 specifies those who, at the time of the regulation’s commencement, are considered existing workers and are therefore required to be entered onto the Residential Register as part of the back-capture process.</p> <p>An existing worker<sup>6</sup> is an individual who is already engaged to work in a residential setting at the time the Residential Register commenced.</p>
<b>Head of relevant entity (HRE)</b>	<p>For the purpose of the Residential Register the head of the relevant entity is the head of the residential care provider. This is consistent with section 17 of the <i>Children’s Guardian Act 2019</i> in regard to responsibilities related to reportable conduct under Part 4 of that Act.</p> <p>The OCG website has information in relation to the responsibilities of the head of a relevant entity under the Reportable Conduct Scheme<sup>7</sup>.</p>

<sup>6</sup> Schedule 1, Section 1 of the Children’s Guardian Regulation 2022

<sup>7</sup> <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/responsibilities-head-relevant-entity>

Term	Definition
Labour hire agency	<p>A labour hire agency is defined in the CG Regulation as a person who, on a commercial basis provides services for finding work for individuals<sup>8</sup>.</p> <p>In practice this refers to a third-party agency, usually a recruitment or staffing agency, which refers workers to a designated agency for consideration as a residential care worker. The labour hire agency may have undertaken recruitment to assess a person’s general suitability for a role. It is the designated agency however, in its role managing and supervising a child in out-of-home care, that is responsible for making a determination about suitability as a residential care worker, including a decision about the outcome of each mandatory minimum probity check.</p>
National Police Check	<p>A nationally coordinated criminal history check, commonly called a National Police Check (NPC). The NPC certificate lists ‘disclosable court outcomes’ such as court convictions, findings of guilt, and may also list pending charges (i.e., where the person has been charged but not yet appeared in court).</p>
Office of the Children’s Guardian (OCG)	<p>The OCG was established under the <i>Children and Young Persons (Care and Protection) Act 1998</i> to promote the interests and rights of children living in out-of-home care.</p> <p>The OCG is an independent NSW statutory authority with regulatory, oversight and investigative functions of child related organisations. The OCG has established and is responsible for maintaining the Residential Register.</p>
Other Agency Check (Residential Care Provider Check)	<p>Upon entering an applicant residential care worker on the Residential Register, an agency must check whether it is required to conduct an Other Agency Check, referred to as a Residential Care Provider Check in the CG Regulation. This will be supported by the Residential Register, by indicating whether the applicant has a current association with another agency or a previous association where that agency has indicated they hold relevant information to exchange.</p> <p>Where the check is required to be conducted, the recruiting agency must contact the other agencies to request any relevant information they hold. Relevant information<sup>9</sup> means information relating to the safety, welfare or wellbeing of children. This exchange of information is permitted under Chapter 16A of the Care Act.</p> <p>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 designated agencies, to support the decision making about suitability by the recruiting agency.</p> <p>For an individual to be engaged as a residential care worker, the outcome of this check (along with other probity checks) must be recorded as ‘satisfactory’.</p>
Principal Officer	<p>The individual who has the overall supervision of the agency’s arrangements for providing statutory and supported out-of-home care<sup>10</sup>.</p>

<sup>8</sup> As per Dictionary in the Children’s Guardian Regulation 2022

<sup>9</sup> As per Dictionary in the Children’s Guardian Regulation 2022

<sup>10</sup> Section 74 of the *Children’s Guardian Act 2019*

Term	Definition
Probity checks	For the Residential Register, mandatory minimum probity checks <sup>11</sup> include the WWCC, National Police Check, Other Agency Check and Community Services Check (to be introduced at a future date).
Probity check outcomes	<p>After conducting the National Police Check, Other Agency Check and Community Services Check (upon its introduction), the agency is required to enter the outcome<sup>12</sup> to reflect either:</p> <p>Satisfactory: the designated agency assesses the outcome of the mandatory probity check (in line with agency policies) and deems the outcome of that check as indicating the individual is <u>suitable</u> to be engaged as a residential care worker.</p> <p>Unsatisfactory: the designated agency assesses the outcome of the mandatory probity check (in line with agency policies) and deems the outcome of that check as indicating the individual is <u>not suitable</u> to be engaged as a residential care worker.</p>
Register alerts	<p>Information recorded on the Residential Register will at times create alert notifications relating to applicant and engaged residential care workers. The system-generated alerts may require action by the agency or advice to contact other designated agencies for further information.</p> <p>The OCG will follow up on alerts requiring immediate action or clarification. The alerts will also inform part of the OCG’s monitoring framework.</p>
Relevant details	<p>As set out in the Dictionary of the Children’s Guardian Regulation 2022, relevant details are consistent with Section 9A(2) of the <i>Child Protection (Working with Children) Act 2012</i> and include:</p> <ul style="list-style-type: none"> <li>(a) the worker’s full name and date of birth,</li> <li>(b) the working with children number of the worker’s clearance or the application number of the worker’s current application,</li> <li>(c) the expiry date for each clearance of the worker, being the date on which the clearance ceases to have effect.</li> </ul>
Relevant individual	<p>A <i>relevant individual</i><sup>13</sup> for a residential care provider, means a person who is one or both of the following –</p> <ul style="list-style-type: none"> <li>(a) a person who currently works for the residential care provider as a residential care worker,</li> <li>(b) a person who has previously worked for the residential care provider as a residential care worker and about whom the provider has recorded on the register that there is relevant information to disclose.</li> </ul> <p>A person who meets the definition of a relevant individual will be subject to an Other Agency Check.</p>

<sup>11</sup> Section 9(1) of the Children’s Guardian Regulation 2022

<sup>12</sup> Section 10(1)(e)(ii) of the Children’s Guardian Regulation 2022

<sup>13</sup> Dictionary of the Children’s Guardian Regulation 2022

Term	Definition
Relevant information	Means information relating to the safety, welfare or wellbeing of children <sup>14</sup> .
Reportable allegation / conduct	<p>Part 4 of the CG Act outlines the details and requirements of the reportable conduct scheme.</p> <p>The Children’s Guardian Regulation 2022 requires all reportable allegations to be entered onto the Residential Register. This includes both:</p> <ul style="list-style-type: none"> <li>• a reportable allegation within the meaning of section 18 of the <i>Children’s Guardian Act 2019</i>, or</li> <li>• an allegation of conduct of a class or kind exempted from being reportable conduct under a class or kind determination issued by the Children’s Guardian under section 30 of the CG Act.</li> </ul> <p>For the purposes of this guide, reference will be made to ‘reportable allegations’ which will encompass both of the above.</p> <p>Under the CG Act, designated agencies are captured by the reportable conduct scheme and therefore have obligations to notify the Children’s Guardian (unless exempt under section 30 above) and investigate allegations of reportable conduct made against someone they employ, engage or contract in circumstances outlined by the legislation. All reportable allegations are required to be entered onto the Residential Register.</p> <p>There are Reportable Allegation <a href="#">Business Rules</a> available on the OCG website.</p>
Residential care	<p><i>Residential care</i><sup>15</sup> means statutory out-of-home care or supported out-of-home care that is provided –</p> <p>(a) under an arrangement by a designated agency, and</p> <p>(b) at –</p> <ul style="list-style-type: none"> <li>(i) a home, managed by a designated agency, or</li> <li>(ii) a place where accommodation is provided on a temporary basis.</li> </ul>
Residential care provider	<p>A residential care provider<sup>16</sup> means a designated agency that arranges the provision of residential care.</p> <p>Throughout this document this term will only be used when making a direct reference to the Children’s Guardian Regulation 2022. In all other circumstances, the term <i>designated agency</i> will be used.</p>
Residential setting	<p>A <i>residential setting</i><sup>17</sup> is</p> <p>(a) a home, managed by a designated agency, or</p> <p>(b) a place where accommodation is provided on a temporary basis.</p> <p>An example for (b) is a hotel or motel used to provide residential care to a child.</p>

<sup>14</sup> Dictionary of the Children’s Guardian Regulation 2022

<sup>15</sup> Dictionary of the *Children’s Guardian Act 2019*

<sup>16</sup> Dictionary of the *Children’s Guardian Act 2019*

<sup>17</sup> Dictionary of the Children’s Guardian Regulation 2022

Term	Definition
<b>Residential care worker</b>	<p>A residential care worker is defined in the <i>Children’s Guardian Act 2019</i> as either;</p> <ul style="list-style-type: none"> <li>(a) a person who provides residential care, or</li> <li>(b) a person prescribed by the regulations.</li> </ul> <p>The Children’s Guardian Regulation 2022<sup>18</sup> prescribes the following for the purpose of (b) above:</p> <ul style="list-style-type: none"> <li>(a) a person who provides security services in a residential setting for a residential care provider,</li> <li>(b) a person who spends 60% or more of the time the person works for a residential care provider in a residential setting doing the following – <ul style="list-style-type: none"> <li>(i) developing or implementing case management plans for children in statutory out-of-home care or supported out-of-home care,</li> <li>(ii) providing administrative support.</li> </ul> </li> </ul>
<b>Residential Care Workers Register</b>	<p>The Residential Care Workers Register (Residential Register) is kept by the Children’s Guardian under section 85(1)(b) of the <i>Children’s Guardian Act 2019</i>.</p> <p>It is a register of residential care workers and applicants for the purposes of promoting the safety, welfare and wellbeing of children in residential care. The Residential Register is administered by the OCG.</p>
<b>Statutory out-of-home care</b>	<p>Section 135A(1) of the Care Act defines statutory out-of-home care to mean out-of-home care that is provided in respect of a child for a period of more than 14 days pursuant to a care order of the Children’s Court or by virtue of the child being a protected person.</p> <p>Section 135 of the Care Act states that out-of-home care means residential care and control of a child or young person that is provided by a person other than a parent of the child or young person, and at a place other than the usual home of the child or young person.</p> <p>Section 136 of the Care Act places restrictions on who may provide statutory out-of-home care and makes clear that statutory out-of-home care can only be provided by an authorised carer.</p>
<b>WWCC</b>	<p>A Working with Children Check is a prerequisite for anyone in paid or voluntary child-related work in NSW<sup>19</sup>. The process involves a nationwide criminal record check and a review of findings of misconduct. The result is either a clearance to work with children for five years or a bar against working with children. Barred applicants may not work or volunteer with children.</p> <p>If the outcome of a WWCC is a clearance, the cleared individual will be subject to ongoing monitoring of relevant new records for the five-year life of the clearance. Some records will trigger a risk assessment by the OCG, which may lead to the clearance being revoked.</p> <p>Employers or prospective employers can readily obtain information about an individual’s WWCC status from the OCG’s website if they have the individual’s name, date of birth and APP or WWCC clearance number.</p>

<sup>18</sup> Section 4(1) of the Children’s Guardian Regulation 2022

<sup>19</sup> Section 8 of the *Child Protection (Working with Children) Act 2012*

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## 1.6 Residential Register - Overview

### Aim of the Residential Register

The aim of the Residential Register is to promote the safety, welfare and wellbeing of children in statutory out-of-home care by supporting the engagement of appropriate and suitable individuals as residential care workers.

The Residential Register is a restricted access, centralised database of individuals who:

- apply to be engaged as a residential care worker and reach the referee check stage of the application process, and
- individuals who are referred to the provider by a labour hire agency for work as a residential care worker, and
- those individuals already engaged as a residential care worker, at commencement of the Residential Register.

The Residential Register outlines mandatory requirements to be satisfied before an individual can be engaged to work as a residential care worker. Given the significant variation in practices across the sector in relation to the recruitment, training and selection of residential care workers, the Register contains only the necessary information to confirm minimum probity requirements and to link a worker to those agencies who have engaged their services. This is for the purpose of supporting the exchange of relevant information about workers.

Chapter 16A of the Care Act empowers agencies to request, and disclose information relating to the safety, welfare or wellbeing of a child, or class of children. The CG Regulation draws upon section 245D of the Care Act by requiring agencies to request information as part of the Other Agency Check (Residential Care Provider Check). Residential care providers who receive such a request must provide relevant information about applicants and residential care workers engaged by the agency (where this information relates to the safety, welfare and wellbeing of children and young people). This exchange of information supports the agency to make a decision about the suitability of an individual to provide care to children in a residential setting. These requirements form consolidated data within the Register, with the aim of preventing the movement of unsuitable workers from one designated agency to another.

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### The Register will:

- operate to reduce the risk of engaging inappropriate individuals as residential care workers
- act as a licensing tool in that it will issue a residential care worker's number to an individual once a decision is made to engage them as a residential care worker. This number is relevant to the engagement with that particular agency only. Until the decision to 'engage' has been recorded, a person is not permitted to work in a residential setting.
- require agencies to enter on the Residential Register minimum identification information about applicant and engaged residential care workers and certify they have undergone minimum probity checks
- record essential information only
- operate as a restricted access site, subject to strict privacy controls
- disseminate information flags via automated emails to ensure agencies are notified of new or changing details related to individuals
- provide triggers for designated agencies to seek and exchange relevant information relating to the safety, welfare and wellbeing of children.



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## The Register will not:

- replace formal recruitment processes which should be undertaken by all agencies prior to engaging an individual in any form of child related work
  - replace policies around the management of staff and the implementation of procedures to support the agency to be a child safe organisation
  - record details of children in out-of-home care, including statutory, supported or voluntary out-of-home care
  - record human resource information, other than basic identification, probity check outcomes, dates of engagement, the date, status and outcome of a reportable allegation
  - contain detailed records
  - capture those workers providing care in a specialised substitute residential care agency, where a child in statutory out-of-home care has been placed.
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## Who is considered a residential care worker?

Individuals who are considered a *residential care worker* are those who -

- a) provide residential care,
- b) provide security services in a residential setting for a residential care provider,
- c) spend 60% or more of the time they work for a residential care provider in a residential setting doing the following —
  - i. developing or implementing case management plans for children in statutory out-of-home care or supported out-of-home care,
  - ii. providing administrative support.

The designated agency that is responsible for the child's placement is the agency required to enter the individual onto the Residential Register. This includes that the responsible designated agency is satisfied that the individual has met each of the minimum probity requirements. By entering the individual onto the Register and engaging them as a residential care worker, this creates an 'association' between the worker and the designated agency. If the individual is also engaged by any other designated agency, information exchange will be more openly supported, especially if a reportable allegation is made.

Every individual who is considered a residential care worker must be entered onto the Residential Register and 'engaged' by the agency before legally being able to work as a residential care worker.

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## Residential Care Workers as authorised carers

Section 136 of the Care Act specifies that only an authorised carer may provide out-of-home care. The Department of Communities and Justice (DCJ) have introduced section 23 the Care Regulation which outlines the authorisation requirements for residential care workers who are providing direct care to children and young people. The probity requirements align with those required for entry onto the Residential Register.

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## Residential Register exemptions

Certain residential care workers will be exempt from having to be entered onto the Residential Register. This includes:

- A person employed by the DCJ as a caseworker and who provides statutory or supported out-of-home care, outside the primary duties of their employment, at a place where
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accommodation is provided on a temporary basis<sup>20</sup>. The intent is for the exemption to capture caseworkers who may be called upon to provide overnight care to a child in emergency accommodation such as a hotel, motel or similar. This exemption is granted under section 7 of the CG Regulation.

- A person who provides residential care under an emergency authorisation given under section 22 of the Children and Young Persons (Care and Protection) Regulation 2022. This exemption is granted under section 6 of the CG Regulation. It is a limited exemption and can be applied to any applicant, including those referred from a labour hire agency. It may be applied where:
  - The person is authorised and approved as a residential care worker in an emergency. In an emergency, a worker can be authorised under section 22<sup>21</sup> of the Care Regulation, and
  - The person has not previously been authorised by the designated agency under section 22 of the Care Regulation since commencement of the Residential Register, and
  - the residential care is provided by this person only during the 72 hours of their authorisation, and
  - the designated agency notifies the Children’s Guardian within 72 hours of the person’s authorisation.

As indicated, this second group is only exempt when engaged for the first time by a designated agency under this provision. Once they have provided residential care once, they must have all probity checks completed and be engaged on the Residential Register before providing residential care again.

A notification form has been prepared for agencies which is required to be completed when making the above notification to the OCG. This is accessed via the OCG website.

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## Timeframe for entering workers onto the Residential Register

### Current / Existing workers

On commencement of the Residential Register, designated agencies will have 90 days to enter those individuals currently engaged as residential care workers (existing workers)<sup>22</sup>.

### Applicants

Any existing or new applicants following commencement of the Residential Register must be entered onto the Register once they have progressed to the referee check stage of the application process, or upon referral from a labour hire agency. Upon receipt of their application, a designated agency is required to notify an applicant, that if they reach the referee check stage of the application process, certain information will be recorded on the Residential Register. More information can be found in the *Fact Sheet - Information for applicants and engaged workers*. Referee checks generally occur in the later stages of a recruitment process, after the agency has already determined an individual’s general suitability for a position. Entering an individual onto the Residential Register requires the agency to conduct relevant probity checks<sup>23</sup>, including that if required, consult with other

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<sup>20</sup> Section 7 of the Children’s Guardian Regulation 2022

<sup>21</sup> Section 22 of the Children and Young Persons (Care and Protection) Regulation 2022 allows for a designated agency to authorise an employee or contractor as an authorised carer, in an emergency, to provide out of home care. The probity requirements are less than those required for other residential care workers. This authorisation can be made once only and is valid for only up to 72 hours.

<sup>22</sup> Schedule 1, section 3 of the Children’s Guardian Regulation 2022

<sup>23</sup> Section 9 of the Children’s Guardian Regulation 2022

agencies who have an existing or historical association with the individual. An applicant is not permitted to work as a residential care worker until the decision to engage has been entered onto the Residential Register.

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## 1.7 Residential Care Workers Register - Data requirements

The Residential Register will record basic identity information about applicant and engaged residential care workers, including their name, previous names, gender (if disclosed), date of birth, whether they identify as Aboriginal and/or Torres Strait Islander (if disclosed), minimum probity requirements and for engaged workers, reportable allegations. If gender or ATSI identification is not disclosed, then X (indeterminate, unspecified, intersex) and Unknown will be recorded respectively.

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### Applicant

When an individual applies for a role as a residential care worker and the application progresses to the referee check stage of the application process, or an individual is referred by a labour hire agency for consideration as a residential care worker, the designated agency is required to enter certain information onto the Residential Register. The Residential Register is designed to supplement the agency's recruitment processes in assessing the application and making a determination about suitability to be engaged as a residential care worker. A decision can then be made to either 'engage' or 'not engage' the applicant.

Once an individual is engaged as a residential care worker on the Residential Register and the status of 'engaged' is recorded, the individual is then permitted to work in this role.

Where the information about an individual applicant is entered, this record is only viewable to the recording agency. Once an individual is engaged by an agency, that individual's current and historical associations with other agencies will be viewable.

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## Data requirements – application stage

### Person validation – consent stage

### Agency record

**Name** Last name (first and middle names will be returned via WWCC system following validation)

**Working with Children Check #** Application (APP)  
Clearance (WWCC)

**Date of birth** DD/MM/YYYY

**Contact details (mobile #)** For consent purposes only (visible to recording agency via Activity Log)

### Application stage – after consent

### Agency record

**Designated agency reference** Optional for agencies that use a reference or numbering system

**Other names / AKA** First / middle / last<sup>24</sup>

**Gender** Male  
Female  
X: Indeterminate / Intersex / Unspecified

**Identifies as Aboriginal and/or Torres Strait Islander** Yes - Aboriginal / Torres Strait Islander / Both  
No  
Unknown

**Nationwide Criminal Record Check** Assessment date  
Outcome: Satisfactory / Unsatisfactory

**Other Agency Check** Assessment date  
Outcome: Satisfactory / Unsatisfactory

**Community Services Check** The Community Services Check will be introduced at a future date

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<sup>24</sup> Any name recorded may include a single name only

## Person validation – consent stage

### Working with Children Check #

## Agency record

Agency verifies the WWCC and the status and expiry date are automatically populated into the Register

Expiry date

The possible status values are:

### **CLEARED**

The applicant is cleared to work with children.

### **APPLICATION IN PROGRESS**

The applicant's application is still in progress. Applicant is permitted to work with children as per legislation.

### **INTERIM BARRED**

The applicant's application is still in progress. Applicant is not permitted to work with children as per legislation.

### **BARRED**

The applicant is barred from working with children.

### **EXPIRED**

The applicant's WWCC has expired, meaning they are no longer approved to work with children.

### **NOT FOUND**

The WWCC system cannot find a match for the details provided.

### **CLOSED**

The WWCC system can find a match, but the registration has been closed as invalid. An applicant may not work using this reference number.

### Decision

Engage

Not engage

Engagement date (for engage) – this should be entered as close to the start date as possible.

DD/MM/YYYY

Decision date (for not engage)

DD/MM/YYYY

## Current / Existing Worker (Back Capture)

This is a time limited process used to record individuals who are employed as an existing worker immediately prior to the commencement of the Residential Register. All workers who fit within this category must be added to the Register within 90 days of the Register's commencement<sup>25</sup>.

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<sup>25</sup> Schedule 1, Section 3 of the Children's Guardian Regulation 2022

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## Data requirements – existing worker as at commencement of the Register

### Individual validation – consent stage

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**Name** Last name (first and middle names will be returned via WWCC system following validation)

**Working With Children Check #** Application (APP)  
Clearance (WWCC)

**Date of birth** DD/MM/YYYY

**Contact details** For consent purposes only (visible to recording agency via Activity Log)

### Entry of an existing worker – following consent

**Designated agency reference** Optional for agencies that use a reference or numbering system

**Other names / AKA** First / middle / last<sup>26</sup>

**Gender** Male  
Female  
X: Indeterminate / Intersex / Unspecified

**Identifies as Aboriginal and/or Torres Strait Islander** Yes - Aboriginal / Torres Strait Islander / Both  
No  
Unknown

**Nationwide Criminal Record Check** Assessment date  
Outcome: Satisfactory<sup>27</sup>

**Other Agency Check** This is optional on the Register at the time of entry. However, if the worker is a *relevant individual*, the check is required and must be undertaken within 180 days of commencement. Best practice is to complete this during the entry process, to support ongoing decision making about suitability.

**Community Services Check** The Community Services Check will be introduced at a future date.

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<sup>26</sup> Other names may include a single name only

<sup>27</sup> All existing workers are currently required to hold a NCRC. The outcome should therefore be Satisfactory. If the person has an unsatisfactory outcome, they should not be employed as an existing worker.

<b>Working With Children Check #</b>	Agency verifies the WWCC and the status and expiry date are automatically populated  See data Requirements – Application Stage table for possible WWCC status returns
<b>Decision</b>	Engaged (System generated)
<b>Engagement date</b>	DD/MM/YYYY

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## Data to be entered following an individual being engaged

Where an applicant or an existing worker has been recorded on the Residential Register and the decision to engage has been selected, the designated agency is required to enter the following information against that individual’s record, where applicable.

### Entry of an existing worker – following an engagement commencing with an agency

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<b>New reportable allegation</b>	Any new reportable allegations must be recorded within 7 business days of the head of the relevant entity becoming aware <sup>28</sup> .  This includes that an allegation has been made and the date the designated agency became aware. The agency should also select the category of allegation.
<b>Reportable allegation investigation completed</b>	Within 14 business days of completing an investigation into an allegation, the residential care provider must record the outcome of the investigation and the date this was completed <sup>29</sup> .
<b>Individual ceasing employment</b>	Within 14 business days of an individual ceasing employment as a residential care worker, the agency must update the Residential Register to record the date the individual’s employment ceased <sup>30</sup> .
<b>Current allegations against an existing worker</b>	Where an existing worker has been entered onto the Residential Register as part of the back capture process, the designated agency is required to enter any current allegations, which were known prior to the Register’s commencement and where the investigation is not yet complete.  The designated agency must record that an allegation has been made and the date the agency became aware of this, within 7 business days of completing the entry for the existing employee.

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<sup>28</sup> Section 12(2) of the Children’s Guardian Regulation 2022.

<sup>29</sup> Section 12(4) and (5) of the Children’s Guardian Regulation 2022

<sup>30</sup> Section 14(1) of the Children’s Guardian Regulation 2022

# 2. General information and business rules

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## 2.1 Register requirements under Accreditation

The OCG is responsible for accrediting agencies who intend to arrange statutory out-of-home care and adoption services in NSW.

Once accredited, agencies are known as designated agencies and must continue to demonstrate compliance with the NSW Child Safe Standards for Permanent Care (the Standards) and all associated legislation.

The introduction of the Residential Register means that designated agencies must also demonstrate compliance with the requirements specified in legislation, as part of their ongoing accreditation. This includes the requirement for agencies to conduct minimum mandatory probity checks before engaging any individual to provide care in a residential setting. The OCG will assess agencies to confirm that the requirements are incorporated into an agency's policies and procedures and that the agency has correctly entered all data relating to applicants and engaged residential care workers, within the prescribed timeframes.

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## 2.2 Role of designated agencies in relation to the Residential Register

Designated agencies are responsible for entering information onto the Residential Register about individuals who apply for a role as a residential care worker and reach the referee check stage of the application process, those referred by a labour hire agency for consideration as a residential care worker, and those already engaged as residential care workers. Designated agencies must enter existing workers as at the commencement of the Residential Register.

The Residential Register will not allow a designated agency to make a decision to 'engage' an individual until it has entered the necessary identification information and confirmed the mandatory probity checks have been completed with a satisfactory outcome.

A designated agency:

- is responsible for entering and maintaining the information recorded on the Residential Register including relevant information about the agency and its Users.
  - where required, must exchange relevant information under Chapter 16A of the Care Act as part of an Other Agency Check in a timely manner, for the purpose of supporting the assessment of suitability for individuals to be engaged to work in a residential setting.
  - must update or correct any information on the Residential Register in relation to those individuals it has an association with.
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## 2.3 Registration to access the Residential Register

Each designated agency will receive an invitation to register to access the Residential Register. This registration process will require each agency to complete the online Residential Register Registration Form.

Agencies will be provided with an Agency Registration Guide to assist in this process.

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## 2.4 Who has access to the Register information?

The Children's Guardian must ensure that information held on the Residential Register is not accessed or disclosed except as provided by the CG Act<sup>31</sup> or where required or permitted to be disclosed under any other Act or law. This includes allowing designated agencies to access information about those who apply for a role or are employed as a residential care worker by that agency<sup>32</sup>.

The Children's Guardian must, on request, provide access to information held on the Residential Register to the Secretary, the Minister for Families, Communities and Disability Services and the Ombudsman<sup>33</sup>.

Once an agency enters a decision to 'engage' or 'not engage' an individual as a residential care worker, the Residential Register is able to generate a printable PDF receipt detailing the records captured. It is best practice for an agency to provide a copy of this to a newly engaged residential care worker. Regardless of this, a person whose information is recorded on the Residential Register, can make a request to the agency or the Children's Guardian at any time for information held about them on the Register<sup>34</sup>. There are some limitations around what can be provided as outlined in section 2.16 below.

An individual should make the request to the employing agency in the first instance. The agency or the Children's Guardian must inform the individual once amendments are made and if this is declined, give reasons for this decision<sup>35</sup>.

### Please note:

1. Labour hire agencies do not have access to the Residential Register
2. A person or body that has been granted access to the Residential Register may not permit another person or body to access the Register on its behalf.

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## 2.7 Informing applicants of the Register

It is best practice for a designated agency to provide information about the Residential Register as early as possible so that individuals can make an informed decision about whether to apply for a position as a residential care worker. This would be best included within advertising materials, however at the latest, this should be provided once an applicant is to be entered onto the Register.

A [Fact Sheet - Information for applicants and engaged residential care workers](#) is available on the OCG website, which outlines the purpose of the Register and what this means for an individual. This includes information about their right to access information held about them and their right to request the agency and if necessary, the Children's Guardian, to correct information entered on the Register.

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<sup>31</sup> Under sections 86 and 87 of the *Children's Guardian Act 2019*

<sup>32</sup> Section 86(2) of the *Children's Guardian Act 2019*

<sup>33</sup> Section 86(3) of the *Children's Guardian Act 2019*

<sup>34</sup> Section 87(2) of the *Children's Guardian Act 2019*

<sup>35</sup> Section 13 of the *Children's Guardian Regulation 2022*



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## 2.8 Is consent required to enter an individual's details onto the Register?

Yes. Individuals are not obliged to give consent, but without this, the entry onto the Residential Register cannot be made. Without consent, an application will not progress past the referee check stage of the recruitment process, an individual referred from a labour hire agency cannot be considered as a residential care worker, the entry of an existing worker (the back capture process) will not be permitted, and the existing worker can no longer be engaged to work in a residential setting. To commence the consent process, the designated agency must enter the individual's last name, DOB and WWCC onto the Residential Register. This process involves the person's basic identity information being matched against the individual's WWCC record, so it is essential that the information provided by the individual matches the details used / recorded in the WWCC system.

If no match is found, the agency should check the details entered and resubmit this if they have identified an error.

If the individual does not hold a clearance to be engaged in child related work or a current application, the entry onto the Register cannot continue and a consent request cannot be sent.

Where a match is found and the Residential Register has confirmed the individual's identity information and clearance to be engaged in child related work or a current application via the WWCC system, the individual's WWCC status will be displayed. The agency can then initiate a consent request message. This is done by entering the individual's mobile phone contact details, as provided by the individual. The below is an extract of the SMS message sent to an individual as part of a new application:

Consent SMS for **new application**:

TO: <Applicant mobile phone number>

Hello (applicant first name)

(agency name) has indicated that you have applied to work in residential care. To progress your application, you will need to consent within 5 working days to be entered on the Residential Care Workers Register.

Reply "**Consent**" or "**No Consent**"

Click <https://www.ocg.nsw.gov.au> for further information or contact the agency directly.

As a means of supporting individuals to provide consent, it is best practice for agencies to include information about the Residential Register when advertising employment vacancies. In addition to this, [Guidance summary 7: Agency guide - information to applicants and residential care workers](#) is a support tool and checklist to help agencies meet the requirements of informing applicants and engaged workers about the Register.

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## 2.9 Data integrity

Designated agencies must have mechanisms in place to ensure that the information on the Residential Register is kept up to date and accurate. The Residential Register will only be effective in preventing unsuitable individuals from being engaged if it contains accurate and up to date information about applicant and engaged residential care workers, to support information sharing of relevant information between agencies.

The Children's Guardian administers the Residential Register<sup>36</sup> and will manage a number of data check reports as part of this role. Agencies will receive periodic or situational reports that require response to confirm currency and accuracy.

The basic identification information for individuals will be matched against those listed on their WWCC record. This includes the individual's full name, date of birth and WWCC number. Using this process to uniquely identify the individual will reduce duplication.

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## 2.10 Correcting information on the Register

If a designated agency becomes aware of any incorrect information (including outdated or incomplete information), this should be corrected as soon as practicable. This may include where the agency is notified by an individual that information is incorrect or via other circumstances<sup>37</sup>.

If an individual seeks corrections to be made, they should first contact the relevant agency to request a correction to the information. The agency will hold the most current and accurate details about an individual's association with them and will be able to more quickly assess a request for a correction. If this is not successful or possible, the individual may contact the OCG regarding the request. The OCG may in limited circumstances, correct or cause the correction of any information entered on the Residential Register, if satisfied that the information is incorrect. The OCG will not make changes to information which reflects discretionary decisions made by an agency e.g., assessment outcome. Any request received by the OCG will likely be discussed with the designated agency to help resolve the matter. The decision to either update the Residential Register or to decline this request, must be communicated in writing with the individual along with the reasons for this. The OCG will also notify the relevant designated agency of any correction it makes.

While an agency can update some personal details, an individual's primary name and date of birth cannot be updated by a designated agency. This is because the information is populated from the WWCC system and the individual's own record within that system, which will reflect what was entered when applying for a WWCC. If a change is required to an individual's primary name or date of birth, the individual must seek a change to this via the WWCC system. Once the individual has confirmed this with Service NSW and advised the agency, the agency should then re-verify the WWCC on the Residential Register and the new primary name will be populated.

[A Fact Sheet – Information for applicants and engaged workers](#) is available on the OCG website to support individuals in understanding the Register more broadly and their right to access information on the Register.

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## 2.11 Exchanging information

The Residential Register enables a recruiting agency to identify any other agencies that have a current and/or historical association with the same individual.

Where an association is identified with an applicant currently being considered for employment, the Residential Register will require agencies to request and exchange relevant information via an Other Agency Check<sup>38</sup>. The aim is to assist recruiting agencies in

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<sup>36</sup> Section 85(1)(b) of the *Children's Guardian Act 2019* allows the Children's Guardian to keep a register of applicants and residential care workers, which involves the administration of this register.

<sup>37</sup> Section 13 of the *Children's Guardian Regulation 2022*

<sup>38</sup> Section 9(1)(d) of the *Children's Guardian Regulation 2022*

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determining an individual's suitability to be in the role of a residential care worker. Relevant information is information about the safety, welfare or wellbeing of children.

Chapter 16A of the Care Act prescribes for the exchange of information and co-ordination of services. Sections 245C and 245D of the Care Act, empower designated agencies to proactively provide, or request, information relevant to the safety, welfare or wellbeing of children or a class of children, that may assist an agency with:

- Making a decision, assessment or plan
- Initiating or conducting an investigation
- Providing any service relating to the safety, welfare or wellbeing of children, or
- Managing a risk to the children and young people that might arise in their capacity as a designated agency

In accordance with the requirements of the Residential Register, where the designated agency:

- is assessing the suitability of an applicant residential care worker who has progressed to the referee check stage, or an individual who has been referred by a labour hire agency for consideration as a residential care worker, and
- on entering the individual onto the Residential Register, the Register indicates that the individual is currently employed by another designated agency, or has been employed by another designated agency and that agency has updated the Residential Register to indicate it holds relevant information about the individual, or
- has received a notification from the Residential Register that another agency has updated information, or
- wishes to proactively request relevant information from another agency, at any time during an individual's engagement, where this request aligns with s245C of the Care Act above,

then relevant information should be requested about the individual from the other agency.

Agencies are obliged to comply with requests for information that meet the above criteria and provide any relevant information they hold, if they reasonably believe that the provision of the information would assist the requesting agency to make a decision or manage any risk to a child<sup>39</sup>.

The legislation allows for the protection of those providing such information where it is given in good faith<sup>40</sup>. There are some circumstances however where information is not required to be shared, including where the agency has a reasonable belief that to do so would prejudice a legal investigation, coronial inquest or care proceedings, endanger an individual's life or is detrimental to public interest<sup>41</sup>.

As the information may refer to sensitive or confidential matters, agencies are strongly encouraged to have policies and procedures in place that ensure only authorised staff within the agency may request, provide or receive such information.

An Other Agency Check may also be required to be conducted in other circumstances including:

- where an existing worker is being entered onto the Residential Register<sup>42</sup>,

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<sup>39</sup> Section 245C of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>40</sup> Section 245G of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>41</sup> Section 245D(4) of the *Children and Young Persons (Care and Protection) Act 1998*

<sup>42</sup> Schedule 1, Section 3(2) of the *Children's Guardian Regulation 2022*

- where an individual is being re-engaged by a designated agency within 12 months of ceasing employment<sup>43</sup>, or
- where an individual's application is being reconsidered within 12 months of a decision to not engage them as a residential care worker, where this has not been conducted within the previous 12 months or was previously conducted with an unsatisfactory outcome<sup>44</sup>.

Under the Children's Guardian Regulation 2022 agencies must use the approved form when conducting this check<sup>45</sup>. These have been developed in consultation with the sector and include a Protocol and template forms. More information can be found at 2.15 below.

[Guidance summary 2: Information exchange – Other Agency Check](#) provides more information on this process.

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## 2.12 Exchanging information and consent

Consent is not required to request and exchange information as part of this process as this is authorised by law under *Chapter 16A*. However, where appropriate, consent from the individual about whom information is being shared should be sought, in a manner and language they can understand.

Designated agencies should explain to applicants and existing workers, prior to entering them onto the Register, that their personal information will be collected and used to meet the purposes of the Residential Register. This should include detailing what information will be collected and how it may be used, as well as the exchange of relevant information that may arise during the course of an individual's employment e.g., where a reportable allegation is made and subsequently entered onto the Residential Register.

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## 2.13 Exchanging reportable allegation information

All designated agencies must enter onto the Residential Register that a reportable allegation has been made against a residential care worker<sup>46</sup>. Once a new allegation is entered onto the Register, and is approved and visible as Current, any other agencies that are also employing the same individual will be alerted to the entry. These agencies should then exchange relevant information so as to manage any risk the worker may pose to children in residential care.

Once an investigation is finalised, the agency who recorded the allegation is required to decide whether it holds relevant information about the worker which would be appropriate to exchange in the future. The agency must update the status on the Residential Register to reflect the outcome. This will either be 'Finalised – no record' or 'Finalised – Contact Agency'. If the 'contact agency' record is entered, this will mean agencies considering employment of the individual in the future will be required to undertake an Other Agency Check for the individual. Upon entering the finalised status, it is best practice for the recording agency to advise other currently employing agencies of any relevant information, if this has not already been shared.

The Reportable Conduct Directorate within the OCG has developed [Business Rules](#) to support all designated agencies to manage the entry and management of reportable allegations on the Residential Register.

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<sup>43</sup> Section 11(2)(b)(ii) and (iii) of the Children's Guardian Regulation 2022

<sup>44</sup> The requirements of Section 9 of the Children's Guardian Regulation 2022 will apply

<sup>45</sup> Section 8(a) of the Children's Guardian Regulation 2022

<sup>46</sup> Section 12 of the Children's Guardian Regulation 2022

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## 2.14 Preparing to exchange information

Agencies must update the Residential Register with the end date of an individual's engagement as a residential care worker<sup>47</sup>. The agency must also note whether they hold relevant information to be exchanged with another designated agency as part of a future Other Agency Check request<sup>48</sup>.

Although it is not required by law, recording this information at the time of end dating and individual's engagement, in a central location within the agency's files, will help to promote accuracy and currency of information. It will also assist the agency to respond to any future requests in a timely manner, as this information will already be recorded.

The template forms developed by the OCG to support agencies in exchanging information must be used for this purpose. Where the agency holds relevant information at the time of ending an individual's engagement on the Residential Register, or when completing an investigation into an allegation, it is best practice for the agency to complete the relevant sections in Part 2 of the Other Agency Check form at this time.

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## 2.15 Other agency check – protocol and template

Designated agencies must request and exchange relevant information to assess an individual's suitability to be engaged, or continue to be engaged, as a residential care worker. The provider must undertake an Other Agency Check for applicants who have either progressed to the referee check stage of the application process, or have been referred by a labour hire agency, as well as for existing workers, where the Residential Register indicates this is required.

A Protocol and two template forms have been prepared by the OCG to support the Other Agency Check process. These approved forms must be used by designated agencies as part of this process<sup>49</sup> and have been developed to guide the exchange of relevant information and support consistent practice across the sector.

There are two forms:

- Part 1 – Agency requesting information. This form should be completed by an agency when requesting information from another agency as part of conducting an Other Agency Check.
- Part 2 – Agency recording and providing information. This form should be used when:
  - an agency receives a request for an Other Agency Check, and if so, should be completed within **5 working days**, or
  - an agency has ended the engagement of a residential care worker or finalised an investigation and wishes to record relevant information to be exchanged in response to a future request.

Following consent being provided by an individual to be entered onto the Residential Register, the recording agency will be able to view whether the individual has a current or past association as a residential care worker with another designated agency. This will inform whether an Other Agency Check is required as part of the recruitment / engagement process. This will be mandatory where the individual is a relevant individual. This includes where the individual is currently engaged by another agency, or for where an individual has a past association, only if that previous employing agency has indicated they hold relevant information to exchange.

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<sup>47</sup> Section 14(1) of the Children's Guardian Regulation 2022

<sup>48</sup> Section 14(2) of the Children's Guardian Regulation 2022

<sup>49</sup> Section 8(a) of the Children's Guardian Regulation 2022



The Other Agency Check is one of the mandatory probity checks for applicants and is a request for, and subsequent provision of any information held by the other designated agency relevant to the safety, welfare or wellbeing of children and young people. 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, as a means of supporting the recruiting agency to make a determination about suitability.

Each designated agency should ensure they have an internal process to complete and approve the request for, and provision of information as part of the Other Agency Check. Agencies approved to access the Residential Register must have an email address for managing information exchange. It is recommended that agencies use this email address to request and provide information as part of the Other Agency Check. This will in part ensure that any request is a legitimate one. Each designated agency's Information Exchange contact details (email address and phone number) are listed on the Register and can be viewed by all agencies.

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## 2.16 Residential Register Reportable Allegation information

The Business Rules developed by the Reportable Conduct Directorate to support designated agencies around recording information about allegations on the Residential Register, build on the requirements in the Regulation. This process is in addition to the requirements and responsibilities under the Act to report matters to the Children's Guardian.

The Register requires the agency who has a current engagement with an individual to enter any reportable allegations made against the worker. The Business Rules support agencies to manage the entry where more than one designated agency is currently engaging the same worker. The Register records the allegation date, whether the matter has been finalised or not, and the outcome. The Register will not contain any detail about the particulars of the reportable allegation. This detailed information is to be documented and held by the agency as part of its own records.

Importantly, an agency cannot view any reportable allegation records about the individual during the recruitment process. Rather, where another agency is currently or has previously engaged the individual as a residential care worker, relevant information is to be exchanged via the Other Agency Check.

Where a new reportable allegation is added to the Register and approved to be viewable, any agency which has a current association with the individual will be alerted to this. At this time, each agency should consider whether they have relevant information to exchange under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

### What information can be provided about a reportable allegation to a residential care worker?

The reportable conduct scheme is administered by the OCG. All agencies to which the scheme applies should have detailed policies and procedures about how they will manage allegations made and how information, including the type and level of information, will be provided to a worker where an allegation is made. The scheme is monitored by the OCG's Reportable Conduct Directorate.

The information recorded on the Residential Register about an allegation is limited and aims to support information exchange between designated agencies who may be considering or have engaged an individual as a residential care worker. The information recorded on the register

itself is not to be provided to an individual<sup>50</sup>. This restriction is to ensure that agencies can make the decision about timing and appropriateness of providing details to an individual of an allegation or finalisation, informed by any advice from NSW Police or the Reportable Conduct Directorate.

In practice, this means that the function available to designated agencies to print the individual's record and provide for information, must not include any reportable allegation information. There are several Tabs within the Residential Register which may include detail on reportable allegations including Reportable Allegations, Records and Activity Log. When printing a copy of the records for an individual, these should **not** be selected.

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## 2.17 Immediate action to end a residential care worker's engagement

A designated agency must take immediate action to end date a residential care worker's engagement if the individual no longer has a WWCC clearance or a current application in progress. This is because a current clearance or application is required to be engaged as a residential care worker<sup>51</sup>. This would occur:

- when the individual is notified that their current working with children application has been terminated or refused; that the individual's clearance has been cancelled; or that the individual is subject to an interim bar or bar. At this time, any agency who has verified the individual's WWCC will also be notified by the OCG, or
- if the current application or clearance is closed, or
- where a clearance has lapsed after 5 years and not been re-applied for, on the date the clearance lapsed.

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## 2.18 Residential Register numbering system

The Residential Register reference numbers are generated by the Register for each of the following:

- **Residential Registered Agency = **RRA00000****
- **Residential Register Worker = **RRW00000****
- **Residential Worker Back Capture = **RWBC00000****

Reference numbers are recorded against all applicants, engaged residential care workers and existing employees (RRW or RWBC). If an applicant/worker has or has previously held an association with more than one agency, the register will issue a reference number for each separate association.

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## 2.19 Residential Register - Dashboard Reports

The Residential Register is designed to allow for a number of reports to be generated, using the records entered by a designated agency.

The reports can be downloaded into an excel file format. Agencies should develop clear procedures around how reports should be accessed and used including using the reports to support quality assurance and compliance. See the *RCWR Data Manual* for more information.

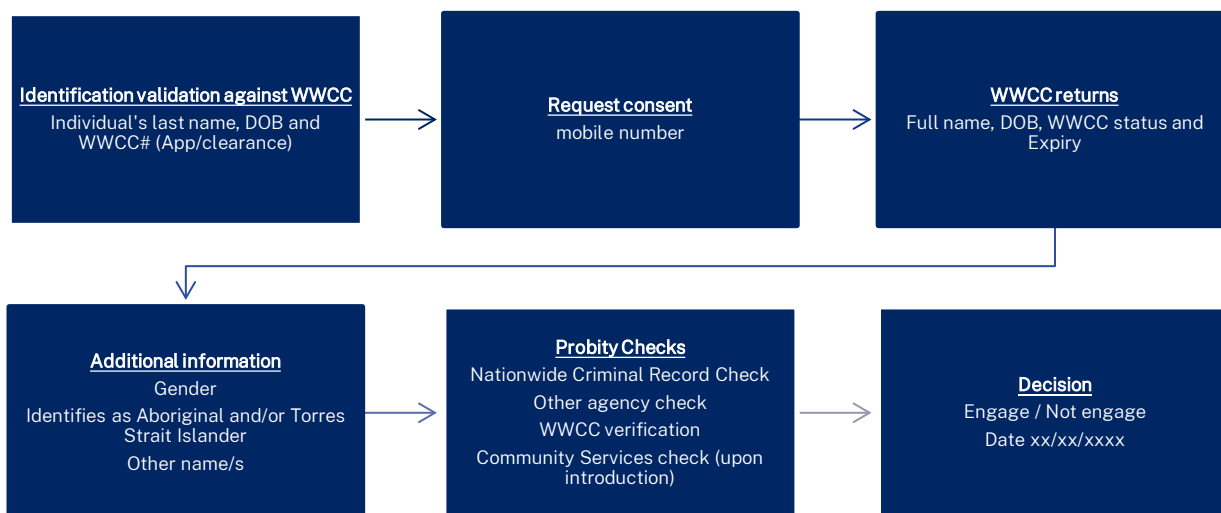
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<sup>50</sup> As per section 87(4) of the *Children's Guardian Act 2019*

<sup>51</sup> As per section 8 of the *Child Protection (Working with Children) Act 2012*

# 3. Recording a new Residential Care Worker application

## 3.1 New Application requirements



The 'Worker Application' function is used to enter an individual who has applied for a role as a residential care worker, only once they have reached the referee check stage of the application process. Applicant data requirements in the Residential Register are detailed within the CG Regulation<sup>52</sup>.

The designated agency is responsible for determining the suitability of an individual to be engaged as a residential care worker. The decision must be recorded on the Residential Register once this is determined, and if engaged, the date the applicant commences employment. An individual cannot be engaged as a residential care worker unless each of the probity checks has a Satisfactory outcome recorded against it.

The CG Regulation does not prescribe the timeframe in which an application must be finalised, however the individual cannot work as a residential care worker until the necessary information has been recorded and they have been 'engaged' on the Residential Register. At this time, the Register will record an engaged status.

A decision to 'not engage' can be made at any time. A decision to 'not engage' an individual may be as a result of determining they are unsuitable, as a result of not being the preferred applicant, or due to the applicant withdrawing from the recruitment process.

<sup>52</sup> Section 10 of the Children's Guardian Regulation 2022



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## 3.2 Identity information

The Residential Register requires a designated agency to record basic identity information about an applicant, in order to validate the person's details against the WWCC system and to ensure they hold a current clearance to be engaged in child-related work. This includes the following details about an applicant:

- a) Full name, and any other name the applicant is or has been known by,
- b) Date of birth,
- c) WWC number and expiry date, or Application number

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## 3.3 Working with Children Check

A Working with Children Check (WWCC) is a prerequisite for anyone wanting to be engaged in child related work<sup>53</sup>. Details of the information that is checked is outlined on the OCG website and includes a national criminal history check (NPC) and a review of any findings by a reporting body and notifications to the NSW Ombudsman or Children's Guardian related to workplace misconduct.

A determination about a WWCC application will be made to either grant a clearance or not<sup>54</sup>. Where a clearance is granted, this will be for a period of five years from the date it was granted<sup>55</sup>. An individual may be subject to an interim bar at any stage during the application process, if a determination has been made that the individual is likely to pose a risk to the safety of children if engaged in child related work<sup>56</sup>. An employer must verify the individual's relevant details to confirm they hold a clearance to work with children before they are engaged in that work<sup>57</sup>. The Residential Register supports designated agencies to undertake this verification process for applicants who have been entered onto the Register.

The below table outlines the WWCC status' which may be returned when a WWCC is verified by a designated agency and the meaning behind each.

<b>WWCC Status</b>	<b>Description</b>
<b>APPLICATION IN PROGRESS</b>	Application is still in progress, but the individual is permitted to work with children
<b>CLEARED</b>	Application is cleared and the individual is permitted to work with children
<b>INTERIM BARRED</b>	Application is still in progress, but the individual is barred from working with children during this process
<b>BARRED</b>	Applicant is barred from working with children

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<sup>53</sup> Section 8 of the *Child Protection (Working with Children) Act 2012*

<sup>54</sup> Section 18 of the *Child Protection (Working with Children) Act 2012*

<sup>55</sup> Section 22 of the *Child Protection (Working with Children) Act 2012*

<sup>56</sup> Section 17 of the *Child Protection (Working with Children) Act 2012*

<sup>57</sup> Section 9A of the *Child Protection (Working with Children) Act 2012*

WWCC Status	Description
EXPIRED	The individual's clearance has expired, and the person is not permitted to work with children
CLOSED	The individual's WWCC application has been closed / withdrawn, and the person is not permitted to work with children
NOT FOUND	Applicant cannot be found, and is therefore not permitted to work with children

For more information, go to the Working with Children Check section of the OCG's [website](#).

## WWCC requirements

- Individuals who apply to work as a residential care worker must have a current WWCC clearance or application in progress to be entered onto the Residential Register and considered for engagement in the role of a residential care worker.
- Where an applicant reaches the referee check stage of the application process, the designated agency must validate the individual's identity and WWCC details on the Residential Register. This is done by entering the applicant's last name, date of birth and WWCC number (application or clearance). The Register will send this information to the WWCC system for validation. Where this information is validated against the WWCC system, confirming the individual's details and that they hold a current clearance (including an application) to work with children, the agency can initiate a consent request to the applicant. Where consent is given by the applicant, the application can commence and the WWCC details including the status and expiry date will be pre-populated onto the Residential Register.
- After completing all data entry requirements onto the Residential Register, including the entry of all mandatory probity check outcomes, a designated agency must verify the individual's WWCC on the day of recording a decision to engage an individual. This verification process has been built into the Residential Register and there is no need to also verify via the OCG website. A WWCC verification receipt will be sent to the email address nominated by the agency when registering as an employer on the WWCC system.

### Please note:

The Residential Register can also be used to re-verify a residential care worker's WWCC at any time after engagement.

## 3.4 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, Risk of Significant Harm reports, allegations of reportable conduct and outcomes of investigations.

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

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## 3.5 Nationwide Criminal Record Check (National Police Check)

A Nationwide Criminal Record Check (commonly called a National Police 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. Further information can be found at [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

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.

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### National Police Check requirements

- A designated agency is required to conduct a National Police Check as one of the mandatory probity checks when completing an application and entering the individual onto the Residential Register<sup>58</sup>.
  - A designated agency must consider any records returned as part of this process and assess any risks which may be indicated by the information returned in the check, including documenting the rationale for any decision by the agency on the appropriate agency file.
  - Record the outcome of the National Police Check on the Residential Register, including the date this was completed and the outcome of either satisfactory or unsatisfactory<sup>59</sup>.
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## 3.6 Other Agency Check (Residential Care Provider Check)

One of the mandatory probity checks to be completed is the Other Agency Check (referred to as a residential care provider check in the Regulation<sup>60</sup>). This is a mandatory requirement if the individual has:

- a current association as a residential care worker with another designated agency, or
- held a previous association as a residential care worker with another designated agency and upon end dating the individual’s engagement, that agency indicated on the Register that it holds relevant information to exchange about the individual in the future.

After an agency enters an individual’s details onto the Register, a list of other designated agencies the applicant has either a current or previous association with, will be visible. The Residential Register indicates where the Other Agency Check is a mandatory requirement. The agency needs to make a declaration that they will undertake the check with each of these agencies.

The fact that a residential care worker’s engagement has been ended by one agency does not preclude them from being engaged by another agency. The Residential Register will provide the history of an individual’s engagements as a residential care worker and each new prospective employer will be required to consider all relevant information prior to determining if the individual is suitable to be engaged by them.

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<sup>58</sup> Section 9(1)(b) of the Children’s Guardian Regulation 2022

<sup>59</sup> Section 10(1)(e) of the Children’s Guardian Regulation 2022

<sup>60</sup> Section 8 of the Children’s Guardian Regulation 2022

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## Summary of the Other agency check requirements

- A designated agency is required to conduct an Other Agency Check as one of the mandatory probity checks, when completing an application and entering the individual onto the Residential Register<sup>61</sup>. The agency entering the individual will need to tick the declaration box once they have conducted the formal request and completed the review of information returned.
- A designated agency must consider any records returned as part of this process and assess any current or historical risks arising from the information provided. This should include documenting the rationale for the outcome decision by the agency on the appropriate agency file.
- Record the outcome of the Other Agency Check on the Residential Register, including the date this was completed and the outcome of either satisfactory or unsatisfactory<sup>62</sup>.
- If the Other Agency Check was conducted with multiple agencies, the date and outcome should only be entered only once all checks have been received and reviewed, to reflect the overall outcome.
- It should be noted that the Other Agency Check will be 'greyed out' and therefore not available on the Residential Register if this is not required.

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## 3.7 Engagement decision

All designated agencies must have their own recruitment processes for determining the suitability of an individual to be employed in an advertised role. The Residential Register is an additional tool to be used in the final stages of the recruitment process when considering an applicant for a role as a residential care worker, where they have reached the referee check stage of the application process. The Residential Register will support the agency in making a determination about the suitability of an individual to be engaged as a residential care worker, by requiring a minimum set of probity checks to be completed. A decision can then be made to either 'engage' or 'not engage' the applicant.

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### Engagement Decision matrix

**Engaged:** The agency has made its own determination that the applicant is suitable to be employed as a residential care worker. In addition, the probity checks have been completed and assessed as having a satisfactory outcome.

**Not engaged:** A number of scenarios may be applicable:

1. The agency has made its own determination, after entering the applicant onto the Residential Register, that they are not suitable to be engaged as a residential care worker.
2. The outcome of one or more probity checks have been deemed unsatisfactory by the designated agency, thereby making the applicant unsuitable to be engaged as a residential care worker.
3. The applicant is deemed suitable but is not the successful or preferred applicant at that point in time.
4. The applicant withdraws their application prior to a decision being made by the agency.

Where an applicant is recorded as 'not engaged', the records are viewable only to the recruiting agency.

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<sup>61</sup> Section 9(1)(d) of the Children's Guardian Regulation 2022

<sup>62</sup> Section 10(1)(e) of the Children's Guardian Regulation 2022

# 4. Managing worker records

Information recorded on the Residential Register must be accurate and kept up to date. This includes making corrections if required. The following table outlines the various worker record management functions which each designated agency is responsible for.

See the various User Guides for further information in actioning these functions.

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## 4.1 Worker record management functions

Field	Explanation
<b>Primary name/s or date of birth</b>	<p>A primary name or date of birth cannot be updated via the Residential Register. This must be updated by the individual worker via the WWCC system. Once this has been done, the agency can then re-verify the individual's WWCC via the Register and the primary name or date of birth will be retrieved and updated from the WWCC database.</p> <p>The previous primary name will be automatically stored in the Other Name section for this person.</p>
<b>Other Names</b>	<p>If an agency becomes aware that the person has another name that has not been recorded, the agency must update the Residential Register to indicate this.</p>
<b>Agency Reference</b>	<p>This is the engaging agency's own reference, which may have been added by the agency. It is not a mandatory field, however if it has been entered, the agency can edit this at any time.</p>
<b>Gender</b>	<p>The options to select when entering an individual's gender include Female, Male and X (Indeterminate / Intersex / Unspecified). This record should reflect that which has been disclosed by the individual or indicated in relevant identification records. If this is not provided, X should be selected.</p>
<b>Identification as Aboriginal or Torres Strait Islander</b>	<p>The options to select when entering whether an individual identifies in this area include Aboriginal, Torres Strait Islander, Both, No, Unknown. This record should reflect the information provided by the individual in relation to this. If this is not provided, Unknown should be selected.</p>

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Field	Explanation
<b>Mark as Deceased</b>	<p>If an agency holds a current or previous association with an individual and becomes aware that the person is deceased, it should update the Residential Register to reflect this. Prior to recording this information, the recording agency should make contact with any other agency the individual has a current association with as a matter of courtesy. All outstanding reportable allegation records should also be completed.</p> <p>Once the deceased record is entered, any other agency which holds a current association will receive a notification of that entry.</p> <p>Marking a person as deceased ensures that the individual’s record cannot be mis-used into the future, as the individual cannot be engaged by another agency.</p>
<b>Engagement Dates</b>	<p>The engagement dates entered by an agency should accurately reflect the start and end date of the individual’s employment as a residential care worker. The agency should update these if they are known to be incorrect.</p> <p>When completing the entry for a new applicant, although the decision to engage and the date a person is due to commence employment can be different, it is best practice for a designated agency to enter this as close as possible to the date the individual will commence their employment. This will allow for easier management of the record if the individual makes a decision not to commence in the role.</p>
<b>End Engagement</b>	<p>A designated agency must, within 14 business days of an individual ceasing employment as a residential care worker with the provider, update the Register to record the date the employment ceased<sup>63</sup>.</p>
<b>Re-engage function</b>	<p>If an individual has been engaged as a residential care worker and end dated by a designated agency, that agency can re-engage the individual within 12 months of the end date, without having to commence a new application process on the register<sup>64</sup>.</p> <p>When looking to re-engage an individual as a residential care worker, the designated agency:</p> <ul style="list-style-type: none"> <li>• Must re-verify the WWCC,</li> <li>• May re-do the remaining probity checks.</li> </ul> <p>Once 12 months has passed since the end date being entered, this function is no longer available. The individual can still be engaged by the same agency after this time however a new application process will need to be commenced.</p>
<b>Restore function</b>	<p>If an individual is ‘not engaged’ by a designated agency, the agency has the ability to restore the application within 12 months of that decision. This functionality allows a designated agency to reconsider a previous applicant for engagement as a residential care worker without having to commence the application process from the beginning.</p> <p>This is most likely to occur where an individual has been deemed suitable for a position but was not the preferred applicant at the time i.e., is now sitting in a talent pool of potential workers.</p>

<sup>63</sup> Section 14(1) of the Children’s Guardian Regulation 2022

<sup>64</sup> Section 11 of the Children’s Guardian Regulation 2022

Field	Explanation
	<p>When looking to restore an application, the designated agency:</p> <ul style="list-style-type: none"> <li>• Must verify the WWCC,</li> <li>• Must complete a NPC and an Other Agency Check (if indicated on the register), unless either has already been completed within the past 12 months, and the outcome was deemed satisfactory<sup>65</sup>.</li> </ul>
<b>Record and/or change ‘Contact Agency’ flag on end dated engagement</b>	<p>When an agency end dates a worker’s engagement, it must record whether it holds relevant information to exchange with another agency in the future<sup>66</sup>. This will in part, inform whether an Other Agency Check will be required for this individual if they seek employment with another designated agency.</p> <p>If an individual has a reportable allegation recorded against them and the status is Current or Finalised - Contact Agency, the Residential Register will automatically record that the agency has relevant information to exchange.</p> <p>If there are no reportable allegations recorded, if a new reportable entry has not yet been approved by the HRE, or if a reportable allegation has a status of Finalised - No Record, the agency will need to make a determination about whether they have relevant information to exchange. If yes, then this should be indicated on the Register.</p> <p>The decision entered by the agency can be changed at any time after ending an individual’s engagement, if the agency changes their view on this and it aligns with existing rules. For example, a ‘yes’ cannot be changed to ‘no’ if the reportable allegation status is Current or Finalised – contact agency. However, a ‘no’ can be changed to ‘yes’ if the agency reconsiders information they have and make a decision it is relevant to exchange.</p>
<b>Edit Probity</b>	<p>The probity dates entered by an agency should be accurately reflected on the worker’s record. This includes that they reflect the date and outcome <b>at the time of engagement</b>. The agency should update these if they are known to be incorrect.</p>
<b>WWCC Verification</b>	<p>The WWCC verification process has been built into the functionality of the Residential Register. A designated agency is not required to verify an individual’s WWCC via the OCG website where this has been completed via the Residential Register. The designated agency can also re-verify an individual’s WWCC at any stage during their engagement.</p> <p>If a residential care worker is issued with a WWCC BAR or INTERIM BAR, the designated agency must re-verify the individual’s WWCC on the Residential Register, so the new status is returned. The agency will then be prompted to end date the residential care worker’s engagement as they no longer hold a clearance to work with children.</p>

<sup>65</sup> Section 9(2) of the Children’s Guardian Regulation 2022

<sup>66</sup> Section 14(2) of the Children’s Guardian Regulation 2022



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## 4.2 Reportable allegations

Field	Explanation
<b>Add Reportable Allegation</b>	<p>A residential care provider must, within 7 business days of the head of the relevant entity becoming aware of a reportable allegation about a residential care worker employed by the provider, enter onto the Register, that an allegation has been made and the date the provider became aware of the allegation<sup>67</sup>. The agency should select that the allegation is Reportable to the OCG.</p>
<b>Head of a Relevant Entity (HRE) Approve Reportable Allegation</b>	<p>Any reportable allegation which is entered by an agency will be escalated to the HRE for approval. The HRE must approve the entry and if:</p> <ul style="list-style-type: none"><li>• Reportable to OCG, this will be escalated to the Reportable Conduct Directorate in the OCG for approval. Once approved, it will appear as Current against the individual.</li></ul> <p>Once the status of the allegation appears as Current, it will be visible to any other agency who holds an association with the same individual. A notification will also be sent to any agency who holds a current association with the same individual.</p>
<b>Finalise Reportable Allegation</b>	<p>A residential care provider must, within 14 business days of completing or becoming aware that the investigation has been completed, record on the register<sup>68</sup>:</p> <ul style="list-style-type: none"><li>• the outcome of the investigation (contact agency/no record), and</li><li>• the date the investigation was completed.</li></ul>
<b>Head of a Relevant Entity (HRE) Approve Finalised Reportable Allegations</b>	<p>The finalised status for a reportable allegation which is entered by an agency will be escalated to the HRE for approval. Once the HRE has approved the entry:</p> <ul style="list-style-type: none"><li>• the finalised status will appear against the individual and will be visible to the recording agency, and</li><li>• if the finalised status is 'contact agency', this will be visible to any other agency who holds an association with the same individual.</li></ul>

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<sup>67</sup> Section 12(2) and (3) of the Children's Guardian Regulation 2022

<sup>68</sup> Section 12(4) of the Children's Guardian Regulation 2022



# 5. Back Capture of existing employees

At the commencement of the Residential Register, any individual already employed in a role which meets the definition of an *existing worker*<sup>69</sup> must be entered onto the Residential Register. The designated agency is required to enter each of these existing workers, along with specific data requirements, within 90 days of commencement of the Residential Register<sup>70</sup>. This includes information about any allegations which are current at the time of the Register's commencement.

Section 1.7 of this document outlines the data requirements relating to existing workers. The process of entry is similar to that of an applicant, outlined throughout section 3.

In summary, the key similarities and differences when entering an existing worker include:

- The entry of an existing worker is to be completed within 90 days of the Residential Register commencing, as opposed to the applicant who is entered upon reaching the referee check stage of the application process,
- The process of seeking consent and validating the individual holds a current WWCC clearance is the same as for applicants.
- Basic identity information is to be entered about the individual in the same way as for applicants.
- The WWCC must be verified, and the date and outcome of the nationwide police check must be entered.
- The Other Agency Check (residential care provider check) is to be completed as soon as practicable after the commencement day, and within 180 days after the commencement day, if the existing worker is a relevant individual<sup>71</sup>. During the process of entering the individual, the recording agency will be able to see whether that person has any other current or past associations with another designated agency. Best practice is to complete this at the time of entry, to support decision making about the ongoing suitability of a worker.
- Within 7 business days of the existing worker being entered onto the Residential Register, any current reportable allegations (Current at time of commencement) must be entered.
- It should be noted that any allegations where an investigation was completed prior to the commencement of the Residential Register are not to be recorded.

Agencies should refer to the [PowerPoint presentation](#) and [Fact Sheet – Information for applicants and engaged residential care workers](#) to assist them in communicating the requirement to be entered onto the Residential Register.

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<sup>69</sup> Schedule 1, Section 1 of the Children's Guardian Regulation 2022

<sup>70</sup> Schedule 1, Section 3 of the Children's Guardian Regulation 2022

<sup>71</sup> Schedule 1, Section 3(2) of the Children's Guardian Regulation 2022

# 6. Residential Register – Notifications / Alerts

## 6.1 Alerts and notifications

Certain information recorded on the Residential Register will trigger notifications / alerts relating to residential care workers. The notification may require a designated agency to take a specific action in response to the alert or it may reflect the provision of information to support decision making.

Each agency will nominate the email addresses to be used for these notifications as part of its initial registration process. If an agency wishes to change any of the nominated email addresses, this must be done by the Primary Administrator, by updating the agency's own Alert Contact details within the Residential Register.

The OCG will follow up on notifications / alerts requiring immediate action e.g., WWCC expiry, but also where any clarification is required. The various alerts / notifications triggered by the Residential Register will also inform the OCG's monitoring framework to review agency compliance.

The system generated emails will contain DO NOT REPLY as the email is not monitored.

## 6.2 List of system generated alerts

<b>Request for consent sent to applicant or existing worker</b>	<b>Notes</b>	<b>Alert sent to</b>
Request for consent sent – no response received	Notification sent to agency after 3 days, alerting that the request for consent will expire at 5 days	Agency User who lodged consent request PA email address
Request for consent sent – no response received - request has expired	Notification sent to agency after 5 days, alerting that the request has now expired. The record is removed from the Register. If an agency wishes to progress the applicant at any time, it will need to restart the process.	Agency User who lodged consent request PA email address
Request for consent sent – individual has declined (No)	Agency cannot progress entry of individual. The record will only be viewable via the agency's Business Intelligence (BI) reports.  If this is an existing worker, a notification is also sent to the OCG.	Agency User who lodged consent request OCG (for existing worker)
Request for consent sent – individual has accepted (Yes)	The entry is now active and accessible via the agency's work items	Agency User who lodged consent request

<b>Identification details for an individual</b>	<b>Notes</b>	<b>Alert sent to</b>
Change / update to an individual's core identification details	An individual's primary name and date of birth can only be updated by the individual via the WWCC system. Once this is done, the agency is able to re-verify the WWCC and this new information will be populated on the record.  Where the primary name is updated, an email notification will be sent to any other agency who holds a current association with the same individual.	General Alerts email of the other agency
Change / update to an individual's other personal details	Where an agency edits an individual's other personal details on the Register (e.g., gender, ATSI), an email notification will be sent to any other agency who holds a current association with the same individual.	General Alerts email of the other agency

<b>Engagement of an individual</b>	<b>Notes</b>	<b>Alert sent to</b>
An individual is engaged by a designated agency and is also currently engaged by another designated agency.	Aims to support information sharing between those agencies employing the same person.	General Alerts email of the other agency
An individual has their engagement end dated and is also currently engaged by another designated agency.	Notifies an agency who is currently employing an individual that they are no longer employed by another agency.	General Alerts email of the other agency
An individual is re-engaged by a designated agency and is already currently engaged by another designated agency.	Aims to support information sharing between those agencies employing the same person.	General Alerts email of the other agency

<b>WWCC flags</b>	<b>Notes</b>	<b>Alert sent to</b>
WWCC due to expire in 6 weeks	<p>This is an alert to an agency that the WWCC for a currently engaged individual is due to expire and advise that action is required to work with the individual to ensure they renew their WWCC.</p> <p>Once the WWCC has been renewed the agency must verify this on the Register so that the updated records will be populated.</p>	The WWCC Alert email for any agency with a current association.
<p>Individual no longer holds a WWCC clearance. This could be due to:</p> <ul style="list-style-type: none"> <li>• WWCC has expired</li> </ul> <p>Clearance has been revoked i.e. bar or interim bar</p>	<p>Where an individual no longer holds a current clearance to work with children, they cannot legally be engaged in any child-related work, including as a residential care worker.</p> <p>An agency will be notified by the OCG in relation to the change in status and the agency must take immediate action to remove the individual from their child-related role.</p> <p>The agency is required to re-verify the individual's WWCC on the Residential Register so that the new status is returned, and a task is created. This will also include the creation of a task for any other agencies currently engaging the same person.</p>	The WWCC Alert email for any agency with a current association.

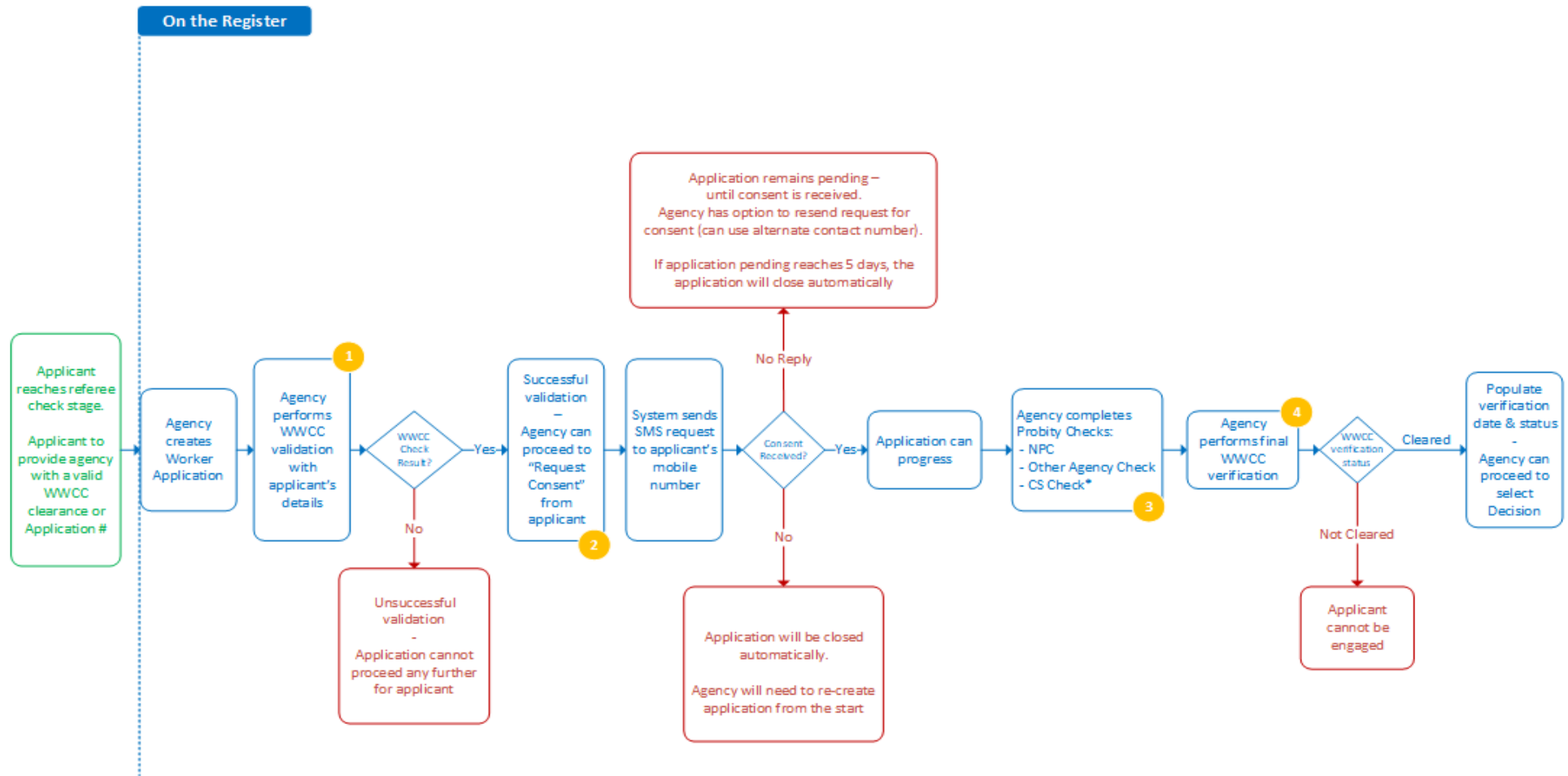
<b>Reportable Allegation flags</b>	<b>Notes</b>	<b>Alert sent to</b>
New Reportable Allegation entered - approval request sent to HRE	Where a new reportable allegation is entered by an agency, a notification will be sent to the HRE to approve / decline the entry.	HRE email address
New reportable allegation – reportable to OCG – approval request sent to the OCG Reportable Conduct Directorate (RCD)	Where a new reportable allegation is entered as Reportable to OCG, and has been approved by the HRE, this will be escalated to the RCD for approval before it is visible on the Residential Register.	RCD email address

Reportable Allegation flags	Notes	Alert sent to
New Reportable Allegation entry approval process is complete	Once the necessary approvals have been granted, any other agency who holds a current engagement with the individual will receive an email notification that a new reportable allegation has been entered.	<ul style="list-style-type: none"> <li>Agency User who lodged RA</li> <li>RA Alerts email for any other agency with a current association</li> </ul> HRE email address (where RCD has approved)
New reportable allegation – entry declined by HRE	Where an agency enters a new reportable allegation and the HRE declines this, a notification is sent to the User who entered the reportable allegation.	Agency User who lodged RA
New reportable allegation – entry declined by RCD	Where the HRE has approved a new reportable allegation and the RCD declines this, a notification is sent to the User who entered the reportable allegation as well as the HRE.	<ul style="list-style-type: none"> <li>Agency User who lodged RA</li> <li>HRE email address</li> </ul>
Finalised status of reportable allegation is entered by agency – approval request sent to HRE	Where a Finalised status for a reportable allegation is entered by an agency, a notification will be sent to the HRE to approve the entry.	HRE email address
Finalised status of reportable allegation entered – entry declined by HRE	Where the Finalised status for a reportable allegation is declined by the HRE, a notification is sent to the User who made the entry.	User email address
Finalised status of reportable allegation is approved by HRE	Where the Finalised status for a reportable allegation is approved by the HRE, a notification is sent to the User who made the entry.	User email address

**Disclaimer:** The material provided in this guidance note is for guidance only. Every effort has been made to ensure that the information is accurate, current and not misleading. However, this cannot always be guaranteed, and no warranty is given that the information is free from error or omission. Users should exercise their own skill and care with respect to the use of the material. The information is also not a substitute for independent legal or other professional advice and users should obtain appropriate professional advice relevant to their particular circumstances.

The Office of the Children’s Guardian does not guarantee and accepts no legal liability whatsoever for any act done, omission made, loss, damage, cost or inconvenience arising from, connected to, or as a consequence of, using or relying on the material contained in this guidance note.

## Appendix A: New applicant workflow



- 1 WWCC system will validate personal details and WWCC status. This ensures the applicant meets WWCC requirements and for Register to confirm personal identification details are accurate
- 2 System sends the "Request consent" to applicant via SMS and waits for consent. At this point, this is a "Pending Consent"
- 3 Other Agency Check: New agency will see applicant's associations with other agencies. Will need to initiate 16A request to the listed required agencies. CS Check: To be introduced at a future date
- 4 This will be the final WWCC verification (during application) – expecting to receive status & expiry date (if cleared).

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## Guidance notes to support agencies using the Residential Care Worker Register

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9.00am – 5.00pm

Registration Systems Team

T: (02) 8219 3888

E: [residential-register@ocg.nsw.gov.au](mailto:residential-register@ocg.nsw.gov.au)

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