

# Authorised Carer - Other Agency Check Protocol

This protocol should be read in conjunction with  
the Carers Register Guidance Notes

July 2025

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# The Carers Register

The Carers Register is a restricted access, centralised database of persons who are authorised, or who apply for authorisation (and their household members), to provide statutory or supported out-of-home care in NSW.

## Carers Register principles and functions:

- aims to promote the safety, welfare and wellbeing of children and young people in statutory or supported out-of-home care by supporting appropriate authorisation of carers
- contains details about persons who are authorised, or who apply for authorisation (and their household members), to provide statutory or supported out-of-home care in NSW
- is a restricted access, centralised database of persons who are authorised, or who apply for authorisation (and their household members), to provide statutory or supported out-of-home care in NSW.

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## Intersecting legislation

***The Children and Young Persons (Care and Protection) Act 1998 (the Care Act)*** is the governing legislation that provides direction for the Government's commitment to the care and protection of children and young people in statutory and supported out-of-home care.

- The *Care Act* prescribes that children in statutory out-of-home care must only be placed with authorised carers.

***The Children and Young Persons (Care and Protection) Regulation 2022 (the Care Regulation)*** provides the framework to implement the *Care Act*.

- The *Care Regulation* sets out under Schedule 2 and Section 18 the carer application and authorisation requirements including assessing each carer applicant and co-resident (household members) by obtaining identification and suitability information as well as mandatory probity checks.
- A designated agency must only authorise an applicant as an authorised carer after the agency is satisfied the applicant is capable and suitable to be an authorised carer.

***The Children's Guardian Act 2019 (the CG Act)*** is the governing legislation of the NSW Office of the Children's Guardian.

- The Carers Register is administered by the Office of the Children's Guardian (OCG) under the *CG Act*.

***The Children's Guardian Regulation 2022 (the CG Regulation)*** provides the framework to implement the *CG Act* and the *Care Act* and explains how requirements apply under these Acts.

- The *CG Regulation* sets out what information is recorded on the Carers Register including:
  - *Care Regulation* Schedule 2 and Section 18 information
  - information about authorised carers and applicants (and household details and members)
  - record reportable allegations (date and outcome).

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# The Care Regulation 2022

The Care Regulation 2022, sets out a designated agency responsibility in assessing authorised carer applications by assessing suitability under:

## Section 18 – Determination of Application

- (1) Approve or refuse an application
- (2) Requires a designated agency to ensure that an individual applying to be an authorised carer is capable and suitable to be an authorised carer.

A designated agency is responsible for making a determination (decision) on an application. This includes ensuring the applicant and any co-residents (household members) satisfy prescribed suitability and probity checks that inform the overall suitability assessment for each applicant and household member.

- (3) The probity and suitability checks include:
  - a) WWCC requirements for applicants and adults residing on the property
  - b) Suitability assessment of the applicant and each co-resident (household member)
  - c) Completion of education or training by the applicant as required by the agency
  - d) Signed statement that the applicant has understood and will comply with the code of conduct for authorised carers by the Minister
  - e) The designated agency takes into account:
    - i. The functions of an authorised carer and the risk the applicant would be unable to properly perform the functions
    - ii. Risks to child or young person if the applicant is authorised, including risk from the applicant's home and from a person who resides on the same property
    - iii. Relevant information available to the agency

## Schedule 2 - Uniform suitability assessment requirements:

**1 Definitions - assessable person** means each of the following:

- (a) a person who has applied to be an authorised carer
- (b) a prospective guardian
- (c) a co-resident

**2 Assessment body must obtain information** - An assessment body must obtain the following about an assessable person:

- a) proof of the person's identity, using documents of a type approved by the Children's Guardian
- b) if the assessable person is being assessed by the assessment body as to the person's suitability
- c) to be a guardian or an authorised carer
  - (i) at least 2 references addressing the assessable person's suitability to care for a child
  - (ii) a statement, in the form approved by the Secretary, made by the assessable person about the person's physical and mental health
  - (iii) a medical report, in the form approved by the Secretary, about the person's physical and mental health.

## 3 Assessment body must conduct checks

- (1) An assessment body must conduct the following checks of an assessable person:
  - a) a nationwide criminal record check

- b) a community services check
- c) if the assessment body reasonably believes a designated agency, other than the Department, has material knowledge about the assessable person — a check with the agency as to a person's suitability to care for a child or young person or to reside on the same property as an authorised carer. **This requirement is the Other Agency Check (OAC).**

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## OAC in practice

The Carers Register has been designed to ensure carer and household member suitability and to identify other designated agencies that have or had a relationship with a carer applicant or household member. This supports designated agencies sharing information about authorised carers, carer applicants and household member suitability under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

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## Chapter 16A and the OAC

A government agency or a designated agency must request under Chapter 16A, information held by another designated agency, where this information relates to the safety, welfare or wellbeing of a child or young person.

This includes information that may:

- help the agency to make a decision or undertake an assessment or plan
- assist an investigation
- assist the agency in providing a service.

A government agency or designated agency is obliged to comply with a request for information that meets the above criteria if they reasonably believe that the provision of the information would assist the recipient agency to work with or manage any risk to a child or young person.

The legislation allows for the protection of those providing such information where it is given in good faith. However, there are some circumstances in which information should not be shared, for example when it would prejudice a criminal investigation or coronial inquest, endanger a person's life or is detrimental to public interest.

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## Authorising information exchanges

A designated agency that receives an application from an individual to become an authorised carer is required to conduct an 'other designated agency check'.

As the information may refer to sensitive or confidential matters, designated 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.

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## Whose information may be requested or exchanged

The designated agency is required to request information from other designated agencies about:

- carer applicants
- authorised carers (current and end dated)

- household members (of carers and carer applicants)

Information exchange is permitted where the designated agency:

- has received an application from the individual to become an authorised carer
- is aware that the individual has a previous or existing association with another designated agency.

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## Is consent required?

Consent is not required, as information exchange for the purpose of the Carers Register is authorised by law. However, where practicable and appropriate, it is best practice to inform an individual when information about them will be disclosed to another agency.

Designated agencies should inform carers, carer applicants and their household members that:

- their information will be entered onto the Carers Register
- they have the right to access and correct information held by the designated agency or entered onto the Carers Register
- their information may be requested by or provided to other designated agencies if required under the legislation.

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## Recommended process for accurate record keeping

Some designated agencies hold years' worth of records relating to carers and household members, and this may impact the timely exchange of information between designated agencies.

Designated agencies are strongly advised to maintain a [carer household profile summary sheet](#) which provides an overview of key information and any important updates to support information exchange.

This protocol will also go some way to identify and record relevant information for the purpose of sharing information at any point in time.

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## Timeframe for exchanging information

Designated agencies are advised to provide relevant information when requested by another designated agency without delay (as soon as is practicable). Delay in providing information will delay the completion of assessment and authorisation process.

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## Sharing information regarding reportable allegations

When an individual's Carers Register record shows 'Current Reportable Allegation' or 'Finalised reportable allegation – contact agency', relevant information can be exchanged when conducting 'Other designated agency checks' or a 'Community Services check'.

See section 7.1.4 for more information regarding exchanging information relating to reportable allegation

For further information refer to the Carers Register fact sheet 4 – Information exchange between designated agencies.

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# OAC protocol and form

This protocol and the suggested forms are not prescribed under legislation however, they have been designed to support the OAC process when assessing an applicants suitability to be authorised as a carer and to create consistency across the sector.

Two forms have been developed, the appropriate form will depend on whether you are requesting, or responding to a request for, relevant information:

- Part 1 – Agency requesting information
- Part 2 – Agency recording and providing information

This protocol and the approved forms are available on the Office of the Children's Guardian [website](#).

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## Part 1

This is completed by the agency making a request for an Other Agency Check from another agency.

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## Part 2 – Recording and providing relevant information

This is completed by the agency who holds the relevant information and is providing this to another agency at their request.

The forms should be completed in readiness to share as the below scenarios occur:

- at the time of completing an investigation, where the agency has identified relevant information to exchange with another agency in the future
- at the time of ending a carer authorisation or where the agency has identified relevant information to exchange with another agency in the future.
  - When end dating a carer authorisation and closing the carer file, this form should form part of that process, so information is easily accessible if a future request is received.

**Relevant information** has been divided into 4 subheadings to guide the process of identifying and recording information and any other information which is relevant to the safety, welfare or wellbeing of children and young people.

Information should include details (concerns, breaches, investigation outcomes etc) and how this is relevant to the safety, welfare and wellbeing of children and young people.

### 1. Carer applications and authorisations

- Application outcomes
- Carer suitability assessments – carer competencies
- Home safety
- Risk assessments and outcomes
- Annual carer reviews
- Carer support and supervision plans
- Authorisation conditions and history

### 2. Carer Code of Conduct and agreement/s

- Code of Conduct
- Agency agreement/s

### 3. Carer and household member probity

- WWCC
- NPC
- CS check
- OAC

### 4. Reportable conduct matters

- any current matters or
- completed matters with the outcome 'Finalised – Contact Agency'.

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