Carers Register

Guidance notes

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Children's Guardian

www.ocg.nsw.gov.au

NSW GOVERNMENT

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1 Introduction

1.1 Purpose of these guidance notes

These guidance notes are applicable to designated agencies accredited to provide statutory foster, relative, kinship or supported out-of-home care in NSW. Designated agencies are required to participate in the Office of the Children's Guardian's (OCG's) accreditation and monitoring framework.

These guidance notes have been prepared to provide information about the NSW Carers Register guiding principles and key information.

These guidance notes should be read in conjunction with:

- Carers Register Training Modules
- Code of Practice – designated agency and adoption service providers
- designated agencies' own policies and procedures
- applicable legislation:
  - Children's Guardian Act 2019 (CG Act)
  - The Children's 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)
  - Child Protection (Working with Children) Act 2012 (WWCC Act)
  - Child Protection (Working with Children) Regulation 2013 (WWCC Regulation)
- the OCG website www.ocg.nsw.gov.au for:
  - access to the Carers Register log in portal
  - Carers Register fact sheets, resources, guidance and eLearning.

If you have a question about the Carers Register, please email the OCG OOHC Carer and Residential Worker Monitoring team at carers-register@ocg.nsw.gov.au or call 02 6588 7073.

Please note: the content of these Guidance Notes is subject to change. Designated agencies will be advised of any significant changes and are advised to visit www.ocg.nsw.gov.au for current information.

1.2 Intersecting legislation - Carers Register

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 the carer authorisation requirements under Schedule 2 - Uniform suitability assessment requirements and Section 18 - Determination of Application.

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 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)
  - reportable allegation information (date and outcome).

1.3 Accreditation and monitoring

The OCG's accreditation scheme fulfils the Children's Guardian's functions to promote the best interests of children in out-of-home care and ensure the rights of all children in out-of-home care are safeguarded and promoted.

The purpose of the accreditation scheme is to ensure designated agencies and adoption service providers meet mandatory standards when providing services to children in statutory out-of-home care. The accreditation scheme also allows the Children's Guardian to take action if an agency is not meeting mandatory practice requirements or is not fulfilling its obligations under relevant legislation.

All designated agencies accredited to provide statutory or supported out-of-home care in NSW must adhere to the requirements of the Carers Register[1]. The Carers Register requirements must be incorporated into agencies' policies and procedures and will be assessed as part of the accreditation process.

1.4 Carers Register overview

The OCG is responsible for the administration of the Carers Register[2], commencing 15 June 2015. All designated agencies accredited to provide statutory foster, relative, kinship or supported out-of-home care are required to access the Carers Register and enter data about carer applicants, authorised carers and their household members on the Carers Register within prescribed timeframes (the prescribed timeframes are detailed in these Notes where applicable to specific requirements).

[1] *Children's Guardian Act [NSW] 2019, s128(1)(d)*
[2] *Children's Guardian Act 2019 [NSW], s85(1)(a)*

1.5 Aim of the Carers Register

The Carers Register is a restricted access[3], centralised database of persons who are authorised[4], or who apply for authorisation[5] (and their household members[6]), to provide statutory or supported out-of-home care in NSW.

The aim of the Register is to promote the safety, welfare and wellbeing of children in statutory or supported out-of-home care by supporting appropriate authorisation of carers.

The Register is intended to complement the systems and processes that designated agencies have in place to assess carer suitability – not to replace or duplicate these systems.

The Carers Register:

- operates to reduce the risk of inappropriate authorisation of carers
- acts as a licensing tool – it will issue a carer authorisation number to individuals approved to provide statutory or supported out-of-home care
- require agencies to certify that authorised carers and relevant household members, have undergone minimum requirements for probity and suitability checks
- record essential information only
- operate as a restricted access site, subject to strict privacy controls
- flag relevant information to be shared and considered relating to carers, their household members and workers recorded on the Residential care Workers Register
- provide triggers for agencies to seek further information from other designated agencies

The Carers Register will not:

- record details of children or young people in out-of-home care, including statutory, supported or specialised substitute residential care

  However, if a young person in statutory out-of-home care remains in the home of an authorised carer, after turning 18 years of age, they are considered a household member and must be entered on the Carers Register and will require a current WWCC[7]
- support placement matching
- record conditions of authorisation
- replace designated agencies' more detailed processes and systems for assessment and authorisation of carers and their households
- contain detailed records[8]
- record details of carers who are not authorised by designated agencies to provide OOHC[9]
- record details of carers who provide care in an employment capacity, other individuals recorded the on the Residential care Workers Register by designated agencies. See Residential Care Workers Register information regarding residential care workers[10]
- record approved or prospective guardian carers if they are authorised solely for the purpose of guardianship.[11]

[3] *Children's Guardian Act 2019 [NSW], s86*
[4] *Children's Guardian Act 2019 [NSW], s85(1B)(a)* – Children's Guardian Regulation 2022 [NSW], s16(6)(a)
[5] *Children's Guardian Act 2019 [NSW], s85(1B)(c)* – Children's Guardian Regulation 2022 [NSW], s16(6)(c)
[6] *Children's Guardian Act 2019 [NSW], s85(1B)(b)* – Children's Guardian Regulation 2022 [NSW], s16(6)(d)
[7] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], Sch2, s3(2)(d)(i)(ii) - *Working With Children Act 2012 [NSW],* s10(1)
[8] Children's Guardian Regulation 2022 [NSW], sch2, s2(3)(b), s4(2)(a), s5(2)(a)
[9] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s15 (1)(a)-(j)
[10] *Children's Guardian Act 2019 [NSW],* s85(1)(b) and CG Regulation [NSW], pt2
[11] *Children and Young person (Care and Protection) Act 1998 [NSW], Ch5, s79A*

1.6 Carers Register operation

The Carers Register operates as a licensing system for all authorised carers and persons who apply for authorisation, to provide statutory or supported out- of-home care in NSW.

The authorisation of an applicant takes effect when the designated agency gives the applicant written notice of the authorisation.[12] This should only take place after the authorisation decision has been recorded on the Carers Register and the Register has issued an authorisation number that starts with the letters 'CRC'.

The Carers Register provides designated agencies with a common source of information about carer applicants and authorised carers and their household members, including: [13]

- application and authorisation history, including application refusal, cancellation or suspension of authorisation
- any historic or current associations between carer applicants, authorised carers and their household members and designated agencies
- any historic or current associations between a role in the Carers Register or as a residential care worker, recorded on the Residential Care Workers Register.
- associations between carers and households (including household members) and movements into and out of households
- carer and household member minimum probity and suitability checks/assessments outcome indicator (satisfactory/unsatisfactory)
- each individual's identification information, WWCC records and any current or finalised reportable conduct matters involving carers and their adult household members.

A carer whose authorisation is cancelled, or a carer applicant whose application has been refused by a designated agency (recorded in the Carers Register or the Residential Care Workers Register), cannot be authorised by another agency without relevant information being shared and considered in assessing a person's suitability to be approved as an authorised carer.

Designated agencies should exercise due diligence when using information in the Carers Register and are required to contact relevant designated agencies for more detailed information.

1.7 The Carers Register and the Working with Children Check (WWCC) system interface

The WWCC system and the Carers Register interface, has been designed to support agencies to verify a carer applicant, authorised carer or adult household member in real time.

The WWCC is considered the source of truth, as the person must verify their identity via Service NSW with approved identification to progress their WWCC application.

What does this change mean in practice?

At the carer application stage, once an individual's details (applicant carer(s) or adult household member(s) are entered, the Carers Register will interface with the WWCC system to identify a match. The real time verification will return and pre-populate the WWCC status and expiry date on the Carers Register.

This requires carer applicants and their household members to have a valid WWCC number

[12] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s18(2)
[13] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], Sch2, s1-5

(application or clearance) to be recorded on the Carers Register.

Once an agency enters a carer's applicant's details on the Carers Register and a WWCC match is found, the designated agency can progress with the carer application process.

In addition, designated agencies can re-verify WWCCs directly via the register, where these are due for renewal, to ensure individuals maintain a valid check.

This function satisfies the WWCC verification process, meaning there is no need to also verify carer applicants, authorised carers or their adult household members via the WWCC employer portal.

1.8 The Carers Register and the Residential Care Workers Register interface

The interface between the two registers is designed to strengthen information sharing and increase visibility of all engagements, associations and flagged concerns for individuals recorded across both Registers.

What does this change mean in practice?

Designated agencies are required to conduct the 'Other Register Check' for carer applicants or adult household members where an association is identified within the RCWR, and an agency has indicated that it holds relevant information about the individual.

To support this process, agencies will see associations an individual holds across both registers, meaning if they have a role (current or end dated) as a residential care worker, this will be visible.

1.9 Access to Carers Register information

The Children's Guardian must ensure that Carers Register information is not disclosed[14] except where required or permitted to be disclosed under any other Act or law.

The Children's Guardian may provide access to information held on the Carers Register to:

a) a designated agency (but only information that relates to its own carers/carer applicants/guardians and their household members)[15]

b) an accredited adoption service provider (but only information that relates to its own prospective adoptive parents and their household members)[16]

c) a person (by request) whose details are included in the Carers Register or if the person is under 18 years, to the parent of such a person. The Children's Guardian must provide reasons if a determination has been made not to comply with such a request.

PLEASE NOTE

1. Services contracted by designated agencies should not have access to the Carers Register
2. A person or body that has been granted access to the Carers Register may not permit another person or body to access the Carers Register on its behalf.

[14] Children's Guardian Regulation 2022 [NSW], s17
[15] Children's Guardian Regulation 2022 [NSW], s17(a)
[16] Children's Guardian Regulation 2022 [NSW], s17(b)

1.10 Carers Register workflow

Recording the details of carer applicants, carers and their household members

At the carer application stage, once an individual's details (applicant carer(s) or adult household member(s) are entered, the Carers Register will interface with the WWCC system to identify a match. The real time verification will return and pre-populate the WWCC status and expiry date on the Carers Register.

Once the WWCC has been validated at the commencement of an application, the individual is added to the Carers Register and associated to the agency. Upon creating an application on the Carers Register, the designated agency can search the individual to identify if they are already recorded in the system. The Other agency associations including Residential Care Workers Register associations will also show in the Check section of the carer application form. The designated agency must certify completion of minimum probity and suitability checks.[17]

Note, the check or assessment is not attached to the Register, only the outcome of the check is recorded. The documentation should be saved on the agency system.

Emergency authorisations are provisional and deemed to be an application for full authorisation[18].

Carer authorisation is approved, refused or withdrawn

A designated agency may approve or refuse an application for authorisation.

The designated agency records the authorisation decision on the Carers Register. If the decision is to approve, the Carers Register will issue a carer authorisation number (CRC).

The system will flag the outcome of a carer application. If the individual/carer has a current association with another designated agency, an email flag will be sent to that agency.

[17] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], Sch2, s2-3
[18] [18] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(3)(4)(5), s3(2), s5(2)

Definitions, data and key concepts

1.11 Definitions

Term	Definition
Authorised carer	An individual that has been authorised by a designated agency to provide statutory or supported out-of-home care in NSW.[19]
Authorisation – multiple agencies	The authorisation of a carer by a designated agency should cease upon the authorisation by another designated agency of the same carer, unless the first designated agency determines to continue the authorisation (there may be exceptional circumstances where a person is authorised by multiple agencies).
Back capture	A time limited Carers Register form that was used to record carers and their household members who were authorised prior to the Carers Register commencement date, 15 June 2015. The back capture records can be identified where a CRHB or CRCB is prefixed to Carers Register issued numbers.
Carer applicant	A carer applicant is an individual who has applied to a designated agency for authorisation to provide statutory or supported out-of-home (OOHC) care in NSW.[20]
Carers Register	The Carers Register is administered by the Office of the Children's Guardian[21]. The Register contains details about people who are authorised, or who apply for authorisation (and their household members), to provide statutory or supported OOHC care in NSW.
Care Type	**Statutory foster care:** Out-of-home care for any child or young person unknown to the carer prior to authorisation. When a child or young person in statutory out-of-home care is placed with a relative or kin, this is called relative kinship care: • **Relative Care** means that the carer is a close relative of the child or young person. • **Kinship Care** meaning will vary across cultural groups. In Australian Indigenous communities, kin may be someone who shares a cultural, tribal or community connection with the child or young person.

[19] *Children and Young Persons (Care and protection) Act 1998 [NSW], Ch8, s137*
[20] *Children and Young Persons (Care and protection) Act 1998 [NSW], Ch1, s3*
[21] *Children's Guardian Act 2019 [NSW], s85(1)(a)*

Code of Conduct for Authorised Foster, Relative and Kinship Carers	*The Children and Young Persons (Care and Protection) Act 1998* provides for the Minister for Families and Communities to issue a code of conduct for authorised carers[22]. The Code of Conduct sets out carers' roles and responsibilities. Failure to comply with it may lead to a designated agency cancelling or suspending the carer's authorisation[23]. Designated agencies may develop their own Code of Conduct, policies, procedures and guidelines that provide more detailed information for authorised carers. These documents should be consistent with all relevant requirements.
Conditions of authorisation	A designated agency may impose a condition on the authorisation of an authorised carer that defines the number and profile of children and young people for whom the authorised carer may provide out-of-home care. A condition of authorisation may also require a carer undertaking (e.g. to attend further specified training).[24] **Note:** carer authorisation conditions are not recorded on the Carers Register. The details must be recorded in agency's carer file, and the carer should be advised in writing of any authorisation conditions.
Designated agency	A designated agency is a government service or non-government organisation (NGO) accredited by the NSW Children's Guardian to arrange the provision of out-of-home care.[25]
Guardianship	Guardianship occurs when a person has been allocated all aspects of parental responsibility for a child or young person until the age of 18 years by a guardianship order made by the Children's Court.[26] A carer's authorisation is automatically cancelled, upon the making of a guardianship order, but only to the extent that it relates to the subject child or young person. If a carer's authorisation status is limited to the circumstances of the guardianship order, the carer's details do not need to be recorded on the Register. The responsible designated agency should cause the carer's authorisation in the Register to be surrendered – no concerns as the carer has willingly ceased being a carer and is now a guardian. If a carer's authorisation extends beyond the circumstances that are the subject of a guardianship order, their details will need to be recorded on the Register. Any children subject to the guardianship order must be entered onto the Carers Register as a household member.

[22] *Children's Guardian Act 2019 [NSW], Ch17, s248C*
[23] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], pt6, subdivisions 4-5
[24] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], pt6, s30
[25] *Children's Guardian Act 2019 [NSW], s72*
[26] *Children and Young person (Care and Protection) Act 1998 [NSW], Ch5, s79A*

Household	The term carer household is used for describing the grouping of carer applicants, authorised carers and household members that reside on the same property. A unique household reference number is generated by the Carers Register. The household reference number allows the Register to link individuals (carer applicants, authorised carers and household members) together.
Household member	Any person who resides on the same property as an authorised carer (or a carer applicant) for more than 21 days.[27] Section 5A of the *Child Protection (Working with Children) Act 2012* provides that a person resides on a property if the person resides (which includes sleeping over on a regular or frequent basis) anywhere on the property (whether or not in a building, caravan, structure, vehicle or other thing).
Household profile	A household profile includes the home address, carer/applicant and household member details.
Individual identity	An individual's identity includes the person's name(s), other names, date of birth, gender, whether they identify as Aboriginal and/or Torres Strait Islander.[28]
Principal Officer	The person who has the overall supervision of the accredited out-of-home care or supported care service provider.[29]
Provisionally authorised carer	Individuals can be provisionally authorised by a designated agency to provide statutory or supported out-of-home care in an emergency situation for a child or young person who is a Relative, Kin or who is known to the child or young person.[30] A provisional authorisation may be granted after a satisfactory home inspection and estimation of risk. Relevant information including the date the child was placed is recorded in the Carers Register.[31]
Reportable allegation	All allegations against authorised carers or adult household members that meet the reportable threshold,[32] must be recorded on the Carers Register.[33]
Residential Care Worker	A worker who: • provides direct care and supervision to a child or young person (or group of children and young people) in a residential setting • provides security services in a residential setting • spends 60% or more of the time employed by a designated

[27] *Working With Children Act 2012 [NSW] s10(1) - Children's Guardian Act 2019 [NSW]*, s85(1B)(d)
[28] Children and Young Persons (Care and Protection) Regulation 2022 [NSW] Sch2, s2(2)
[29] *Children's Guardian Act 2019 [NSW]*, s74
[30] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s19-21
[31] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s20
[32] *Children's Guardian Act [NSW] 2019, s18*
[33] Children Guardian Regulation 2022 [NSW] Sch2, s5(1)(2)

	agency within a residential setting (the majority of their time employed) as part of fulfilling their role in: - developing or implementing case management plans - providing other administrative duties
Statutory out-of-home care	Section 135(1) of the *Children and Young Persons (Care and Protection) Act 1998* defines out-of-home care as the residential care and control of a child or young person by someone other than the parent in a place that is not the usual home of the child or young person. Section 135(A) of the above Act defines statutory out-of-home care as the care of children and young people in accordance with the Order of the Children's Court or because they are a protected person.
Suitability assessment	Probity and suitability checks and information that must be taken into account to ascertain the suitability of a carer applicant and their household members.[34]
Supported out-of-home care	Supported out-of-home care is care arranged, provided or otherwise supported by The Department of Communities and Justice (DCJ) following the determination that a child or young person is in need of care and protection.[35] Children and young people are usually placed with authorised relative or kinship carers. Parental responsibility either remains with the parent(s) or is allocated to the relative or kin through a care order of the Children's Court.
The Children and Young Persons (Care and Protection) Act 1998	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 Children and Young Persons (Care and Protection) Regulation 2022	The Children and Young Persons (Care and Protection) Regulation 2022 (the Care Regulation) provides the framework to implement the Act and the Care Act and explains how requirements apply under these Acts.
The Children's Guardian Act 2019	The *Children's Guardian Act 2019 (the CG Act)* is the governing legislation of the NSW Office of the Children's Guardian.
The Children's Guardian Regulation 2022	The Children's Guardian Regulation 2022 provides the framework to implement the Children's Guardian Act and the Care Act and explains how requirements apply under these Acts.
WWCC	A Working with Children Check clearance is a prerequisite for anyone in child- related work in NSW.[36] At a minimum it involves a

[34] Children Guardian Regulation 2022 [NSW], pt6, div2
[35] *Children and Young Persons (Care and Protection) Act 1998 [NSW], Ch8,* pt3
[36] Child *Protection (Working with Children) Act 2012, s8(1)*

national criminal history check and review of findings of workplace misconduct. Any other relevant matter can be taken into account by a risk assessment completed for the person seeking a WWCC clearance.

The result of a Working with Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to a clearance being cancelled.

The Check is fully portable which means it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

A person can engage in child-related work with a current WWCC application (APP) number provided they are not the subject of a bar.

Agencies must, as part of its ongoing compliance obligations, monitor the status of all WWCC's including identifying and managing upcoming expiry dates and household members turning 18 years old. A WWCC must be renewed or in the case of a young person turning 18 years, a WWCC application must occur and be recorded on the Carers Register from 17.9 months.

1.12 At a glance – Carers Register data requirements

The Carers Register records identification information about carer applicants and authorised carers, and their household members including their names, previous names, gender, date of birth,[37] whether they identify as Aboriginal and/or Torres Strait Islander [38] and minimum probity requirements.[39]

Household information will also be recorded, including the residential address,[40] a list of all individuals (of all ages) living in the home[41] and the outcome of a home inspection.[42] Carer and household member movements into and out of the households will also be recorded.

A carer's application and authorisation history, including application refusals and any cancellation or suspension of authorisation will be recorded on the Carers Register.[43]

Any historic or current associations between a role in the Carers Register (carer applicant, authorised carer or adult household member) and recorded as a worker on the Residential Care Workers Register will be visible.

[37] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(a)-(c), s4(1)(a)-(c)
[38] Children Guardian Regulation 2022 [NSW] Shc2, s2(3)(g)
[39] Children and Young person (Care and Protection) Regulation 2022 [NSW] Sch2, s3(1)(a)-(e) - Children Guardian Regulation 2022 [NSW] Shc2, s4(1)(e)
[40] Children Guardian Regulation 2022 [NSW] Shc2, s2(3)(a)
[41] Children Guardian Regulation 2022 [NSW] Shc2, s2-4
[42] Children Guardian Regulation 2022 [NSW] Shc2, s2(3)(d)(i)
[43] Children Guardian Regulation 2022 [NSW] Shc2, s2(3)

Authorised carer/s and household member/s

Refers to data requirements for carer applicants and their household members seeking authorisation.

Household	Data requirements – within 14 days
Household reference	Relevant to agency processes (not mandatory)
Application lodged date	The date the carer applicant signed the application from, or the date the agency received it.
Household address	Household address
Home inspection	Satisfactory/Unsatisfactory and date completed
Carer applicant/s	**Data requirements – within 14 days**
Carer Reference	Relevant to agency processes (not mandatory)
first name, middle name, last name, gender.	first name, middle name, last name, gender,
Other names	Other names
Date of birth	DD/MM/YYYY
Identifies as Aboriginal and/or Torres Strait Islander	• Yes (Aboriginal/Torres Strait Islander/Both) • No • Unknown
Working with Children Check (WWCC)	• Application or clearance number • Verification date • Expiry date • Status (cleared or application in progress)
Has the applicant been a carer interstate?	Yes/No
Authorisation Type	Statutory foster care/Relative/Kinship
WWCC requirements met (verification date)	Satisfactory/Unsatisfactory and date completed
Identification check	Satisfactory/Unsatisfactory and date completed
National Police Check (NPC)	Satisfactory/Unsatisfactory and date completed
Community Services Check	Satisfactory/Unsatisfactory and date completed
Other designated agency check	Satisfactory/Unsatisfactory and date completed
Health check	Satisfactory/Unsatisfactory and date completed
Two referees check	Satisfactory/Unsatisfactory and date completed

Code of conduct sighted and signed	Satisfactory/Unsatisfactory and date completed
Pre-authorisation training conducted	Satisfactory/Unsatisfactory and date completed
Carer capability and suitability assessed	Satisfactory/Unsatisfactory and date completed
Applicant decision	**Approved / Refused / Withdrawn**
Household member/s	**Data requirements**
First name, middle name, last name, Gender	First name, middle name, last name, gender
Other names	Other names
Date of birth	DD/MM/YYYY
Identifies as Aboriginal and/or Torres Strait Islander?	• Yes (Aboriginal/Torres Strait Islander/Both) • No • Unknown
Working with Children Check (WWCC) (adult household members, 18 years and over)	• Application or clearance number • Expiry date • Status (cleared or application in progress)
Identification check (16 years and over)	Yes/No
National Police Check (NPC) (16 years and over)	Yes/No
Community Services Check (16 years and over)	Yes/No
Other designated agency check	Satisfactory/Unsatisfactory and date completed
Application outcome	**Approved / Not approved**

1.13 Key concepts

Application (the whole household)

The application refers to the whole application (household details, applicant/s and household member/s) to provide statutory or supported out-of-home care in NSW.

Application decision (the whole household)

Approved – all carer applicant and household member suitability and probity checks and suitability have been assessed with a satisfactory outcome, and the designated agency deems it appropriate for this carer application to be approved.

Not Approved – one or more applicants or household members' checks are marked as unsatisfactory, and the designated agency deems the carer application as unsuitable to be approved.

Applicant (the individual)

Applicant – an individual who has applied to a designated agency for authorisation to provide statutory or supported out-of-home care in NSW.

Applicant decision (the individual)

Approved

Approved – First time carer (by the designated agency)

Approved – Previously authorised (by a designated agency)

Not approved (applicant and adult household member)

Where applicable the agency will also need to flag whether they hold relevant information and indicate this by recording a Contact Agency Yes or No flag to support information sharing.

Refused (decision by the agency): when a designated agency has determined that it is not appropriate for the applicant to be authorised as an OOHC Carer, the decision against the applicant and any adult household members are recorded as either:

- Refused applicant – suitability or probity guidelines not met
- Refused applicant – agency specific policies – refused due to agency specific policies
- End dated adult household members - suitability or probity guidelines not met

Withdrawn (decision by the applicant): when the applicant withdraws from Carer Authorisation application, the decision against the applicant is recorded as either:

Provisional authorisation – ceased, emergency care for specific child no longer require. The application is not progressing to full authorisation for this child or any other children.

Individual management

Changes that are made in the Carers Register to an individual's records after authorisation (authorised carer and their household members).

Individual management functions are restricted to agencies with a current or historic association with an individual.

Designated agencies are required to enter or update information within **14 days** of becoming aware of the information.[44]

Note: changes to records for individuals during the application stage (applicant/household member/households) are managed from within the application.

Individual management functions

Change or update an individual's name, update a WWCC record, Community Services check, update Aboriginal and/or Torres Strait Islander identity, mark a person as deceased or record and update reportable allegation records.

Change authorisation type: is the function used to change the type of authorisation for which the carer has been assessed and authorised to provide for example, change from authorised to provide 'Relative Care' or 'Kinship Care' to authorised to provide 'Statutory Foster Care'

Change agency reference: this function allows a designated agency to add or edit its own unique agency reference.

Suspended (by the agency):

- A designated agency **may** suspend a carer's authorisation during an investigation or pending action prescribed by the designated agency for the carer to maintain suitability.
- A carer's authorisation **must** be suspended where the carer resides with a person who does not hold a current WWCC application or clearance, is interim barred or barred, including a carer applicant, authorised carer or household member.

Lift a suspension: if an authorisation is suspended and the suspension is successfully appealed or overturned, the authorisation can be restored to current, and the suspension or appeal record will not be displayed in the Carers Register.

Note: the history is still viewable by the owning agency in the individuals Activity tab.

Cancelled – Contact Agency YES (by the agency):

Selecting **Cancelled – Contact Agency YES** indicates that the carer's authorisation has been cancelled due to concerns or where there is relevant information:

- A designated agency **may** cancel a carer's authorisation, relating to complying with the carer's conditions of authorisation, obligations or restrictions or a reportable allegation matter where information should be shared.
- A designated agency **must** cancel a carer's authorisation, if the carer does not hold a

[44] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(3)(4)(5), s3(2), s4(1)(2), s5(2)

current WWCC application or clearance or has an interim or WWCC bar.

Cancelled – Contact Agency - NO (by the agency): a designated agency **may** cancel a carer's authorisation. Selecting **Cancelled – Contact Agency No** indicates that the carer's authorisation has been cancelled by the agency due to general suitability for the person to continue as an authorised carer, for example a carers family circumstances have changed, however there are no concerns.

Surrendered – Contact Agency NOs (by the carer): an authorised carer may surrender their carer authorisation. Selecting **Surrendered – Contact Agency YES,** indicates that the carer has surrendered their authorisation with no pending investigation or current concerns or where there is relevant information.

Surrendered - Contact Agency YES (by the carer): an authorised carer may surrender their authorisation. Selecting **Surrendered – Contact Agency YES,** indicates that the carer has surrendered their authorisation with an investigation pending or a current concern that may lead the designated agency to determine that the authorised carer should be marked as **Cancelled – Contact Agency YES.**

Change status: after an application has been finalised a decision may need to be changed if the user made an error which needs to be corrected, or the carer successfully appeals a decision.

Note: the history of the change will not appear, but the record is viewable in the individual's activity tab.

Adult household member: if a household member is an adult (over 18), a decision must be recorded against adult household members, including an indication of whether the agency has information about that individual relating to the safety, welfare or wellbeing of children, when:

- a household is end dated; or
- when moving out of the household.

This decision categories for adult household members are the same as the categories for carers to flag where there is relevant information to be considered or concerns have been identified.

Household management

Changes can be made in the Carers Register to a carer household after authorisation

A designated agency must update or correct any information in the Register about a person who has applied to the designated agency as a carer applicant, is already an authorised carer, or a person who resides at the home of any such carer applicant or authorised carer.[45]

Designated agencies are required to enter or update information within **14 days** of becoming aware of the information. [46]

Note: changes to records for households during the application stage (applicant/household member/households) are managed from within the application.

[45] Children Guardian Regulation 2022 [NSW], s16
[46] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(3)(4)(5), s3(2), s4(1)(2), s5(2)

Household management functions

Add a carer applicant/authorised carer: used when a carer applicant or authorised carer joins a household that has already been approved by the agency.

Add a household member: used when a household member joins a finalised household.

To removed (end date) an under 18 household member from a household, record the date the individual moved out,

Change agency reference: this function allows a designated agency to update its own unique agency reference.

Change responsible location: if a designated agency's locations change or a carer household moves to another program/location, the agency can update the responsible location of the carer household only.

Change (edit) household address: allows for new addresses to be recorded. Previous addresses will show in the household address tab.

Note: when the carer moves to a new household and the address is changed in the Carers Register, the updated address must also include the confirmation that a household safety change has been completed (the date and outcome of the check).

Remove (end date) authorised carer's/household member's association with a household: if a carer applicant or authorised carer is removed from a household, their authorisation status will remain unchanged.

To record a change to the carer's authorisation status, use the individual management function.

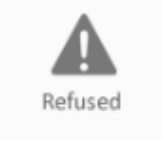
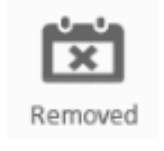
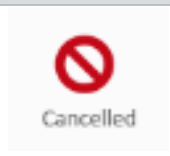
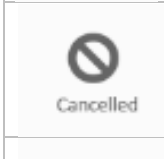
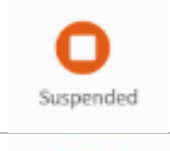
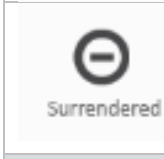
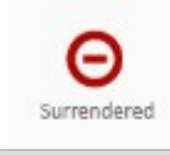
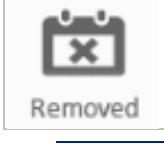
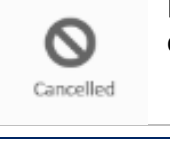
Traffic lights:

The Carers Register uses coloured symbols (traffic lights) to highlight the current status of:

- Applications: carer applicant, household members and households
- Authorisations: authorised carers, household members and households.

When an authorising agency searches an individual, the traffic lights are displayed to provide a quick view of a carer applicant, authorised carer or household member's status.

Application summary view	
Applicant status/decision (the carer applicant):	
In progress applicant – An applicant/application has a being entered status until it has been finalised.	**Approved** first-time carer **Approved** previously authorised

Applicant - Contact Agency YES	 **Applicant refused** Agency-Specific Policies **Contact Agency YES**
Applicant **Withdrawn - Contact Agency YES**	Applicant **Withdrawn - Contact Agency NO**
Provisional Authorisation **Ceased - Contact Agency NO**	 Applicant/ Household Member **End Dated** from the Application (household) - **Contact agency YES/NO**
Data entry error (applicant) An applicant/application has been marked as a data entry error as it should not have been entered onto the Carers Register i.e. an individual attended an information session however did not apply to be an authorised carer.	
Search view	
Individual management (the authorised carer)	
Carer approved	 Carer cancelled - **Contact Agency YES**
 Carer cancelled - **Contact Agency NO**	 Authorisation suspended
 Authorisation surrendered - **Contact Agency NO**	 Authorisation surrendered - **Contact Agency YES**
Individual management (all individuals)	
 **End dated** (from household)	 **Deceased** (will show as end dated)

1.14 Data integrity

Accuracy of data is integral to the function of the Carers Register. It provides a common resource of reliable data for individuals who are authorised by designated agencies, or who apply for authorisation, to provide statutory or supported out-of-home care in NSW, along with information about their household members.

Designated agencies must have mechanisms in place to ensure that the information on the Carers

Register is kept up to date and accurate.[47] The Carers Register will only be effective in preventing unsuitable individuals from being authorised if it contains accurate and up to date information about applicants, carers and household members.

Individual records for adults should be consistent with WWCC details to form an essential identity check function. This requirement will significantly improve data quality with the Carers Register interface with the Carers Register and the Working with Children Check. The WWCC is considered the source of truth, as the person must verify their identity via Service NSW with approved identification to progress their WWCC application.

In addition, all other known information including other/previous names (any other name under which the individual may also be known or was previously known as), and whether the individual identifies as Aboriginal or Torres Strait Islander.[48]

Designated agency users should take care in ensuring that all data entered is in accordance with the legislation and without data entry error.

1.15 Correcting information on the Register

A designated agency must update any information on the Carers Register as soon as practicable after becoming aware the information is incorrect or incomplete[49].

The designated agency must, as soon as practicable after updating the Register, notify the relevant person that the information has been updated or give a relevant person written notice of the reasons for not updating the carers register.[50]

If a designated agency is incapable of updating the information on the Register as required, the Children's Guardian may update the information on the agency's behalf and notify both the person to whom the information relates to and the agency that the information was updated.[51]

1.16 Timeframes for data entry

Designated agencies are required to enter information about carer applicants and their household members, provisionally authorised carers, authorised carers and their household members **within 14 days** of the application being made or approved, refused, withdrawn or cancelled.[52]

A designated agency must enter identification information of a person who resides at the home of a carer applicant **within 14 days** of becoming aware of that fact[53]. A person is considered a relevant resident (household member) only if the person has resided on the same property as the carer or carer applicant for more than **21 days**.[54]

See further information regarding timeframes for recording reportable allegations, on page 30 of this document for time frame information.

[47] Children's Guardian Regulation 2022 [NSW], s16
[48] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(a-c), s2(3)(g)
[49] Children Guardian Regulation 2022 [NSW], s16(1)
[50] Children Guardian Regulation 2022 [NSW], s16(2)(3)(a)(b), s5(2)
[51] Children Guardian Regulation 2022 [NSW], s16(4), s5(2)
[52] Children Guardian Regulation 2022 [NSW] Shc2, s2(2)(3)(4)(5), s3(2), s5(2)
[53] Children Guardian Regulation 2022 [NSW] Shc2, s4(1)(2), s5(2)
[54] *Children's Guardian Act 2019 [NSW]*, s85(1B)(d)

1.17 Carers Register system generated reports

The Carers Register Report function can be used to generate reports against a designated agency's Carers Register records:

Applications and Authorisations: provides information about Applicants, Carers, and Household Members associated with households in the Carers Register. The report enables users to view application and authorisation details, household information, individual information, and WWCC information for reporting and monitoring purposes.

Individual-Agency Associations provides information about individuals who are associated with more than one agency in the Carers Register. It enables users to view and monitor an individual's roles and agency associations across different agencies.

Reportable Allegations: provides users with information about Reportable Allegation cases recorded in the Carers Register. It enables users to monitor allegation details, case status, and key dates for reportable allegations associated with agencies.

Empty Household Report: provides details of households that have no associated Applicants, Carers, or Household Members. It enables users to identify and review household records that do not currently contain any individual associations.

Agency user accounts: provides details of user accounts created for agencies in the Carers Register. It enables users to view account information, assigned roles, account status, and audit details for agency users.

Note: The reports can be generated in either PDF or excel format. Contact your agency's IT department for further instruction on how to download files if required.

2 Information for carers

2.1 Information for carers

Designated agencies should inform carer applicants and their household members about the Carers Register including the information that will be recorded about them and how relevant information may be shared. Consent is not required from authorised carers and their household members for their information to be entered into the Carers Register or shared with other designated agencies.

A designated agency should as a matter of process seek written acknowledgment from each carer applicant and adult household member that they are aware their carer application or authorisation (including household) information will be recorded on the Carers Register.

In addition, designated agencies are required by legislation to exchange information with any other designated agency who is known to have had an association with an authorised carer, carer applicant, household member or residential care worker.

The Department of Communities and Justice (DCJ), as part of the Community Services Check or if the DCJ has (or had) an association with an individual as a carer application, authorised carer or household member will also exchange relevant information.

Once a decision is recorded against a carer application, the Carers Register will generate a PDF summary detailing the application including the household, carer applicant and household member information and outcomes recorded at the time the application was finalised. The authorised carer should be provided with a copy of the summary for their own information. Over time the carer authorisation (including household member) details may change, for example change of address, or a new household member is recorded against an authorised carer or household member). In this instance the individual's records can be retrieved by searching for and printing the relevant pages from the Carers Register.

A copy of the Carers Register fact sheet – Information for carers and household members: What data is recorded? should be provided to carer applicants to explain what information will be recorded about them and their household members and the carers' right to access information about them or their children under the age of 18 years and their right to ask the OCG to correct incorrect information.

A presentation for carers, is available on the OCG website. It outlines the roles and responsibilities of the Office of the Children's Guardian, designated agencies, carer applicants, authorised carers, and their household members.

3 Interstate considerations

3.1 Carers residing outside of NSW/Australia

The Children and Young Persons (Care and Protection Act) 1998, sections 136 and 154 provide that statutory out-of-home care (OOHC) and supported OOHC (respectively) may be provided only by an authorised carer. Section 137 defines an authorised carer as a person who is authorised as a carer by a designated agency. This means that any child or young person in statutory or supported out-of-home care under a NSW order, must be cared for by an authorised carer. This is regardless of what state they reside in.

Authorised carers (and their household members) who are authorised by a NSW designated agency must be entered on the Carers Register. This applies even if the authorised carer resides outside of NSW or the NSW designated agency also operates in other states. All NSW probity requirements (WWCC, National Police Check and CS Check) also need to be satisfied.

3.2 Working with Children Check

The Child Protection (Working with Children) Act 2012 requires an authorised carer to hold a WWCC as a condition of authorisation under the Child and Young Persons (Care and Protection) Regulation 2022. This means that regardless of where a carer is residing, whether within NSW or outside of NSW, they must meet this mandatory requirement. If an authorised carer is providing care to a child or young person under NSW orders, the carer and adult members of their household are engaged in child related work and are required to hold an NSW WWCC clearance. Division 2 of the Child Protection (Working with Children) Act 2012 provides mandatory requirements for child related work in NSW.

WWCC applicants must be in NSW to complete the Working with Children Check (WWCC) application process. This is because they need to attend a Service NSW branch within 28 days of lodging their online application to have identification verified and to make payment.

Applicants should review the OCG WWCC website ahead of time to make sure you have the required Proof of Identity documents: ocg.nsw.gov.au/working-children-check/applicant/proof-identity.

Clause 22B of the Child Protection (Working with Children) Regulation 2013 exempts authorised carers who reside outside Australia and adults who reside at their home from the requirement to hold or apply for a working with children check clearance. This exemption ceases to apply during any period that an authorised carer or adult remains in Australia for more than 7 consecutive days.

4 Automatic cancellations and suspensions

4.1 Presumption authorisation will be cancelled

A designated agency must cancel a carer's authorisation[55] in the following circumstances:

- the carer has not provided out-of-home care to a child or young person for 3 months or more, if the carer's authorisation relates to the out-of-home care of that particular child or young person
- the carer has not provided out-of-home care to any child or young person under their authorisation for 2 years or more
    - unless it is satisfied that the authorisation should not be cancelled in the particular case

The designated agency must write to the carer informing them of its decision. A decision to cancel in these circumstances is not reviewable by the NSW Civil and Administrative Tribunal (NCAT).[56]

Designated agencies however must not cancel a carers authorisation in the above circumstance if:

- an investigation into whether the person's authorisation should be cancelled is underway
- the person has applied for an internal review of a decision to cancel their authorisation and the review is underway
- the person has applied for the review of a reviewable decision and NCAT has not given a decision

4.2 No longer suitable

A designated agency may cancel or suspend a carer's authorisation[57] if it believes that the carer:

- is no longer a suitable person to be an authorised carer
- has not complied with any condition of the authorisation
- has not complied with any obligation imposed on the carer by the *Children and Young Persons (Care and Protection) Act 1998* or the Children and Young Persons (Care and Protection) Regulation 2012
- has not complied with a written direction from the designated agency about the carer's

[55] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s39(1)(a-b)
[56] *Children and Young Persons (Care and Protection) Act [NSW] 1998,* s245(1)(b)(ii)
[57] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s35

authorisation in relation to a child or young person in their care

- has not upheld the Charter of Rights for children and young persons in out-of-home care.

The designated agency must write to the carer informing them of its decision, relevant support avenues and the opportunity to request an internal review. A decision to cancel or suspend in these circumstances is reviewable by the Tribunal.[58]

4.3 Automatic cancellation of authorisation

Authorisation will be automatically cancelled if the person no longer has a WWCC clearance, current application or is subject to an interim bar.[59]

The cancellation will take effect when the person is notified that the WWCC application has been terminated or refused or that the person's clearance has been cancelled or subject to an interim bar, or where the clearance has been surrendered when the person notified the Children's Guardian of the surrender or where a clearance has lapsed after 5 years and not been re-applied for, on the date the clearance lapsed.[60]

4.4 Automatic suspension of authorisation

The authorisation of an authorised carer will be automatically suspended **if any person residing in the home of the carer** and who is required to have a WWCC does not have a clearance or a current application or has been interim barred.[61] The suspension would take effect when the authorised carer is notified of this circumstance and will cease to take effect if such a household member does not reside on the same property as an authorised carer.[62]

4.5 Effect of cancellation or suspension

The effect of a cancellation or suspension is that the designated agency, must, within 48 hours of becoming aware of the cancellation or suspension, ensure that the child or young person no longer resides with the authorised carer (unless the cancellation is revived, or the suspension ceases to have effect before the end of the 48 hours).[63]

4.6 Appeals

The Carers Register records suspended and cancelled authorisations. Where the NSW Civil and Administrative Tribunal (NCAT) makes a decision[64], differing from the suspended or cancelled decision recorded on the Carers Register, the new decision must be recorded on the Carers Register.

[58] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s35
[59] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s37(1-5)
[60] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s37(2)
[61] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s40(1-4)
[62] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s40(2)
[63] Children and Young Persons (Care and Protection) Regulation 2022 [NSW], s37(2), s40(2)
[64] *Children and Young Person (Care and Protection) Act [NSW] 1998, Ch16, s245(1)(a)(1a)*

5 Exchanging information

5.1 Chapter 16A – Exchange of information coordination of services

The Carers Register has been designed to ensure that carer applicants, authorised carers and household member suitability is recorded and identifies other designated agencies that have or had an association with the individual. This supports designated agencies sharing information about an individual's suitability to care for children and young people in statutory out-of-home care suitability under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*[65].

A designated agency or prescribed body must request under Chapter 16A, information already held by another designated agency, where this information relates to the safety, welfare or wellbeing of a child or young person.[66]

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 designated agency or prescribed body 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.[67]

The legislation allows for the protection of those providing such information where it is given in good faith.[68] 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.[69]

5.2 Authorising information exchanges?

A designated agency that receives an application from an individual to become an authorised carer is required to conduct an 'other agency check.'[70]

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.

[65] *Children and Young Person (Care and Protection) Act [NSW] 1998, Ch16A, s245A-F*
[66] Children and Young person (Care and Protection) Regulation 2022 [NSW] Sch2, s3(1)(c)
[67] *Children and Young Person (Care and Protection) Act [NSW] 1998, Ch16A, s245D(3)*
[68] *Children and Young Person (Care and Protection) Act [NSW] 1998, Ch16A, s245G*
[69] *Children and Young Person (Care and Protection) Act [NSW] 1998, Ch16A, s245D(4)(5)*
[70] Children and Young person (Care and Protection) Regulation 2022 [NSW] Sch2, s3(1)(c)

5.3 Whose information may be requested?

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

- carer applicants
- authorised carers
- household members (of carers and carer applicants)
- residential care worker

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 (carer applicant, authorised carer, household member or residential care worker).

5.4 Are agencies required to obtain consent before exchanging information?

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.

5.5 Recommended process for recording and exchanging relevant information

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 implement the use of the Other Agency Check Protocol

5.6 What is the timeframe for the exchange of 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.

5.7 Is the requesting agency authorised to share the information with other agencies?

Designated agencies are strongly advised to only share information within the designated agency and only with colleagues who require the information on a need-to-know basis. That is, the information is necessary for the individual to complete his or her work duties.

Information may be shared with other prescribed bodies if it is requested in accordance with the requirements of Chapter 16A of the Care Act.

5.8 What information may be shared regarding reportable allegation matters?

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.

6 Recording reportable allegations on the Carers Register

These business rules provide guidance to designated agencies about recording reportable allegations on the Carers Register. The rules also govern the appropriate exchange of information under Chapter 16A of the *Care Act*, relating to reportable allegations flagged on the Register. In particular, the rules provide guidance on exchange of information in relation to highly sensitive matters.

6.1 Current reportable allegations

Information about a reportable allegation must be recorded on the Carers Register when a designated agency is investigating an allegation against an authorised carer or adult household member within the meaning of section 18 of the *Children's Guardian Act 2019*.

The agency that has or had a relationship with the individual is responsible for recording information about the reportable allegation on the Carers Register.

The agency must enter the information onto the register within **7 days** of the Head of Relevant Entity (HRE) becoming aware of the allegation under the Children's Guardian Regulation 2022.

6.2 Finalised reportable allegations

The Carers Register maintains a permanent record of finalised reportable allegations showing the outcome of the reportable conduct investigation. This includes the option for an information-sharing flag.

A designated agency must, within **14 days** after finalising, or becoming aware of the finalisation of, the investigation of a reportable allegation, record the following information on the register:

1. the outcome of the investigation
2. the date the investigation was finalised.

The designated agency should determine whether there are any ongoing risks or information that should be shared if the individual became associated with another agency. The critical factor is not whether there has been a finding of reportable conduct, but whether there is information that may relate to the safety, welfare or wellbeing of a child in out-of-home care, or children in out-of-home care more generally.

If a designated agency holds any information relevant to ongoing risks to children, it should select **'Finalise Reportable Allegation – Contact Agency YES'** when it finalises the matter on the Carers Register. This indicates that the agency has information to exchange that may relate to the safety, welfare or wellbeing of a child or class of children in out-of-home care. Agencies should keep a record of this information, along with the reason why the contact agency flag has been recorded, to support timely information exchange.

In other matters, a designated agency should select **'Finalise Reportable Allegation – Contact Agency NO'.** In these cases, the records relating to the reportable allegation will not be able to be viewed by another designated agency.

6.3 Contact the NSW Office of the Children's Guardian

In some current and finalised cases, there will be highly sensitive issues in play. In these cases, the Reportable Conduct Directorate will ask the Carer and Residential Worker Monitoring team to place a flag on the register against the information about the reportable allegation to direct the designated agency to contact the OCG.

When this is recorded against a reportable allegation, designated agencies must seek advice from the Reportable Conduct Directorate about how to proceed before taking any other action. This includes not discussing the allegation with any other person or agency (other than the NSW Police Force or the Department of Communities and Justice, if relevant), including the person who is the subject of the allegation, and not continuing with any probity checks related to the individual or their adult household members.

6.4 Exchange of information relating to reportable allegations

If an individual has a current or finalised reportable allegation (contact agency) recorded on the register, designated agencies should contact the designated agency responsible for investigating the allegation and request any information that may relate to the safety, welfare or wellbeing of children under Chapter 16A of the Children and Young Persons (Care and Protection) Act.

This may occur when a designated agency is assessing a carer applicant, undertaking probity checks on their adult household members, or if it receives an automatic alert that a reportable allegation against an individual, they also have a relationship with has been lodged on the register.

Agencies who receive a request for information from another agency as part of an 'other designated agency check' should share relevant information related to reportable allegations that has a 'contact agency' flag as part of the information exchange.

7 Carers Register alerts

7.1 Carers Register alerts (notifications)

Information recorded on the Carers Register will flag potential alerts relating to carer applications, authorised carers and their household members. The system generated alerts sent to designated agencies may require action or advice to contact other designated agencies for further information.

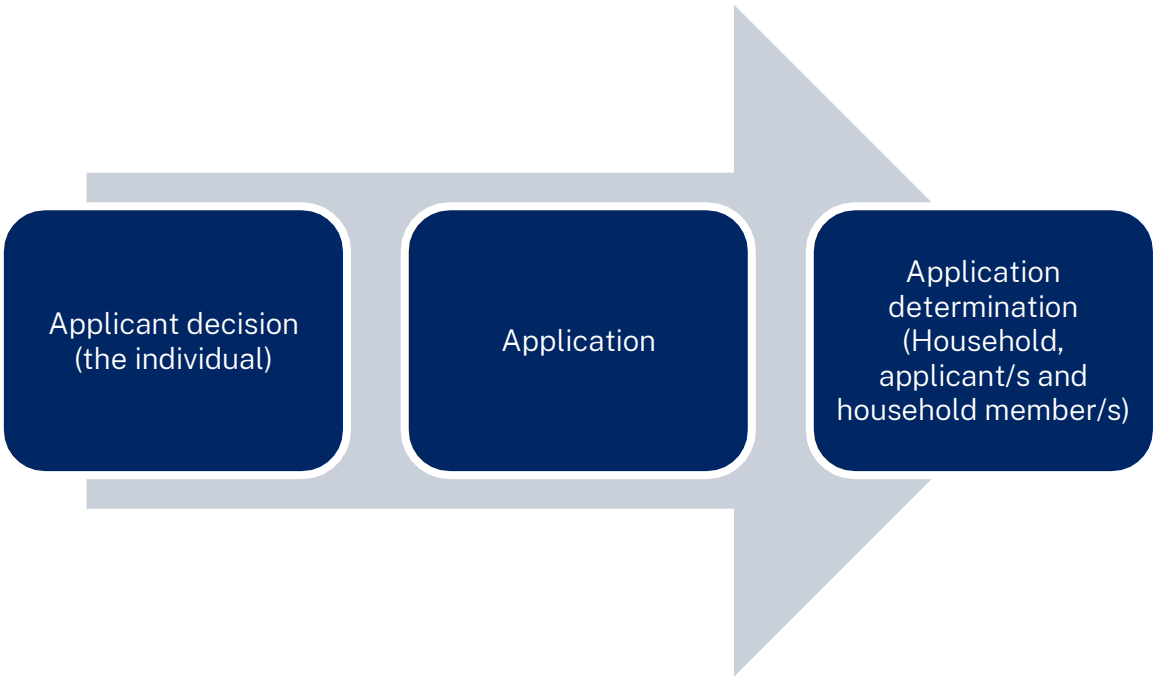
The system generated alerts are emailed to designated agencies nominated email addresses only and can be viewed in the Emails tab against the individual or household record of the agency that has generated the record.

The Carers Register nominated primary administrator for the agency has access to update the email alerts for the agency.

Types of Carers Register notifications

1. Change to Individual details
2. Current Reportable Allegation has been recorded
3. Provisional authorisation is more than 3 calendar months old
4. Household Member turning 18 years old
5. Expiring WWCC (carer/household member)
6. Expired WWCC (carer/household member)
7. OOHC Carer Authorisation has been approved by another designated agency
8. OOHC Carer Authorisation has been cancelled, suspended or surrendered by another designated agency
9. OOHC Carer Authorisation has been refused/withdrawn by another designated agency
10. Changes to Contact Agency flag Yes/No

8 Application decisions



8.1 Authorisation of individuals caring in a private capacity

When an individual makes an application to be an authorised carer in a private capacity, the designated agency will:

- determine the application on the strength of the information provided
- approve the application and authorise the applicant as an authorised carer or refuse the application.[71]

An authorisation comes into force when the authorised carer is notified in writing by the designated agency.[72]

An applicant may also withdraw their application at any time before the application has been determined by the agency.[73]

[71] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(1)
[72] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(4)
[73] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s17(4)

9 Recording an OOHC carer application

9.1 Carer application requirements

9.2 Application

The Carers Register 'Record an OOHC application' function is used for all carer applications and provisionally authorised carers.

Data requirements for carer applicants and their household members are reflective of the legislative requirements.

An individual may apply in writing to a designated agency to be authorised as an authorised carer.[74] On receipt of an application, the designated agency must provide the applicant with the following information:

a) information about the rights and responsibilities of authorised carers

b) information about the process for approving applicants including the criteria that an applicant must satisfy to be authorised and the information that will be entered on the Register

[74] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s17(1)

c) information about permanent placement options for a child or young person who is in out-of-home care.[75]

A designated agency must, within **14 days** after an application is made by a person seeking to be authorised by the designated agency as an authorised carer, enter the person's identification information and the date of the application on the Carers Register.[76]

An applicant can withdraw an application (by verbal or written notice to the designated agency) at any time before the application has been determined by the agency.[77]

A designated agency must not authorise an applicant unless the agency has determined that the applicant is suitable to be an authorised carer.[78]

For the purposes of the uniform suitability assessment requirements, a designated agency is an assessment body and an applicant and each person who resides at the same property as the applicant (other than a child in out-of-home care) are assessable persons.[79]

A designated agency may determine an application by:

a) approving the application and authorising the applicant as an authorised carer[80]

or

b) refusing the application.[81]

An authorisation comes into force when the authorised carer is notified of the authorisation in writing by the designated agency.[82]

The designated agency may impose conditions on the authorisation of a carer at any time by providing written notice to the authorised carer.[83]

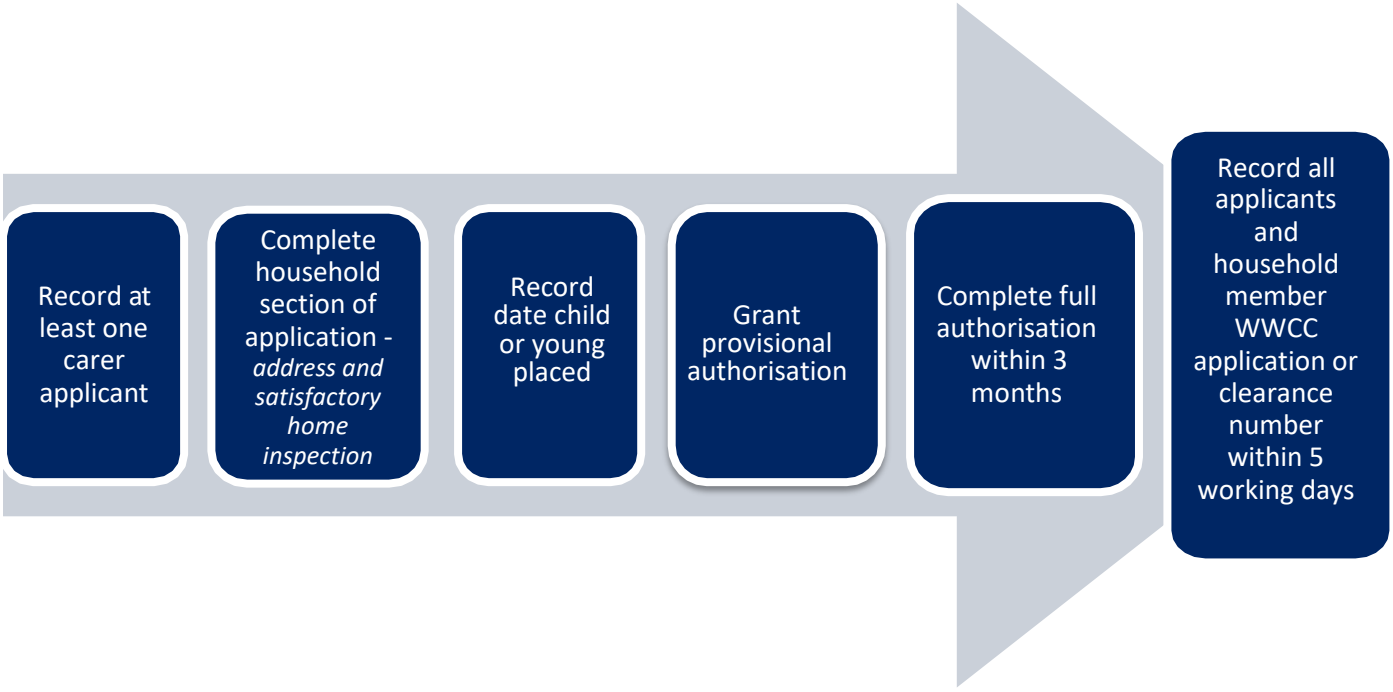
A designated agency must, before approving an application by a person to be authorised by the designated agency as an authorised carer (or within **14 days** after any such application is refused, withdrawn or otherwise terminated) enter certain information on the Carers Register.[84]

[75] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s17(2)(a-c)
[76] Children Guardian Regulation 2022 [NSW] shc2, s2(2), 3(2)
[77] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s17(4)
[78] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(2)
[79] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(3)
[80] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(1)(a)
[81] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(1)(b)
[82] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(4)
[83] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s30(1-3)
[84] Children's Guardian Regulation 2022 [NSW] Shc2, s2(3)

10 Provisional/emergency authorisations

10.1 Provisional authorisations requirements and time frames

A designated agency may, in an emergency, provisionally authorise an individual who is a relative, kin and other person known to the child or young person.[85]



A provisional authorisation allows a carer to provide out-of-home care to any child or young person who is a relative or kin of the carer or who knows the carer.[86] The provisional authorisation does not take effect until the day the child or young person is placed with the carer by a designated agency.[87]

A designated agency must not provisionally authorise an individual unless the agency has determined the person is capable and suitable to be authorised on a provisional basis.[88]

A carer who is provisionally authorised is taken to have made an application to be an authorised carer on the day the child or young person is placed.[89] A designated agency must proceed to assess

[85] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s19
[86] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s19(1)(a)(b)
[87] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s19(2)
[88] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s20
[89] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s21(2)

the provisionally authorised carer for authorised carer status[90]. If a designated agency has not made a decision in relation to whether the individual meets the assessment criteria to be an authorised carer within three months, the Children's Guardian must monitor the designated agency's progress.[91]

The Children's Guardian may direct a designated agency to cancel the provisional authorisation if it has continued for three months or more by written notice and the designated agency must comply.[92] The cancellation of a provisional authorisation is taken to be a decision by the designated agency to refuse an application by the person to be an authorised carer.[93]

Provisionally authorised carers and adult household members **must apply for a WWCC within 5 working days from the provisional authorisation start date**.[94]

A designated agency must, within **14 days** after a provisional authorisation by the designated agency takes effect, enter certain information on the Carers Register.[95]

A provisional authorisation report and checklist template has been developed to help designated agencies decide whether an individual can be given provisional authorisation as a carer. This template is not a prescribed document but can be adapted as per designated agency requirements.

[90] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s21(3)(a)(b)
[91] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s21(4)
[92] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s21(5)
[93] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s21(6)
[94] Child Protection (Working with Children) Regulation [NSW] 2013, s21
[95] Children's Guardian Regulation [NSW] 2022, Sch2, s(4)(a)(b)

11 Carer Application probity and suitability checks

11.1 Probity and suitability checks

The designated agency records the outcomes of carer applicant and household member checks and assessments on the Carers Register. A carer should not be fully authorised until the designated agency certifies that all required checks and assessments have been completed with a satisfactory outcome.

11.2 Working with Children Check

A Working with Children Check (WWCC) is a prerequisite for anyone in child-related work.[96] It involves a criminal history check and review of findings of workplace misconduct.

The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children.[97] A person may be interim barred while a risk assessment is in progress if it is likely the person may pose a risk to the safety of children.[98] Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being cancelled.

For more information, go to the Working with Children Check section of the OCG's website at www.ocg.nsw.gov.au.

Individuals who apply for authorisation to be an OOHC carer or an adult household member must have a current and verified WWCC clearance or application in progress recorded on the Carers Register.

The WWCC information is not required to be updated by subsequent agencies unless it has been renewed or there has been a change in WWCC status. Each agency is responsible for verifying on the OCG WWCC system that the individual's WWCC is valid.

A designated agency can record a WWCC bar or interim bar on the Carers Register, however in the case where the individual is already authorised or a household member is residing in the home of an authorised carer, the OCG will as a matter of priority record the WWCC bar or interim bar on the Carers Register and contact the designated agency with the instruction to cancel or suspend a carers authorisation.

[96] *Child Protection (Working with Children) Act [NSW] 2012, s8*
[97] *Child Protection (Working with Children) Act [NSW] 2012, s18*
[98] *Child Protection (Working with Children) Act [NSW] 2012, s17*

11.3 Working with Children Checks for household members

Any person aged 18 years or over who resides on the same property as an authorised carer must have a verified WWCC clearance or current application for a clearance.[99] If the household members stay regularly, but not full time (for example, several nights a week) they are still required to hold a current and verified WWCC.

11.4 Community Services Check

A Community Services check is a prerequisite for all individuals applying to be authorised (and their household members over 16 years)[100]. The check includes relevant information Community Services holds about carers or household members, including whether there are records for the individual in relation to causing risk or harm, allegations of reportable conduct and outcomes of investigations, carer authorisation documents, and carer reviews. The assessing agency must consider Community Services Check returned information to inform the overall suitability assessment and authorisation decision.

The Community Services check should not be requested until all carer capability and suitability have been assessed.

The Community Services Check is updated when a check is completed by another designated agency should the individual apply to another agency.

11.5 Carer pre-authorisation requirements

Designated agencies are required to record the following information on the Carers Register as part of the application process:

Designated agency reference this is optional for agencies that use a reference or numbering system.

Has the applicant been a carer interstate?

Consistent with sharing of interstate information under the Protocol for the Transfer of Care and Protection Orders and Proceedings and Interstate Assistance, designated agencies are required to ask carer applicants if:

- they have lived in another Australian state or territory
- they have previously been registered as a carer in another Australian state or territory
- they, or members of their household, have had involvement with child protection authorities in another state or territory
- if any of these questions are answered in the affirmative, then the carer applicant should also be required to disclose which state or territory the relevant event occurred
- a designated agency should ask Community Services to obtain any relevant information held by an interstate child protection authority in these circumstances.

  Community Services should advise of a contact point for interstate checks.

[99] *Child Protection (Working with Children) Act [NSW] 2012, s10*
[100] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s3(2)(5)

Authorise this applicant for:

- Statutory foster care: Out-of-home care for any child or young person unknown to the carer
- Relative OR Kinship Care Out-of-home care for a specified child or young person the carer has been assessed to provide care for relative or kinship care.

11.6 Carer applicant probity and suitability checks

The probity and suitability checks are mandatory and must be marked as Satisfactory or Unsatisfactory and include the date the agency completed the check. A Satisfactory response can only be recorded if the designated agency is satisfied that the relevant check indicates that it is appropriate for the individual to be authorised as an OOHC carer.

Note: the relevant check outcome should not be recorded in the Carers Register until the outcome of the check has been finalised.

1. Identification check

All carer applicants are required to produce adequate identification information. Identification information[101] in respect of a person means the following:

a) the person's full name (including any other names that the person is or has been known by)
b) the person's gender
c) the person's date of birth.

2. WWCC requirements met

- Each designated agency that authorises an OOHC carer must verify as an employer that the carer applicant has a current WWCC clearance or application.[102]
- Record the WWCC requirements met as either satisfactory or unsatisfactory and the verification date. Satisfactory can only be recorded if the WWCC status is 'CLEARED' or 'APPLICATION IN PROGRESS.'
- The date recorded in the Register, is the date that the WWCC was verified.

3. National Police Check (NPC)

When completing carer assessments, a designated agency must:

- consider the records contained in a mandatory NPC[103]
- record the National Police Check as either satisfactory or unsatisfactory after assessing the returned records
- record the date on the certificate or the date the records were assessed.

4. Community Services check

When completing carer assessments, a designated agency must:

- consider the records contained in a Community Services check[104]
- record the Community Services check as either satisfactory or unsatisfactory and the date recorded on the check.

See further Community Service check information in Section 10 of these guidance notes.

5. Other designated agency check

[101] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s2(a)
[102] *Child Protection (Working with Children) Act [NSW] 2012*, s9A and 11B
[103] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s3(1)(a)
[104] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s3(1)(b)

- Prior to entering an OOHC application (applicants and household members) onto the Carers Register the designated agency is directed to complete a search of the individual's Carers Register history including whether the individual has been a carer applicant, authorised carer, household member OR a residential care worker with any other designated agency.
- If the individual is recorded in the Carers Register or the Residential Care Workers Register, the relevant agency must contact any other designated agency that has or has had an association with that individual.[105]
- When completing carer assessments, a designated agency must consider information provided by any other designated agency.
    - A decision not to approve a carer applicant or to cancel a carer's authorisation by one agency does not necessarily determine the outcome for another agency's carer application decisions Each designated agency is required to assess all relevant information prior to determining if the individual is appropriate to be authorised as an OOHC carer.

6. Health check

When completing carer assessments, designated agencies must:

- request a health check to be completed for each carer applicant[106]
- record the health check as either satisfactory or unsatisfactory and the date of the signed medical certificate.

7. Two referees check

When completing carer assessments, designated agencies must:

- request the contact details of at least two referees for each carer applicant[107]
- discuss the carer applicant's suitability with those referees
- record the referee checks as either satisfactory or unsatisfactory and the date of the signed medical certificate.

8. Code of conduct sighted and signed

- It is a condition of authorisation that the authorised carer must comply with the Code of Conduct for Authorised Foster, Relative and Kinship Carers.
- Designated agencies must record that the Code of conduct has been sighted and signed as either satisfactory or unsatisfactory and the date it was signed by the carer applicant. [108]

9. Pre-authorisation training conducted

- Carer applicants must successfully complete relevant training to ensure that the individual is capable of exercising the functions of an authorised carer.[109]
- Designated agencies must record the pre-authorisation training conducted as either satisfactory or unsatisfactory and the date the training was completed

10. Carer's capability and suitability assessed

- Designated agencies cannot determine whether an individual is suitable to be an authorised carer until all pre-authorisation requirements have been marked as satisfactory as well as the satisfactory assessment of all other carer applicants, authorised carers and household members that reside in the household.[110]

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[105] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s3(1)(c)
[106] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s2(b)(iii)
[107] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s2(b)(i)
[108] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(3)(d)
[109] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(3)(c)
[110] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s18(2)(3)

- Designated agencies must record the assessment of a carer's capability and suitability as either satisfactory or unsatisfactory and the date the carer assessment was completed.
    - This section should be completed last as this outcome considers the applicant's overall capacity to be authorised as a carer.

Note: for carers transferring from another designated agency, agencies may use the results and outcomes of checks completed by a previous designated agency as part of its assessment process. However, the authorising agency must review the outcome of these previous checks and make its own determination about suitability. Designated agencies are required to keep a copy of these checks, the outcome and its rationale for accepting these checks, or not, as part of agency records.

See Fact sheet 5: Sharing information when an authorised carer transfers from one designated agency to another designated agency

11.7 Household members

The household member section of the Carers Register includes the individual checks for household members. Additional checks are required for household members (varying ages) as detailed in the household member final determination questions:

Identification check (16 years and over)	Yes/No
National Police Check (NPC) (16 years and over)	Yes/No
Community Services Check (16 years and over)	Yes/No
Other Designated Agency Check (18 years and over)	Yes/No

PLEASE NOTE

It is mandatory for all household members aged 16 years and over to have a National Police Check (optional for 14-15 year olds), if the household member is 16 years or over at the time of the authorisation process.[111]

If a young person in OOHC remains in the household after they turn 18[112], they must be added as a household member,[113] and will be subject to a WWCC check,[114] but not a National Police Check or a Community Services Check.[115]

An existing household member who turns 16 after the authorisation process has been completed does not require a National Police Check[116]. However, all household members over 18 require

[111] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s1(1), 2(a), 3(1)(a-c)
[112] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, s42(1-2)
[113] Children's Guardian Regulation [NSW] 2022, s(6)(d)
[114] *Child Protection (Working with Children) Act 2012*, s10
[115] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s5(4)(a)
[116] Children and Young Persons (Care and Protection) Regulation [NSW] 2022, Sch2, s5(4)(b)

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