

# Residential Care Workers Register

## Guidance note 4

### Staffing / Recruitment Agencies

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

The OCG is an independent, statutory authority committed to delivering better outcomes for children and young people living in out-of-home care (OOHC).

We accredit and monitor the performance of agencies that arrange statutory and supported OOHC and adoption services. We also register and monitor agencies that provide, arrange, or supervise voluntary OOHC. The OCG is a regulator – not a provider of care services.

The OCG has established a Residential Care Workers Register to support agencies in deciding about the suitability of an individual to be engaged to provide direct care to children and young people in residential care.

*This guide should be read in conjunction with Guidance note 1 - Overview. The Guidance note has details about who is to be captured and the information to be entered onto the register.*

### What is the Residential Care Workers Register?

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

### What does this mean for agencies who access residential care workers through a recruitment agency?

Residential care providers will generally conduct their own recruitment as a means of identifying and employing suitable persons for the role of a residential care worker. In some circumstances, agencies may seek to access staff via an external recruitment / staffing agency to fill shortages. Designated agencies must ensure that if these staff meet the criteria of the Children's Guardian Regulation 2021, they are entered onto the register in the same way as those employed directly by the designated agency.

Where staff are sought from a recruitment agency in emergency situations, these workers are considered residential care workers. There is ongoing work being conducted by the OCG to ensure agencies are able to meet the needs of children placed in residential care, including in emergencies. This includes defining the requirements to be met by agencies and who is to be captured on the register.

Where staff are sought and this is not an emergency situation, residential care providers may choose to conduct their own recruitment for these workers, or they may have a service agreement with the

recruitment agency so that they are satisfied the person has been subject to an appropriate recruitment and selection process. Where the latter occurs, the residential care provider will need to be satisfied with the recruitment process including the completion of probity checks as they are responsible for the decision about engaging any individual to provide direct care to children and young people.

In terms of the probity checks to be completed, whilst a recruitment agency may be able to support the individual to obtain a Working With Children Check and National Criminal Record Check, it will be the responsibility of a designated agency, as a prescribed body under the *Children and Young Persons (Care and Protection) Act 1998*, to undertake a Community Services Check and Other Agency Check.

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Regardless of how the recruitment occurs, it is the responsibility of the residential care provider to enter the worker and their probity check information onto the Register and to make a decision about whether to engage them. Recruitment agencies will not have access to the Register.

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It may be that designated agencies wish to develop Service Agreements with recruitment agencies to cover off on the above requirements and to plan how best to undertake these steps.

The residential care provider, as a designated agency, has the same responsibilities and obligations it has towards its own direct employees. The agency must supervise the care that the person provides and investigate any complaints or allegations of reportable conduct against the worker.

## What does this mean for recruitment agencies providing staff to residential care providers?

These sorts of arrangements can still continue. Where an individual is to be engaged as a residential care worker, each of the legislative requirements for the Residential Care Workers Register must be met before that person can provide care to children and young people. This may require a service agreement to be developed with residential care providers, to ensure the requirements around recruitment are met. Recruitment agencies will **not** have access to the Register. Instead, the responsibility to enter individuals onto the Register and manage this sits with the residential care provider.

## What about situations where a child is placed in an emergency?

It is recognised that situations may arise where there are no suitable foster or residential care placements available for a child or young person and they are placed in a motel or other non-home-based care as an emergency response. As indicated above, where staff are sought from a recruitment agency in emergency situations, these workers are considered residential care workers. There is ongoing work being conducted by the OCG to ensure agencies are able to meet the needs of children placed in residential care, including in emergencies. This includes defining the requirements to be met by agencies and who is to be captured on the register.

## More information

Agencies will have training available to them on the administration of the Residential Care Workers Register. Further information will also be added to the OCG's website when the Register commences. If you have a question, please email [residential-register@kidsguardian.nsw.gov.au](mailto:residential-register@kidsguardian.nsw.gov.au)

For information about the OCG's other regulatory responsibilities, including the Working With Children Check, Child Safe Organisations, statutory and voluntary out-of-home care, and adoption, please visit [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au).

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