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| Worker and Carer Exclusion Scheme |
| Information for out-of-home care service providers |
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# About the Worker and Carer Exclusion Scheme

The Worker and Carer Exclusion Scheme started on 1 July 2024. It replaces the Victorian Carer Register and the Suitability Panel.

The scheme aims to keep children and young people in residential care, foster care or secure welfare safe. It does this by preventing certain workers and carers from working in the sector if their behaviour demonstrates an unjustifiable risk of harm to children or young people.

Out-of-home care providers covered by the scheme who want to engage a new worker or carer will need to confirm with the Social Services Regulator that a worker or carer is not under investigation or listed on the scheme’s WCES database before engaging them.

Panels under the new scheme will have a similar role and composition as the Suitability Panel, deciding whether a person is excluded on an ongoing basis from working in the out-of-home care sector.

## Key elements of the Worker and Carer Exclusion Scheme

* The scheme is administered by the new independent Social Services Regulator.
* The scheme applies to workers and carers that provide services to children and young people in residential care, foster care or secure welfare including:
  + foster carers
  + workers and carers providing care and services to children in residential out-of-home care services
  + workers and carers providing care and services to children in secure welfare services.
* A person can be excluded on an interim basis while an investigation into the person’s conduct is ongoing, or while a panel is considering the person’s conduct.
* Workers and carers covered by the scheme whose conduct demonstrates an unjustifiable risk of harm to children can be excluded from working in the out-of-home care sector on an ongoing basis.
* Out-of-home care service providers covered by the scheme must check with the Social Services Regulator if a person is excluded or under investigation before employing or engaging them as a carer.
* Panels will decide whether a person is excluded from working in the out-of-home care sector.
* It is an offence for an out-of-home care service provider covered by the scheme to knowingly employ or engage a person who is excluded.
* Workers or carers who are being investigated or are excluded must notify any current or potential employer of this. This includes where the exclusion is on an interim basis. It is an offence not to do so.

| No. | Key requirements – a summary of what providers need to do |
| --- | --- |
| 1 | **Before engaging a worker or carer** to work with children or young people in residential care, foster care or secure welfare, out-of-home care providers must ask the Social Services Regulator to **check the WCES database** to see whether a person is under investigation or excluded from working in the out-of-home care sector – including on an interim basis. |
| 2 | Out-of-home care providers must **notify** **the Social Services Regulator about serious incidents** during service delivery that result in or are reasonably likely to result in serious harm to a child or young person. |
| 3 | Out-of-home care providers must **assist** **the Social Services Regulator or a panel** in relation to a Worker or Carer Exclusion Scheme matter. This includes providing reasonable access to records and employees. |
| 4 | Out-of-home care service providers **must not knowingly employ or engage an excluded person** as an out-of-home care worker or carer. This includes interim exclusions. It is an offence to do so. |

# Key similarities and differences between the scheme and the Victorian Carer Register framework

## Similarities

Many elements of the new scheme are broadly similar to the requirements of the Victorian Carer Register and Suitability Panel framework. For example:

* The scope of workers covered by the scheme is the same.
* The regulatory response is the same. If a worker or carer of children or young people in residential care, foster care or secure welfare engages in certain conduct and is found to pose an unjustifiable risk of harm to children, they will be excluded from working in the sector.
* Requirements to check that a worker or carer is not excluded before employing or engaging them are the same.
* Like the Suitability Panel, Worker and Carer Exclusion Panels will be set up to consider whether a worker’s conduct and the risk they pose to children should exclude them from working in the sector.

## Differences

Differences between the new scheme and the existing Victorian Carer Register and Suitability Panel include the following:

* The new independent Social Services Regulator will administer the scheme instead of the Department of Families, Fairness and Housing.
* There will no longer be a Victorian Carer Register. A ‘WCES database’ will replace this. Out-of-home care providers will no longer need to register new workers or update information about workers or carers they engage.
* Under the scheme a broader range of conduct can lead to a person’s exclusion from working in the out-of-home care sector.
* A person can be excluded from working in the out-of-home care sector on an interim basis during an investigation or Worker and Carer Exclusion Panel process.
* Out-of-home care providers must report serious incidents to the Social Services Regulator. Serious incidents include incidents that result in or are likely to result in serious harm to a service user. Under the Victorian Carer Register framework, providers only reported physical or sexual abuse of children and young people in care for investigation by the Secretary and potential referral to the Suitability Panel.
* Workers and carers must notify their employers when under investigation and when excluded.
* The scheme introduces a range of offences for workers and carers. Offences apply if workers and carers:
  + work while excluded
  + do not notify their employers when they are under investigation or excluded, including if excluded on an interim basis
  + do not provide details of where they work to the Regulator if they receive notice that they are under investigation, that their conduct has been referred to a panel, or that they are subject to an interim exclusion.

# Providers, workers and carers covered by the scheme

The scope of the Worker and Carer Exclusion Scheme mirrors the scope of the Victorian Carer Register framework.

Workers and carers covered by the scheme are:

* foster carers
* workers or carers providing care and services to children in residential out-of-home care services
* workers or carers providing care and services to children in secure welfare services.

Out-of-home care service providers that engage the above workers or carers are in scope. They must comply with provider obligations under the scheme.

The Worker and Carer Exclusion Scheme does not apply to:

* kinship carers
* permanent carers
* adoptive carers
* people engaged by providers on a voluntary basis other than foster carers – for example, some lead tenants.

# Change from the Victorian Carer Register to a WCES database

From 1 July 2024, there will no longer be a Victorian Carer Register. Out-of-home care service providers will not need to:

* register new workers or carers
* update information about carers on the Victorian Carer Register, including when a carer ceases to be employed or engaged by the service.

Instead, the Social Services Regulator will maintain a ‘WCES database’. The WCES database will include details of:

* carers who were under independent investigation under the Victorian Carer Register framework at 30 June 2024 (at the time the register is replaced by the scheme)
* carers disqualified from the Victorian Carer Register at 30 June 2024 (at the time the register is replaced by the scheme); these carers are excluded under the scheme
* workers and carers excluded under the new scheme, whether on an interim or ongoing basis, including details of the exclusion decision
* workers and carers under investigation by the Regulator or a WCES panel.

Before engaging a worker or carer, WCES service providers covered by the scheme must ask the Social Services Regulator to check the WCES database. The Regulator will disclose whether the person is under investigation or excluded, including on an interim basis.

# Conduct that can lead to exclusion

The scheme broadens the range of conduct that may lead to a person’s exclusion from working in the out-of-home care sector covered by the scheme.

Under the Victorian Carer Register framework, a person could be disqualified if they physically or sexually abused a child in their care. Under the new scheme, a person can be excluded from working in the sector if they have engaged in the following:

* conduct that causes or is reasonably likely to cause serious harm to a child (serious harm includes death; loss of a foetus; permanent or long-term serious impairment, serious disfigurement or severe psychological injury or developmental delay)
* repeated or persistent conduct that results in harm to a child (including harm of a physical, sexual, emotional, psychological, financial or cultural nature)
* prescribed conduct – the elements of reportable conduct have been prescribed including:
  + sexual offences, sexual misconduct or physical violence committed against, with or in the presence of a child
  + any behaviour that causes significant emotional or psychological harm to a child
  + significant neglect of a child.

The main difference is that the new scheme uses a broader concept of ‘conduct that causes harm’ compared with the Victorian Carer Register framework.

Table 1 compares the conduct that can lead to disqualification against the conduct that can lead to exclusion under the scheme.

Table 1: Comparison of conduct that can lead to exclusion under the old and new schemes

| Conduct that can lead to disqualification under the Victorian Carer Register framework | From 1 July 2024 – conduct that can lead to exclusion under the Worker and Carer Exclusion Scheme | Change |
| --- | --- | --- |
| Physical or sexual abuse of children in care | * Behaviour that causes, or is likely to cause, serious harm to a child or young person * Repeated or persistent conduct that results in harm to a child or young person * Reportable conduct:   + sexual offences, sexual misconduct or physical violence involving a child or young person   + behaviour that causes significant emotional or psychological harm to a child   + significant neglect of a child or young person | A wider range of conduct can lead to exclusion under the new scheme.  The main change is that the scheme includes a broader concept of conduct that causes harm. Harm is not tied to physical or sexual conduct. |

# How providers check if a person is excluded – WCES database check

* From 1 July 2024, before engaging a worker or carer, out-of-home care service providers covered by the scheme must conduct a WCES database check. A WCES database check involves checking with the Social Services Regulator that the person is not the subject of a WCES investigation or excluded from working in the out-of-home care sector on an interim or ongoing basis. This is like the ‘disqualified carer check’ under the Victorian Carer Register framework.
* Out-of-home care service providers will be able to run an excluded worker check using the web-based application. The application is similar to the one used for disqualified carer checks under the Victorian Carer Register framework.
* The Regulator will ask out-of-home care providers to confirm nominated representatives, known as carer recorders. The representatives will be authorised to access the database to request checks.
* The Regulator will check the information carer recorders provide against the WCES database. The Regulator will then advise within one business day whether the carer is under investigation or subject to an exclusion decision.
* Where the Regulator advises there is no exclusion decision in force, this means the person is not excluded from providing out-of-home care in Victoria.
* A WCES database check does not indicate if the person is a suitable WCES worker or carer. WCES service providers are responsible for undertaking sound recruitment and screening of applicants. Out-of-home care providers must also have systems and processes in place to consider a range of matters before engaging a worker or carer. Matters include the person’s criminal history, medical history, capacity to provide stable continuous care and capacity to preserve a child’s identity and connection to culture. The matters that must be considered are set out in the Social Services Regulations 2023 (rr 23 and 24). In addition, providers must comply with:
  + Social service standard 6 relating to a safe workforce – *Social services are to be delivered by a workforce that has the knowledge, capability and support to deliver safe social services with care and skill*; and
  + Child Safe Standard 6 relating to suitable staff - *People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.*
* It is recommended that providers keep a copy of any advice from the Regulator in response to a WCES database check in the person’s file as evidence of the exclusion check.

## What if a WCES database check is needed after hours?

* Wherever possible, WCES database checks should happen during business hours.
* It there is an unexpected and urgent need for a WCES database check outside of business hours, organisations can contact **0400 841 242**. This service is available between 5 pm and 9 am Monday to Friday, and on weekends and public holidays.
* The after-hours service will provide a verbal or text response to a WCES database check.
* Due to the sensitivity of the information provided, it is best if only senior staff members undertake after-hours checks. This should not be a temporary staff member or a residential carer. After-hours database checks must not be undertaken by staff for themselves.

# Serious incidents providers need to report to the Social Services Regulator

* Under the new scheme, out-of-home care service providers must notify the Social Services Regulator of any ‘serious incident’ while delivering a social service. Serious incidents are those that result in or are likely to result in serious harm to a service user.
* This reporting requirement for out-of-home care service providers is consistent with the requirement for all registered social service providers to notify the Social Services Regulator about serious incidents that occur during service delivery. This is set out in s 48 of the *Social Services Regulation Act 2021*. Guidance about serious incidents that must be reported is available on the Social Services Regulator’s website at [Reporting a notifiable incident | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/ssr-reporting-notifiable-incident)
* Initially, providers will report serious incidents involving conduct that could lead to exclusion using a similar process to notifications under the Victorian Carer Register framework. Providers will have to complete a WCES Serious Incident Report form. The form can be accessed on the [Social Services Regulator’s webpage](https://www.vic.gov.au/social-services-regulator) at: <https://www.vic.gov.au/worker-and-carer-exclusion-scheme#reporting-obligations> The provider must then email this form to the Regulator at [WCESdatabase@ssr.vic.gov.au](mailto:WCESdatabase@ssr.vic.gov.au)
* The mandatory reporting of serious incidents for out-of-home care providers under the social services regulatory framework is different from the mandatory reporting of allegations of sexual or physical abuse under the Victorian Carer Register framework. This means that a provider may not be ‘required’ to report some matters that had to be reported under the Victorian Carer Register.
* Mandatory reporting of serious incidents for out-of-home care providers are set out in s 48 of the Act. But any person, including a provider, *may* notify the Regulator about broader conduct that could lead to an exclusion.
* Other conduct that may fall below the threshold of a serious incident, and that could be notified voluntarily and considered as a basis for excluding a worker or carer includes:
  + repeated or persistent conduct that results in harm (this includes harm of an emotional, psychological, financial or cultural nature)
  + the elements of reportable conduct under the reportable conduct scheme. Reportable conduct includes:
  + sexual offences, sexual misconduct or physical violence committed against, with or in the presence of a child
  + any behaviour that causes significant emotional or psychological harm to a child or
  + significant neglect of a child.

Also, the Social Services Regulator will be able to access information about worker and carer conduct from other sources. This includes receiving information from the Commission for Children and Young People about reportable conduct allegations in the out-of-home care sector.

# Exclusion from working in the out-of-home care sector, including interim exclusions

## Exclusions

A worker or carer can be excluded on an ongoing basis from working in the out-of-home care sector covered by the scheme if they:

* have engaged in certain conduct that can lead to exclusion; and
* are found by a panel to pose an unjustifiable risk of harm to children.

## Interim exclusions

Under the new scheme the Regulator and panels are also able to issue interim exclusions to workers and carers while an investigation or panel process is underway.

Interim exclusions can be imposed where the panel or Regulator reasonably believes the worker or carer poses an unjustifiable risk of harm to a WCES service user. They must believe the interim exclusion is necessary to protect service users during the period before a panel decides whether the person should be excluded on a longer-term basis.

A worker or carer cannot work in the out-of-home care sector covered by the scheme while excluded on an interim basis.

This ensures risks of harm to children can be managed while the Regulator and the panel consider the person’s conduct. Greater protections for children in the out-of-home care sector will result.

A comparison of disqualifications and exclusions is set out in Table 2.

Table 2: Comparison of disqualifications and exclusions under the old and new scheme

| Disqualifications under the Victorian Carer Register framework | From 1 July 2024 – exclusions under the Worker and Carer Exclusion Scheme | Change |
| --- | --- | --- |
| Carers can be disqualified from working in the out-of-home care sector. Disqualifications are ongoing. | Workers or carers can be excluded from working in the out-of-home care sector, (including on an interim basiswhile an investigation or panel process is ongoing). | The ability to exclude a person on an interim basis while an investigation or panel process is ongoing is new. |

## What it means to be excluded, including on an interim basis

Workers and carers who have been excluded on an interim or ongoing basis, must not:

* work in the out-of-home care sector covered by the scheme
* apply for work as an out-of-home care worker or carer.

If excluded, workers and carers must tell their employer as soon as reasonably practicable, but no later than within 2 days of receiving the notice from the Regulator or panel.

It is an offence to work in the out-of-home care sector while excluded, including on an interim basis.

It is an offence for a provider to knowingly engage an excluded person as an out-of-home care worker or carer.

## Carers disqualified from the Victorian Carer Register

Carers disqualified from the Victorian Carer Register as at 30 June 2024 will be excluded from working in the out-of-home care sector under the new scheme. Their details will be added to the Social Services Regulator’s WCES database.

## Carers under investigation on 1 July 2024

Carers under investigation at the time of transition to the new scheme on 1 July 2024 will have their matter investigated and considered under the *Children, Youth and Families Act 2005*. If they are under investigation at the time of transition, this will be added to the WCES database.

# Panels under the Worker and Carer Exclusion Scheme

Panels under the scheme will have a similar makeup and functions as the Suitability Panel. The Governor in Council will appoint panel members on the recommendation of the minister.

Where a matter is referred to a panel, the panel will decide whether the worker or carer’s conduct presents an unjustifiable risk to children and young people. If the conduct meets this threshold, the worker will be excluded from providing care or services in the out-of-home care sector covered by the scheme.

The Social Services Regulator will appoint the panel to hear each matter. The panels will be made up of at least 3 people including a chairperson. The chair must have legal qualifications and experience. Other panel members must have qualifications and experience in either:

* law
* social work
* psychology
* behaviour of criminal offenders, or
* other relevant disciplines.

# Offences and penalties under the scheme[[1]](#footnote-2)

There are offences and penalties under the scheme for not complying with certain obligations. These are set out in Tables 3 to 5.

Table 3: Offences and penalties under the Worker and Carer Exclusion Scheme – service providers

| Offence | Maximum penalty[[2]](#footnote-3) |
| --- | --- |
| Employ or engage an out-of-home care worker or carer without conducting a WCES database check | 240 penalty units (~ $47,421) for an individual  1,200 penalty units (~ $237,108) for a body corporate |
| Knowingly employing or engaging an excluded person, or continuing to engage an excluded person | 240 penalty units (~ $47,421) for an individual  1,200 penalty units (~ $237,108) for a body corporate |

Table 4: Offences and penalties under the Worker and Carer Exclusion Scheme – workers or carers

| Offence | Maximum penalty |
| --- | --- |
| Apply for work as an out-of-home care worker or carer if under investigation or referred to a panel without disclosing that fact to the service provider | 60 penalty units (approximately $11,855) |
| Apply for work as an out-of-home care worker or carer if excluded | 240 penalty units (~ $47,421), imprisonment for 2 years, or both |
| Work as an out-of-home care worker or carer if excluded | 240 penalty units (~ $47,421), imprisonment for 2 years, or both |
| Fail to notify an employer if under investigation, been referred to a panel or have been excluded | 60 penalty units (~ $11,855) |
| Fail to disclose details to the Social Services Regulator – name and address and details of out-of-home care services where the person works | 60 penalty units (~ $11,855) |

Table 5: Offences and penalties under the Worker and Carer Exclusion Scheme – other offences

| Offence | Maximum penalty |
| --- | --- |
| Publication or broadcast of information relating to a panel hearing that a panel has determined cannot be published | 50 penalty units (~ $9,879) for an individual  100 penalty units (~ $19,759) for a body corporate |
| Fail to comply with a notice to produce – a panel can issue a notice to a person to produce a specified document or thing | 60 penalty units (~ $11,855) for an individual  300 penalty units (~ $59,277) for a body corporate |
| Fail to comply with a notice to attend – a panel can issue a notice requiring a person to attend a panel hearing to produce a specified document or thing or give information or evidence relating to an allegation of misconduct | 60 penalty units (~ $11,855) for an individual  300 penalty units (~ $59,277) for a body corporate |

# Questions and answers

The following are answers to questions that have been asked at departmental information sessions about the scheme and in email queries to the department.

Who is a WCES service user, WCES worker or carer and WCES service provider?

The Act uses the terms ‘WCES service user’, ‘WCES worker or carer’ and ‘WCES service provider’. For example:

* s 57 of the Act says that the Regulator may investigate conduct of a WCES worker or carer
* s 79 of the Act says that a panel can exclude a person if it is reasonably satisfied that the person poses an unjustifiable risk to any WCES service user
* s 84 of the Act requires a WCES service provider to ask for a WCES database check before employing or engaging a WCES worker or carer.

The scope of the Worker and Carer Exclusion Scheme is set out in the Social Services Regulations 2023. This includes defining a WCES service user, WCES worker or carer and WCES service provider.

**WCES workers and carers**

WCES workers and carers are:

* foster carers
* workers and carers that care or provide services for children in residential out-of-home care services
* workers and carers that care or provide services for children in secure welfare services.

**WCES service providers**

WCES service providers include out-of-home care service providers that provide:

* foster care
* residential out-of-home care
* secure welfare.

**WCES service users**

A WCES service user is a child or young person who is in or has been in:

* foster care
* residential out-of-home care
* secure welfare.

It also includes children and young people who are seeking or have sought these services, whether or not they have received the service.

Do I need to request a WCES database check for existing workers and carers?

Out-of-home care providers do not have to ask the Social Services Regulator to check the WCES database for existing carers and workers that the provider has already employed or engaged and who were on the Victorian Carer Register.

If I have conducted a disqualified carer check for a potential worker or carer before 1 July 2024, but they are not engaged until after 1 July 2024, do I need to undertake a WCES database check?

WCES providers must undertake a WCES database check before employing or engaging a new WCES worker or carer. Providers will need to undertake a WCES database check with the Regulator on or after 1 July, for any person it is considering approving as a foster carer or employing or engaging as a carer following commencement of the scheme on 1 July 2024.

Are labour hire workers in scope of the Worker and Carer Exclusion Scheme? What about labour hire agencies?

The scheme will apply to labour hire staff that are engaged as an out-of-home care worker or carer that is in scope of the scheme. This means, for example, that the Regulator can investigate the conduct of a residential out-of-home carer who is engaged through a labour hire firm. And, if appropriate, the worker can be excluded from providing out-of-home care services.

Labour hire agencies are agencies that supply out-of-home care workers or carers to an organisation. They are not subject to the scheme.

While labour hire agencies provide staff to organisations, they do not provide out-of-home care services. Out-of-home care services are provided by the organisation. As such, the responsibilities under the scheme as set out in the Act will be the responsibility of the out-of-home care service, not the labour hire agency. This includes conducting a WCES database check to find out if a person is excluded.

It will be a matter for the out-of-home care service to inform the labour hire agency if a worker or carer engaged through a labour hire arrangement is under investigation or has been excluded.

How do providers find out when a worker or carer is under investigation or excluded?

Out-of-home care workers or carers must tell service providers they work for if they:

* are being investigated under the scheme
* have been excluded, including on an interim basis.

It is an offence not to comply with the above requirements.

The Regulator or a panel must notify service providers engaging a worker or carer if the worker or carer is excluded, including on an interim basis. The Regulator may also notify service providers engaging a worker or carer that the Regulator is investigating the conduct of a worker or carer.

Is it an offence for an out-of-home care provider to employ or engage a worker or carer who is under investigation?

There is no offence for a provider to engage a worker or carer who is under investigation. Employment in these circumstances would be at the discretion of the provider. However, out-of-home care providers must have systems and processes in place to consider a range of matters before engaging a worker or carer, such as the person’s:

* criminal history
* medical history
* capacity to provide stable continuous care
* capacity to preserve a child’s identity and connection to culture.

The matters that must be considered are set out in the Social Services Regulations 2023 (rr 23 and 24). The matters are the same as what providers were required to consider before engaging an out-of-home carer or worker under the Children, Youth and Families Act.

What is meant by ‘serious harm’ and ‘harm’?

Under the Worker and Carer Exclusion Scheme, conduct that can lead to exclusion includes:

* conduct that causes ‘serious harm’ to a child or young person
* repeated or persistent conduct that results in ‘harm’ to a child or young person.

Serious harm is defined in the Act to include harm that results in:

* death
* loss of a foetus
* permanent or long-term serious impairment
* permanent or long-term serious disfigurement
* permanent or long-term severe psychological injury or developmental delay.

Harm is defined in the Act to include harm of a physical, sexual, emotional, psychological, financial or cultural nature.

How do providers know when an incident needs to be reported to the Regulator?

Under s 48 of the Act, all registered service providers must notify the Regulator of any serious incident that has occurred, or may pose a serious risk to service users or WCES service users, while delivering a social service. This must happen as soon as reasonably practicable.

A serious incident is defined in the Act and regulations as either:

* an incident that results in serious harm to a service user or WCES service user
* an incident that is reasonably likely to cause serious harm to a service user or WCES service user
* the unexpected death of a service user.

Can the Regulator consider historical conduct of an out-of-home carer or worker?

The scheme enables the Regulator to investigate a worker or carer’s conduct against a child or young person, regardless of when that conduct occurred. This enables the Regulator to consider historical conduct of a worker or carer in out-of-home care. However, the Regulator cannot consider a worker or carer’s conduct that the Suitability Panel has already considered and determined.

Do prospective workers or carers need to provide consent for a check to be undertaken?

The Act does not require carers or workers to consent to a WCES database check.

In line with Victorian Information Privacy Principles, services should inform potential workers and carers about the scheme, including that:

* workers and carers excluded from working in the sector or under investigation will be placed on a WCES database administered by the Social Services Regulator
* the Regulator may investigate a worker or carer’s conduct and that a person may be excluded from working in the sector
* their information will be shared with the Regulator as part of a WCES database check.

Will the list of excluded workers be publicly available?

Similar to the list of disqualified workers under the Victorian Carer Register, the list of excluded workers will not be publicly available.

An out-of-home care service in scope of the scheme must check with the Regulator if a person is excluded or under investigation before engaging or employing the person as an out-of-home carer or worker.

Are lead tenants in scope of the Worker and Carer Exclusion Scheme?

The scope of the scheme mirrors the scope of the Victorian Carer Register. It applies to certain out-of-home care workers and carers, being:

* foster carers
* residential out-of-home care workers and carers
* workers and carers in secure welfare services.

The scheme does not apply to kinship carers, lead tenants and permanent or adoptive carers. This is consistent with the scope of the Victorian Carer Register.

Most lead tenants are engaged as volunteers and are not within the scope of the scheme. This includes where a lead tenant is reimbursed for costs such as general household expenses.

There may be some cases where a person is engaged in a paid position to provide temporary relief to a lead tenant. In these circumstances, the person is subject to the scheme. As such, an out-of-home care service would need to conduct a WCES database check before engaging the person.

The Social Services Regulation Act requires the minister to review the operation of the first 3 years of the social services regulatory scheme. This is to be undertaken in the fourth year after the scheme begins. This will include a review of the Worker and Carer Exclusion Scheme.

# More information

More information about the Social Services Regulator and the Worker and Carer Exclusion Scheme is on the [Social Services Regulator’s webpage](https://www.vic.gov.au/social-services-regulator) <https://www.vic.gov.au/social-services-regulator>. This includes information for workers and carers of children and young people in residential, foster care or secure care.

You can also email [enquiries@ssr.vic.gov.au](mailto:enquiries@ssr.vic.gov.au).

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1. Note that offences relate to work as an out-of-home care worker or carer that is covered by the scheme, for example, foster carer, carer in residential care or secure welfare. [↑](#footnote-ref-2)
2. The approximate penalty value in the tables has been calculated on the 2024–25 value of a penalty unit, which is $197.59. [↑](#footnote-ref-3)