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# NSW Carers (Recognition) Act 2010

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Implementation Guidelines - Public Sector  
Agencies

July 2022

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## Introduction

These **guidelines will assist** staff within public sector agencies to understand and implement the NSW Carers (Recognition) Act 2010 (the Act). The Act places obligations on all public sector agencies in relation to carers.

The NSW Department of Communities and Justice is responsible for leading the implementation of the Act throughout the public sector.

Implementation of the Act will raise awareness of the significant contribution carers make to the person they care for and to the NSW community.

**The NSW Carers (Recognition) Act 2010** recognises the 850,000 carers in NSW in a number of ways, including:

- the establishment of the NSW Carers Advisory Council to promote the interests of carers and to provide advice to the NSW Government on legislation, policy, and other matters that have a significant impact on carers
- the creation of the NSW Carers Charter, with 13 principles for recognising carers (found at Schedule 1 of the Act).

**The Act was reviewed in 2016.** The final report on the review of the Act contained ten recommendations. Details of implementation of all recommendations can be seen at <https://www.facs.nsw.gov.au/inclusion/carers/nsw-carers-recognition-act>.

NSW Carers (Recognition) Act 2010 creates obligations for public sector agencies and human service agencies.

The Act requires **public sector agencies**, which includes government departments and local councils, to:

- take reasonable steps to ensure that staff are aware of and understand the NSW Carers Charter
- consult with carers or organisations that represent carers when developing policies that impact on carers
- have regard to the Carers Charter when developing their human resource policies.

**Human service agencies** are public sector agencies that provide services to carers and/or the people they care for such as health, welfare and social needs. . In addition to their obligations as public sector agencies, human service agencies must:

- ensure the principles of the Carers Charter are reflected in their core work
- report annually on their compliance with the Act.

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## Carer: definition

A *carer* is someone who provides ongoing, unpaid support to people who need help because of their disability, chronic or terminal illness, mental illness, dementia or frail age.

Carers are diverse and many carers may not realise they are carers. Carers may be:

- Family members, housemates, neighbours or friends of the person to whom they provide care
- From all cultural backgrounds; of any age, male or female
- Caring for someone who has ongoing care needs due to their drug and alcohol issues
- Providing care which is shared with others, a person needing care can receive it from more than one person – each is considered a carer
- Each caring situation is unique, and each carer has individual needs.

A person is not considered to be a carer if:

- They care for a child who does not have a disability or chronic illness
- They care for someone who needs help because of a short-term condition or illness, such as a broken leg
- They care for someone as a formal volunteer, paid employee or as part of education or training
- They live with or are related to the person who needs care, but do not provide it themselves.

All NSW Government agencies may provide services to people who are carers, or people who are supported by carers. It is almost certain that within each agency there are staff members who are carers.

Broader definitions of a carer can be found in industrial awards, other legislation and internal human resources policies.

Whilst the unique experience of each carer must be acknowledged, there are some challenges that broadly impact on particular groups of carers and are important to understand.

### Aboriginal carers

The Aboriginal population in NSW experience higher levels of chronic health problems, including diabetes, kidney disease, cardiovascular disease and mental health problems compared to the general population. Aboriginal people are also more likely to report high or very high levels of psychological distress.

The prevalence of these health problems correspond to additional demands upon Aboriginal families providing care. A high proportion of Aboriginal carers provide care for multiple people. In addition, many Aboriginal carers have to contend with significant disadvantage across a range of socioeconomic measures. This generally intensifies the pressure faced by those carers.

## **Young carers**

There are more than 83,700<sup>1</sup> young carers (carers aged under 25) in NSW. However, these statistics are considered to significantly underestimate the number of young carers. Whilst being a young carer can provide positive experiences, the child or young person will also experience significant challenges, in particular to their education, psycho-social development and emotional wellbeing

## **Carers from culturally and linguistically diverse backgrounds**

The experience of carers is significantly informed by their cultural background. The meaning attached to the carer role differs between cultures, with many languages having no equivalent term. Culture can create certain expectations around, for example, who should undertake the caring role and the use of support services. Culture informs carers' understanding, experience of and response to disability, physical and mental illness, and ageing.

Some important factors which can compound the carers experience include their proficiency in the English language, literacy levels, the time since migration and experiences of loss or trauma pre-migration or associated with migration itself.

In general, the strategies that are discussed throughout these guidelines will also support these groups of carers.

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<sup>1</sup> Australian Bureau of Statistics (2019) Survey of Disability, Ageing and Carers 2018. TableBuilder Dataset. Canberra: Australian Government. Retrieved from [www.abs.gov.au/tablebuilder](http://www.abs.gov.au/tablebuilder)

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## Public Sector Agencies

Under the Act, a public sector agency means any of the following:

- A Division of the Government Service
- An area health network or statutory health corporation (within the meaning of the Health Services Act 1997)
- The NSW Police Force
- A NSW Government agency or other authority of the State
- A local council
- A State owned corporation.

The Act, when referring to public sector agencies, also refers to ‘agents of the agency’. An agent is an entity authorised to act on behalf of an agency with third parties and the agency remains legally responsible for what the agent does. This could include, for example, contractors engaged by the agency to provide a service to people who are direct clients of the agency.

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## Human Service Agencies

The Act defines a human service agency as “a public sector agency that provides services directed at carers or persons being cared for by carers”.

The following NSW public sector agencies have been identified as providing a human service:

### Principal Departments

- Department of Communities and Justice
- NSW Ministry of Health
- Department of Education
- Department of Customer Service
- Planning and environment
- Department of Premier and Cabinet
- Regional NSW

### Other bodies

- Local Councils (limited to those that provide services directed at carers or persons being cared for by carers)
- Public Service Commissioner
- Health Care Complaints Commission
- NSW Ombudsman
- Local Health Districts
- iCare
- State Insurance Regulatory Authority
- SafeWork NSW

This list is not exhaustive and each agency must consider its own situation carefully.

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# NSW Carers Charter

## OBLIGATION

**A public sector agency must take all reasonable steps to ensure that the members of staff and agents of the agency have an awareness and understanding of the NSW Carers Charter.**

The NSW Carers Charter contains 13 principles to guide agencies' interactions with carers and outline how carers in NSW should be treated. The Charter must also be considered when developing policies that impact carers.

The principles of the NSW Carers Charter are outlined below, as well as some explanation as to why the principle is important. These principles are taken directly from Schedule 1 of the Act.

### **1. Carers make a valuable contribution to the community**

#### **(a) NSW recognises the valuable social and economic contribution that carers make to the community**

Carers make an enormous contribution to NSW, often at great personal cost. They support people to remain in their own home, provide individualised, loving and flexible care, support independence, maintain family structures and relationships, and offer a quality of care not easily replicated in institutional settings. This is a significant social contribution which ensures the wellbeing of the most vulnerable members of the NSW community.

Across Australia carers contribute an estimated, \$78 billion of unpaid labour to the economy annually. This is what it would cost to replace the care currently provided by carers with formal services.<sup>2</sup>

#### **(b) Carers should have the same rights, choices and opportunities as other Australians**

Like all Australians, carers are entitled to fully participate in the life of the community, to work and secure their financial security, to be free from discrimination and to live in safety. The reality for many carers is that their access to these rights and opportunities is limited.

#### **(c) Carers unique knowledge and experience should be acknowledged and recognised**

Carers are the experts in what they do and the people they care for. Listening to carers, seeking their input and utilising their knowledge will assist in providing the most appropriate support and services, both for carers and the people they care for. It also serves to validate and recognise carers.

#### **(d) The relationship between carers and the people they care for should be respected**

In most situations, the relationship between the carer and the person they care for is of great importance to each of them. That relationship must be valued and nurtured, particularly in service provision. Carers are parents, spouses, partners, sisters, brothers, children and friends and they should be given the opportunity to maintain and enjoy those relationships, without the relationship being completely subsumed by the caring role.

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<sup>2</sup> <https://www.carersnsw.org.au/about-caring>

Assumptions should not be made about the nature of these relationships. Supporting these relationships could include, for example, providing opportunities for family holidays and outings, and respecting the privacy and intimacy of couples in service provision.

## **2. Carers' health and well-being is important**

### **(a) Carers should be supported to enjoy optimum health and well-being and to participate in family, social and community life, employment and education.**

The Carer Wellbeing Survey confirmed that carers across Australia are at high risk of poor wellbeing, high psychological distress, and poor physical health.<sup>3</sup> Carers report a lack of time for self-care, and have a range of complex challenges fulfilling their role as a carer.

Higher risk factors for poor outcomes include:

- those with high weekly caring hours
- who have been a carer for many years
- care for multiple people
- care for a child, grandchild or a person with Autism Spectrum Disorder, a development disorder, mental illness/psychosocial disability, intellectual disability, or drug/alcohol dependency.

Many carers have poor access to both informal support from family and friends, and formal support from care service providers. Those who do have access to these types of support have significantly improved wellbeing compared to those without support.

### **(b) Carers should be supported to balance their caring role with other roles, such as work and education.**

Carers should be supported to balance their caring role with their work or study. They bring a valuable set of skills to the workplace.

Many workplaces offer flexibility to help carers balance their work and caring role. But in some workplaces, it may be difficult to disclose caring responsibilities.

It is important that young people still in school receive support to complete their higher education and/or access employment opportunities. Schools in NSW are committed to providing a supportive environment for all students, including those with caring responsibilities.

## **3. Carers are diverse and have individual needs within and beyond their caring role.**

### **(a) The diverse needs of carers should be acknowledged and recognised in policy, programs and service delivery, taking into consideration culture and language, age, disability, religion, socio-economic status, place of residence, gender identity and sexual orientation.**

Carers have aspirations, interests and needs that are separate to their caring role. They have relationships, culturally and religiously significant events, health, education and financial needs that are separate to the caring role.

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<sup>3</sup> Wellbeing of Australia's Carers 2021 Centre for Change Governance and NATSEM, University of Canberra



Carers experience much higher levels of social isolation and financial stress than other Australians. Most carers report that the caring role impacts their relationships with other family members and friends.<sup>4</sup>

**(b) Aboriginal and Torres Strait Islander values, heritage and concepts of caring should be respected and valued.**

Research suggests that Aboriginal and Torres Strait Islander people are up to twice as likely as other Australians to be carers. The National Aboriginal and Torres Strait Islander Social Survey (NATSISS) 2014-15<sup>5</sup> found that approximately one in four Aboriginal and Torres Strait Islander people living in NSW provided unpaid care to a person with disability, a long-term health condition or old age.

Aboriginal and Torres Strait Islander carers experience many of the same challenges as other carers, however, the care they provide is influenced by a range of unique historical, cultural, spiritual and socio-economic factors. Research also suggests that Aboriginal and Torres Strait Islander carers are more likely to have intensive caring roles, have multiple caring roles within their family structure or community and experience poor wellbeing and social isolation.<sup>6</sup>

Many Aboriginal and Torres Strait Islander carers accept caring as a normal part of family and community life and may not think of themselves as carers. As a result, some carers may not be aware of the resources and support programs available.

**(c) The additional challenges faced by carers who live in rural and remote areas should be acknowledged and recognised.**

Carers in rural and remote areas of NSW may find fewer services and therefore a lack of choice in services both for the carer and for the person they are caring for.

In smaller communities there can be a real or perceived lack of privacy and confidentiality when accessing services. Carers may feel that there is a stigma associated with using services, particularly counselling and self-help groups.

The effects of severe rural recession, for example, economic hardship, and job loss, may exacerbate the impacts of caring, such as financial hardship and social isolation.

**(d) Children and young people who are carers should be supported to reach their full potential.**

Many young carers have a high level of responsibility for their age. The majority of young carers live with care recipients who are also their parents. Those providing care for a parent may find that normal parent/child roles have been reversed. Being a carer at a young age has the potential to impact on the individual rights of that child or young person, as identified in the United Nations convention on the Rights of the Child.

In addition, young carers and their families often don't know what services and supports are available to help them with their caring role. Even if they are aware of services, they may not know how to access them. Many report that they do not receive respite or other carer support.<sup>7</sup>

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<sup>4</sup> Carers NSW Carers NSW Survey 2010

<sup>5</sup> National Aboriginal and Torres Strait Islander Social Survey, Australia, 2014-15

<sup>6</sup> Carers NSW 2020 National Carer Survey

<sup>7</sup> NSW Department of Family and Community Services Identifying and supporting young carers A guide for service providers, October 2011

#### **4. Carers are partners in care.**

**(a) The choices, views and needs of carers and the people they are caring for should be taken into account in the assessment, planning, delivery and review of services provided to the people they care for.**

Agencies that provide services to carers need to provide opportunities for carers' choices to be included and recognised at all stages of service provision.

Carers are not a homogenous group and young carers, Aboriginal carers, female carers, carers from culturally and linguistically diverse backgrounds and carers with a disability require responses that recognise their specific situation. Additional supports may be required to ensure that these carers are able to meaningfully participate at all levels of service delivery. Carers build a significant amount of knowledge and experience regarding the person they provide care for and want the best possible outcomes for them. By utilising this knowledge to plan and deliver services, agencies can ensure that they provide a higher standard of service, and one that continues to improve.

**(b) Carers should be referred to, and assisted to access appropriate supports and services.**

Services that are available to support carers include respite, counselling, information and education, support groups and social activities. Public sector staff can assist in making carers aware of any service that may assist them in their caring role, regardless of whether those services are specialised or mainstream. More information about services available to carers can be found on the Carer Gateway website at [www.carergateway.gov.au](http://www.carergateway.gov.au)

**(c) Support for carers should be timely, responsive, appropriate and accessible.**

Carers can at times give so much of themselves that it becomes detrimental to their own wellbeing. Often carers are also unaware of supports available to help them fulfill their caring roles, and to balance their own lives and aspirations with their caring roles.

To access support services for those they care for, carers can spend significant amounts of time and effort demonstrating the need for services, retelling their stories and providing various forms of documentation and evidence to prove the eligibility of the person being cared for.

Accessing the right information is vital. Carers NSW can provide carers with the information they need to fulfil their caring role. Support is available to assist with:

- Planning
- Financial support
- Balancing caring and paid work
- Aid and equipment
- Carers' well-being
- Carers' rights
- Complaint resolution

The Carer Gateway is a federally funded service that provides emotional, practical and financial support for carers (<https://www.carergateway.gov.au/>). The Carer Gateway has many services that help with daily challenges, emotional and financial stresses that a carer may experience.

Carer Gateway provides many services, including:

- Coaching
- Counselling

- Respite care
- Connection with other carers
- Online courses
- Financial support.

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# Consultation

## OBLIGATION

**A public sector agency must consult with such bodies representing carers as the agency considers appropriate when developing policies that impact on carers.**

By consulting with carer representatives when developing policies that may impact carers, government agencies can develop policies that support and recognise carers and are more responsive to their needs.

### When is consultation needed?

Every public sector agency is likely to develop policies that impact carers. Agencies are required to consider the impact of any policy under development or review on carers and consult with this specific group appropriately. Consultation can involve seeking input from individuals, organisations or bodies representing carers.

For example, human resource policies relating to recruitment and conditions of employment will impact staff who are carers. The NSW Carers Charter (see Section 1) should be considered when these type of policies are being developed. Similarly policies that provide support to clients across the wide range of services provided by the NSW government may impact carers and their input should be sought.

### What is effective consultation?

Effective consultation is open, responsive, transparent and accountable, with information being both given and received. The aim of consultation under the Act is to make sure that carers have real input into policies that are likely to impact them.

The consultation style used should be appropriate and proportional to the possible impact on carers in the policy issue identified. This means considering the number of affected carers, the level of interest of carers, and the time and resources available.

Consultation may be one-off or ongoing and can involve one or more of the following actions:

- Asking an appropriate organisation or body to review the policy and provide written feedback and comments
- Facilitating focus group(s) with carers
- Liaising with Carers NSW, a Carer Employee Network or policy advisory group containing carers
- Attending a local carer support group meeting(s)
- Surveying carers and/or staff who are carers
- Meeting with staff who are carers.

Effective consultation will generally offer the guarantee that appropriate input will be taken on board, even when the input is contrary to what was wanted or expected.

In order to consult effectively, the parameters of the consultation need to be defined and communicated with the consultation participants– that is, which elements they can impact and which are fixed, setting realistic expectations. Participants should be kept informed of the impact their involvement had and why any specific feedback was not used.

Information should be provided in an accessible format to those being consulted, allowing enough time for considered responses. Opportunities should also be provided for discussion of the proposed policy, including any questions, prior to the provision of feedback. This feedback should not be confused with endorsement of the proposed policy.

### **What is participation?**

Participation (or consumer participation) and co-design refer to the process of involving consumers, clients, customers, the community or, in this case, carers, in decision-making about planning, policy development, priority setting and delivery of services.

When carers participate fully in the consultation process, better and more relevant decisions are made. Participation from carers will lead to a public sector that is more reflective of the Carers Charter to better deliver outcomes for carers and the people they care for.

Effective participation requires that all participants receive the necessary support to communicate throughout the process to ensure they are able to provide real input

When an agency is developing or reviewing policy **the following questions should be asked.**

- Are carers a target group of the policy?
- Are people with a disability, chronic or terminal illness, mental illness, dementia or frail aged\* people a target group of the policy? (\* aged means over 65 years for non-Aboriginal or over 45 years for Aboriginal people.)
- Are staff or volunteers (who may also be carers) a target group of the policy?
- Will the policy change access to or eligibility for services for carers or people with a disability, chronic or terminal illness, mental illness, dementia or frail aged, or staff or volunteers?
- Is the policy likely to have a significant impact on carers or the people they care for (positive or negative)?

### **The following groups of carers may need specific consideration**

- Aboriginal carers
- Carers from culturally and linguistically diverse communities
- Carers with a disability
- Young carers
- Ageing carers.

When required, use translations, interpreters and other diverse modes of communication or communication aids.

### **For external consultation, contact Carers NSW**

Carers NSW is the peak organisation for carers in NSW. Carers NSW is an association for relatives and friends caring for people with a disability, chronic or terminal illness, mental illness, dementia or who are frail aged.

Carers NSW can provide advice about all carers including older carers, young carers,

Aboriginal carers and carers from a culturally and linguistically diverse background. Depending on the policy and level of consultation required, Carers NSW may provide feedback directly or refer you to a more suitable individual, organisation or body.

Carers NSW can be contacted by email to [contact@carersnsw.org.au](mailto:contact@carersnsw.org.au) or via their website <https://www.carersnsw.org.au/>

### **Other organisations**

Other peak organisations may be more appropriate for specific conditions related to disability, mental illness, chronic illness, terminal illness and ageing or for a culturally specific response. An internet search will generally provide the details of an association or organisation that represent particular groups or conditions.

Aboriginal organisations often available for consultation include:

- Aboriginal Health and Medical Research Council
- AbSec - NSW Child, Family and Community Peak Aboriginal Corporation
- NSW Aboriginal Land Council
- Aboriginal Legal Service NSW & ACT

### **NSW Carers Advisory Council**

The NSW Carers Advisory Council has been established under the Carers (Recognition) Act 2010 to advance the interests of carers and to provide advice to the NSW Government on legislation, policy, and other matters that have a significant impact on carers.

The Carers Advisory Council may be an appropriate body to consult with if the policy being developed is significant and will impact on a range of carers statewide.

Further information about the Carers Advisory Council is available at [www.dcj.nsw.gov.au](http://www.dcj.nsw.gov.au) or by email to [NSWCarersAdvisoryCouncilSecretariat@facsnsw.gov.au](mailto:NSWCarersAdvisoryCouncilSecretariat@facsnsw.gov.au)

### **Carers Knowledge Exchange.**

The Carer Knowledge Exchange aims to bring together carers, researchers, students, decision makers, professionals and service providers to share their knowledge about carers and learn from each other.

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## Agency human resource policies

### OBLIGATION

**A public sector agency's internal human resource policies, so far as they may significantly affect the role of a staff member of the agency as a carer, are to be developed having due regard to the NSW Carers Charter.**

The public sector is attractive to carers due to the relative stability of employment and the access, in many cases, to flexible working conditions. Although it is unclear how many public sector staff are carers, it is safe to assume that every agency and local council has employees who are carers.

The caring role makes it more difficult for carers to participate in the workforce with carers being less likely to be employed than non-carers. Consider the following statistics:

- 45.8% of carers are not in the workforce
- Carers are more likely to reduce their hours of work with 19% of carers working part time
- In NSW only 31.7% of carers work full time.

The 2020 Carers NSW Biennial Carer Survey found exiting employment and reducing working hours were common impacts on the career trajectories of carers.

The likelihood of taking on a caring role increases with age. Three quarters of all carers in NSW are of working age (between 18 and 65) and for those who combine work and caring responsibilities, juggling the competing demands of work and caring is often a stressful experience.<sup>8</sup>

As the peak age for caring is between 45-65 years, it is likely that many working carers in this age group are at risk of giving up work in order to meet their caring responsibilities. This represents a significant loss to employers, as these working carers will have invaluable knowledge, skills and experience.

The views of employees with caring responsibilities provide important insights into their experience of balancing work and caring. Research has demonstrated that employees with caring responsibilities:

- felt undervalued and misunderstood by employers and co-workers
- experienced a mismatch between their need for workplace flexibility and workplace practices
- experienced significant difficulties in balancing their work and caring responsibilities
- felt support services were inadequate and fractured across different levels of government and between government departments.

Initiatives most likely to assist carers to balance work and care include:

- greater recognition of the role of carers both in the workplace and in the community
- greater access to flexible work practices and greater consistency in implementation by managers

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<sup>8</sup> Australian Bureau of Statistics (2009) Survey on Disability Ageing and Carers

- enhanced access to, and quality of, support services.

One of the most significant challenges for both carers and employers is achieving true flexibility in working arrangements. Many carers have demands placed upon them that they cannot predict. They may support people whose conditions are episodic in nature, including mental health conditions and many illnesses where the care required can vary greatly from one day to the next.

Supporting these staff can be achieved through flexibility, planning and understanding that carers may not always be able to give notice of their leave requirements. This can be achieved, for example, by creating contingency plans for sudden absences, allowing staff to bank hours in periods of low care or make up time after hours during periods of high care.

### **Nurturing carers at work will strengthen NSW Agencies**

Since the introduction of the Carers (Recognition) Act, carer participation in the workforce has become a critical social policy issue due to a number of demographic and workplace trends. As the population of employees with care responsibilities grows, there is a growing tension between the increasing demand for people to participate in the workforce and the increasing demand to fulfil a caring role at various stages in life. This is compounded by the demographic trend of an ageing population.

Some of the key issues include:

- increasing demands for people to balance work/care due to:
  - fewer young people entering work as a result of lower birth rates
  - more people requiring care due to increased life expectancy, an ageing population and more people living with chronic health, terminal illness, mental health illness and disability
  - community expectations and public policy initiatives supporting people to live independently in the community rather than in institutions
- fewer people being available to fulfil a caring role due to:
  - more women participating in the workforce
  - greater social mobility and dispersal of families and individuals
  - higher rates of relationship breakdown.<sup>9</sup>

As the major employer and provider/funder of services to the community, the NSW public sector has a very strong interest in the impact of these workplace and demographic trends in NSW.

Public sector agencies with human resource policies that reflect the NSW Carers Charter and promote a carer-friendly culture will be best prepared to meet the needs of a growing proportion of staff with caring responsibilities.

In addition, these agencies will;

- be better placed to attract and retain staff
- have an increased recruitment pool to draw from

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<sup>9</sup> Australian Institute of Health and Welfare (AIHW) (2009), Australia's Welfare 2009



- improve staff loyalty and morale
- improve workforce diversity management – including carers under a workplace diversity strategy will benefit other target groups
- improve community engagement through the creation of a workforce that reflects the NSW community.<sup>10</sup>

## Human Resource Policies

While agencies may choose to develop a specific human resource policy aimed at staff with caring responsibilities, they should also ensure that existing policies are reviewed and where required further developed with consideration to the principles in the NSW Carers Charter.

Existing human resource policies that are likely to affect the role of staff with caring responsibilities include, but are not limited to:

- Equity and Diversity Policies
- Equal Opportunity Policies
- Anti-Discrimination Policies
- Flexible Workplace Policies
- Leave Entitlement Policies.

## Developing workplace policies to support staff with caring responsibilities

Human resource policies provide the foundation for successful workplace relations and provide employees with important information about the agency's and employees' rights and responsibilities, including legislated entitlements and/or policy commitments to flexible work practices. Human resource policies also play an important role in promoting the agency's organisational culture.

Points to consider when developing and reviewing internal human resource policies to reflect the Act and NSW Carers Charter include:

- Have all internal human resource policies in the agency that impact upon carers been identified?
- Does the policy contain a clear definition of a carer (section 5 of the Act)?
- Does the policy recognise and acknowledge the valuable contribution that employees with caring responsibilities make to the agency and the impact caring may have on them and their participation in the workforce?
- Does the policy recognise the diversity of its employees with caring responsibilities including those from Aboriginal, Torres Strait Islander and other culturally and linguistically diverse backgrounds?
- Does the policy reflect and make reference to the principles of the NSW Carers Charter where relevant to the workplace environment?

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<sup>10</sup> Yeandle, S., Bennett, C., Buckner, L., Shipton, L. and Suolos, A. (2006) Who Cares Wins: The Social and Business Benefits of Supporting Working Carers, Centre for Social Inclusion, Sheffield Hallam University

- Does the policy confirm the legal rights of employees with caring responsibilities and the employer's responsibilities and other workplace policy initiatives that support flexible work arrangements?
- Does the policy confirm the role and responsibilities of employees and employer?

### **Carer friendly work culture**

The culture of the agency will influence the success of the implementation of human resource policies and practices that support working carers.

Organisational messaging regarding carers should be framed as the agency's commitment to supporting the needs of all staff throughout different life stages, rather than focusing on carers as a group receiving special treatment. This inclusive messaging can positively influence the way carers are perceived and treated at work<sup>11</sup> and make them feel more respected and valued. Equity and Diversity policies, plans or frameworks provide an important means by which such messages can be effectively promoted across the whole agency.

The key intent of this obligation in the Act is to create a public sector that supports employees who are carers. The following strategies can help agencies achieve this: <sup>12</sup>

#### **Understand the workplace** from a carers' perspective:

- Review and analyse agency demographics to gain a broad understanding of the needs of staff who are carers.
- Involve staff by conducting surveys or focus groups to assess their needs. Carers often have excellent ideas about how they could manage both their work and caring responsibilities into the future.
- Establish ongoing mechanisms to collect data to identify carers working in the agency.

#### **Take action** to support staff who are carers:

- Managers' attitudes and actions are central to the successful implementation of policies that aim to support carers in the workplace. <sup>13</sup> Educate and train managers about issues carers may face and flexible work practices that may help - for example conduct workshops, develop training packages, internal guidance, issuing briefings and/or informal mentoring services.
- Actively promote policies and flexible working arrangements. Create a culture where staff are encouraged to apply for provisions.
- Include the needs of carers in staff induction training.
- Incorporate carers as a target group within your Equity and Diversity Policy.

<sup>11</sup> Yeandle, S., Bennett, C., Buckner, L., Shipton, L., Suokes, A. (2006) Who cares Wins: The Social and Business Benefits of Supporting Working Carers

<sup>12</sup> Adapted from: [www.workplaceflexibility.com.au](http://www.workplaceflexibility.com.au) How can you develop a flexible workplace policy; <http://ways2work.business.vic.gov.au> Employers -creating a family friendly workplace and Yeandle, S., Bennett, C., Buckner, L., Shipton, L., Suokes, A. (2006) Who Cares Wins: The Social and Business Benefits of Supporting Working Carers

<sup>13</sup> Ibid pg 23

- Raise awareness in job advertisements about the availability of flexible work practices and include information in staff induction.
- Establish a carers employee network or working committee to review and make recommendations about policy and practice changes and to provide a support structures for carers.
- Utilise and promote the resources related to these guidelines, as well as those available through Carers NSW and other organisations.

#### **Monitor and evaluate** your practices

- Consider piloting new policies before implementation to test their feasibility and effectiveness – this will also provide an opportunity to overcome any initial negativity towards the changes.
- Monitor and evaluate the effectiveness of organisational changes.
- Develop systems to monitor and evaluate flexible working requests, take-up rates and consistency of practice amongst managers.

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## Staff knowledge of NSW Carers Charter

### OBLIGATION

**A human service agency must take all reasonable steps to ensure that the agency, and the members of staff and agents of the agency, take action to reflect the principles of the NSW Carers Charter**

To reflect their higher level of engagement with carers and those they care for, human service agencies must make every effort to incorporate the NSW Carers Charter into their core business. See Section 1 for greater detail about the NSW Carers Charter.

All human service agencies have a role in addressing the key themes that are covered in the NSW Carers Charter:

- Recognise and support carers' valuable contribution to the people they care for and the NSW community.
- Include carers in decision-making; take into account their views and needs in assessment, planning, delivery and review of services for the person they are caring for.
- Carers' health and wellbeing must be considered, and support should be responsive and appropriate, including making carers aware of services that will sustain them in their caring role. Where appropriate, assess their needs before referral.
- Recognise and support the choices carers make in their caring role. Consider carers' diversity and their unique knowledge and experience.
- Recognise and acknowledge the additional difficulties faced by carers living in remote and rural locations and children and young people who are carers and support them to overcome them.
- Carers have the same rights, choices and opportunities as all others.

In order to meet these obligations, ideally agencies will have systems in place to identify when their clients might have a carer or be a carer. This is important at initial contact points and during transitional times. For example, someone may enter a health facility without a carer but may require one when the time comes for discharge.

Agencies, in reflecting the Charter, should focus on their areas of service and expertise. For example, schools can meet the principles of the Charter by assessing the educational needs of young carers, taking into consideration the impact that a caring role may have on their educational needs and providing a supportive, flexible school environment where those needs can be met.

Many of the principles outlined under the Charter, are of themselves good practice principles. Ensuring that our agencies reflect them will lead to better service provision and better outcomes not only for carers, but for the people they care for.

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## Agency compliance with Annual Reporting

### OBLIGATION

**A human service agency must prepare a report on its compliance with this Act to be included in the agency's annual report for the reporting period.**

Annual reporting against the obligations in the Act is an important part of monitoring how the Act is being implemented across NSW. The use of the Annual Reporting Template builds a story about the changes made for carers in NSW. The annual reporting template is simple and broad, giving agencies the opportunity to report on many aspects of their service and the actions they might have undertaken to support carers and meet their obligations.

Part 1 of the template invites you to report on any education strategies you may have used to inform your staff about carers, the NSW Carers Charter or to improve the way staff interact with carers. Reporting could include anything related to awareness raising, forums, distribution of resources, more formal training and education provided either externally or internally, or any other related activities the agency has undertaken. Part 1 covers the requirements outlined in Sections 1 and 4 of these guidelines.

Part 2 of the template asks about the consultation processes. This is an opportunity to report on the obligations outlined in Section 2 of these Guidelines. The agency must consult with carers on any policy issues that affect carers. The reporting should cover, in brief, the policies that impact on carers and how the agency went about consulting on the policy.

Part 3 of the template asks you to report on support for staff who are carers relating to the obligation outlined under Section 3 of these guidelines.

**The NSW Carers Strategy Interdepartmental Committee (IDC)** has been established to give cross agency support for the implementation of the NSW Carers Strategy: Caring in New South Wales 2020 – 2030 ('the Strategy'). Increased awareness by public sector agencies in NSW of their responsibilities under the NSW Carers (Recognition) Act 2010 and the Carers Charter will lead to attitudinal and workplace change that is more inclusive and supportive of employees who are carers.

The IDC members will inform their department/agency about:

- required reporting for compliance with requirements under the NSW Carers (Recognition) Act 2010
- strategic advice on the challenges and opportunities for carers employed in the NSW Public sector with a focus in future plans/ policies
- best practice ideas within departments that support carers to remain employed.

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## Resources

- Annual report template for Human Service agencies (with extra instructions)
- Guide for managers & staff fact sheet for guidelines
- <https://www.facs.nsw.gov.au/inclusion/carers/nsw-carers-recognition-act>

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