



Child Protection – Working with Children Checks

Working With Children Checks - Source of Obligation

The Child Protection (Working With Children) Act 2012 (NSW) (the Act) and the Child Protection (Working With Children) Regulation 2013 (NSW) (the Regulations) aim to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks ("WWC Checks")

Roseville College, our staff, volunteers and others have a number of responsibilities and obligations under the Act and the Regulation which are outlined in this policy.

Who Needs a WWC Check?

Roseville College's policy goes beyond the legislation requiring all existing and newly appointed governors, staff, volunteers and contractors to have a Working With Children Check Clearance Number. Newly appointed governors, staff, volunteers and contractors must provide a Working With Children Check clearance number prior to commencement of employment or engagement at Roseville College.

Definition of Worker

A **worker** means any person who is engaged in work, as an employee, a self-employed person, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), or as a minister, or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

What is Child Related Work?

Of relevance to Roseville College, the following is considered to be child-related work:

- Mentoring and counselling services for children;
- Direct provision of child health services;
- Clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children;
- Education and care services, child care centres, nanny services and other child care;
- Sporting, cultural or other entertainment venues used primarily by children and entertainment services for children;
- Justice services such as detention centres;
- Any religious organisation where children form part of the congregation;
- Private coaching or tuition to children;
- Boarding houses or other residential services for children and overnight camps for children; and
- Transport services especially for children, including college bus services and taxi services for children with a disability and supervision of college road crossings.

Key Exemptions

People engaged in the following types of work are not required to have a WWC check:

a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other staff member;

emergency use of contractors without a WWC check, provided the engagement is for no longer than 5 consecutive working days. The contractor must be supervised by a staff member at all times if students are on site.

work by people under the age of 18 years of age. They are not eligible to apply for a WWC check. A Declaration for Exempt Employees (Under 18 Years) document is required to be signed.

How to Apply for a WWC Check?

A person is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a person.

To apply:

1. Fill out an online application form at the NSW Office of the Children's Guardian website;
2. Upon completion of the application, an application number will be provided;
3. Take application number and proof of identity (e.g. NSW driver's licence) to a NSW Roads and Maritime Service (RMS) agency previously the motor registry; and
4. If the WWC Check is for paid work, a fee of \$80 is payable for a five year clearance.

Roseville College does not reimburse this fee for staff.

No fee applies for a volunteer WWC Check.

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- Convictions (spent or unspent);
- Charges (whether heard, unheard or dismissed);
- Juvenile records;
- Findings of misconduct (e.g. sexual misconduct or serious physical assault of a child) by a government agency; and
- Notifications on matters indicating serious risk to children made by the Ombudsman.

Outcome of the WWC Check

There are two key results for a WWC Check – a clearance to work with children or a bar against working with children.

Where the outcome is a clearance, the applicant will be provided with a WWC Check number. The WWC Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the five year expiry date.

If during the employment period the worker is notified a bar is being considered, the Commission for Children and Young People will call and write to the applicant to inform them of the proposed decision.

Applicants will be invited to submit information to support their application and the Commission will take this information into account when making their final decision.

Nevertheless, if the outcome is a bar, applicants must not engage in any child-related work. The barred applicant will receive a letter from the Commission notifying them of the decision and an explanation of the appeals process, should they wish to appeal through the NSW Administrative Decisions Tribunal.

The outcome of WWC Checks will be emailed or posted to the applicant. If the results are not received within four weeks of the application, email newcheck@kids.nsw.gov.au with details of the application including the application number.

Worker Obligations

Upon receiving clearance, it is compulsory that the worker provides their WWC Check number to Roseville College, along with their name and date of birth for online verification.

Workers are responsible for renewing their own WWC Check as necessary. They will be receive a reminder to renew their WWC Check three months before it expires.

Roseville College's Obligations

The college must:

- Register online as a child-related employer by going to **Working With Children Check Website** and choosing Child-related employers from the left hand menu;
- Before engaging a new governor, worker, volunteer or contractor verify that the worker is the holder of a WWC Check clearance that authorises their work. The only way to verify a status is using the new online verification system. Paper evidence of a clearance or an application from the worker must not be accepted because they may have been barred. Refer to **Fact Sheet 18 How to Verify a Clearance Online**;
- Verify a worker's WWC Check clearance, within 5 working days after the WWC Check clearance expires at the end of every five year period;
- Remove any barred or unauthorised persons from child-related work;
- Notify the Office of the Children's Guardian if a governor, staff member, volunteer or contractor is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a Reportable Conduct notification. This notification will trigger a risk assessment by the Children's Guardian and a review of the individual's WWC status.

Penalties

It is an offence to work with children without a valid WWC Check clearance number. Penalties apply. It is also an offence to hire a barred worker for child-related work.

Record Keeping

It is the responsibility of the following staff to verify the WWC Check clearance status of workers at Roseville College:

Type of Worker	Responsible Staff
Governors	Corporate Secretary
Staff	Administration Manager
Volunteers	Administration Manager
Contractors	Administration Manager

Roseville College maintains records in Edumate of child-related workers including:

- full name;
- date of birth;
- Working With Children Check number;
- start date and outcome of the Check verification;
- expiry date of the WWC Check; and
- whether the person is a paid worker or volunteer.

Records must be readily available if required for audit and monitoring purposes. Records are retained by the Roseville College for a period of seven years and closely monitored to ensure that all clearances are current for employed workers and volunteers.

Privacy & Confidentiality

The Office of the Children's Guardian maintains a register for Working With Children Checks.

Worker Information Disclosure

The following information about a person in the register may be made available by the Office of the Children's Guardian to an employer or proposed employer, upon request in the approved format, containing the particulars required by the Office of the Children's Guardian:

- Particulars of applications for WWC Check clearances;
- WWC Check application number of any child-related worker;
- Current clearance status of a child-related worker;
- Number, class (volunteer or non-volunteer) and expiry date of WWC Check clearance held by a child-related worker and whether the clearance holder is subject to an interim bar or has had a clearance cancelled.

Employer Information Disclosure

Similarly, the following information about an employer in the register may be made publicly available by the Office of the Children's Guardian:

- Trading name or registered business name of the employer;
- Child-related work for which the employer engages a child-related worker;
- Postcode or name of the place in which the employer's business is located; and
- Whether any requests for information regarding a Check status were made to the Children's Guardian by the employer within a specified period.

Implementation

This policy is implemented through a combination of:

- Staff training;
- Effective communication and incident notification procedures;
- Effective record keeping procedures;
- Initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy Roseville College may take disciplinary action, including in the case of serious breaches, summary dismissal.