



Child Protection - 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 and young people from harm by providing a high standard of compulsory national criminal history 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).

The 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.

Under the Act, a child is defined as a person who is under the age of 18 years.

Who is a 'Worker'?

A worker means any person who is engaged in work, as:

- an employee
- a self-employed person
- a contractor or subcontractor (Third Party Contractor)
- a Volunteer
- a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)
- 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?

Under the Act and of relevance to the College, child-related work is work for, or in connection with, any of the following:

- mentoring and counselling services for children
- direct provision of child health services
- disability services for children with a disability
- 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
- transport services especially for children, including College bus services and taxi services for children with a disability and supervision of College road crossings.

Who Does Not Need a WWC Check?

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.

It is an offence to work with children without a valid WWC Check. It is also illegal for the College to engage a worker in child related work who does not hold a valid WWC Check.

How to Apply for a WWC Check

A worker who engages in child-related work is responsible for applying for his or her own WWC Check. The College, as an employer, cannot apply on behalf of a worker.

WWC Checks are valid for five years unless cancelled or suspended prior.

To apply for a WWC Check, or to renew your clearance, visit the **NSW Office of the Children's Guardian website** and follow the prompts to either apply, renew or update your details.

The 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
- notifications relating to misconduct made by the Children's Guardian.

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.

Clearance:

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.

Bar Against Working with Children:

Where a **bar** is being considered, the Office of the Children's Guardian 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 Office of the Children's Guardian will take this information into account when making their final decision.

If the outcome is a bar, applicants must not engage in any child-related work. The barred applicant will receive a letter (either via post or email) from the Office of the Children's Guardian notifying them of the decision and an explanation of the appeals process, should they wish to make an appeal with the NSW Administrative Decisions Tribunal.

The online verification process may produce the following other results:

- application in progress
- interim barred
- not found.

Refer to the guidance available on the **NSW Office of the Children's Guardian's website** for more information about the meaning of these results.

Staff Obligations

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

College staff are responsible for renewing their own WWC Check within three months of any change. They will receive a reminder to renew their WWC Check three months before it expires.

The College's Obligations

The College must:

- register online as a child-related employer on the NSW Office of the Children's Guardian **website** by completing the form
- before engaging a new governor, worker, volunteer or contractor, verify that each worker is the holder of a WWC Check clearance that authorises their work. The only way to verify a status is using the online verification system. Paper evidence must not be accepted of a clearance or an application from the worker because they may have been barred. A record must be made of the WWC Check details
- **verify** a worker's WWC Check clearance, within five 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 Check.

Discipline for Breach of Policy

Where a staff member, Council member or Volunteer breaches this policy, the College may take appropriate action, including disciplinary action in the case of staff breaches. The College may, in the case of serious breaches, action dismissal.

Confidentiality and Privacy

For the College's confidentiality and privacy obligations relating to WWC Checks, refer to **Confidentiality and Privacy**.

Record Keeping Obligations

There are two methods of keeping records of WWC Checks at Roseville College: one for staff and one for Volunteers.

Staff

Prior to the commencement of any appointment, staff must provide their WWC Check Number to the College and have a WWC Check Clearance.

Using the NSW Government Office of Children's Guardian Working with Children Check employer log in, the Administration Manager is responsible for the initial verification of all staff WWC Checks.

Once verified, status reports are printed and stored in the employee's physical file. who stores them in individual staff members' files. In addition, the following information for each staff member is recorded in Edumate:

- first name
- family name
- date of birth
- verification date
- WWC number
- result status
- time until expiry
- expiry date of the WWC Check
- result of the verification (full text).

The Administration Manager is responsible for monitoring the WWC Check status of all staff members. Each month the Administration Manager checks the status of all staff members' WWC Checks and provides notifications to staff prior to their expiry date. The consolidated register and the process for maintaining and monitoring it are evidence of the College's maintenance of WWC Checks.

These records are retained by the College for a period of seven years.

Volunteers

Prior to the commencement of any volunteer work for the College, volunteers must provide their WWC Check Number to the College and have a WWC Check Clearance.

Using the NSW Government Office of Children's Guardian Working with Children Check employer log in, the Principal is responsible for the initial verification of all staff WWC Checks.

Results of the verification process are recorded **in Edumate**. If the volunteer does not have a file, one is created.

Each month, a report is sent to the Director of Policy, risk and Compliance, informing them of any volunteers whose WWC Check Number is due to expire within a month.

These records are retained by the College for a period of seven years.