

VicSport Update:

The Working With Children Check

In 2006 the Victorian Government introduced the new Working With Children (WWC) Check to help protect children under 18 years of age from physical or sexual harm. The WCC Check contributes to the safety of Victoria's children when they are being cared for or participating in a range of activities, by seeking to prevent those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

The WWC Check will create minimum standards across Victoria for all those who work with children. It will require all those who work or volunteer with children in certain capacities in identified occupations and activities, to undergo screening for criminal offences. The WWC will prevent people with inappropriate criminal and professional disciplinary records from working with children or volunteering in children's clubs and activities.

If you work or volunteer with children you may need to apply for a WCC Check. Employers, volunteer organisations and agencies must ensure that any of their staff or volunteers who need a WCC Check have applied by the relevant due date.

WWC Check Roll-Out to Sport

The roll-out of the WCC Check commenced in April 2006, and is progressively being phased in across sectors until 2011. From **30 June 2008**, a range of Sporting Clubs and Associations need to start applying for the Check. Due to the size of the sport sector, each year between 2008 and 2011, a selection of sports will be required to apply for the Check. If you work in one of the nominated sports, you must apply for a Check as soon as your sport is listed. Alternatively, any person working with children can apply for a Check at any time, regardless of the sport or activity they are involved in.

As of **1 July 2008**, any person who requires a Check who works or volunteers in the following sport or recreational areas must apply for a Check by **30 June 2009**:

- Athletics (including Little Athletics)
- Basketball
- Cricket
- Football (Australian Rules)
- Football (Soccer)

- Gymnastics (including Trampolining)
- Martial arts
- Netball
- Swimming (including Lifesaving)
- Tennis

All remaining sporting or recreational activities will be 'phased in' in Year 4 (from 1 July 2009 to 30 June 2010).

Following is further general information regarding the WCC Check.

Who needs to complete the WCC Check?

Any person who is engaged in "child-related work", (either paid or volunteer) who has regular direct contact with a person(s) under the age of 18, where that contact is not directly supervised by another person.

How do I know if I require a Check?

Not everyone whose work brings them into contact with children will need to apply for a WWC Check.

You need to apply for and pass the WWC Check if you meet all of the following criteria:

- your work or volunteer role involves contact with children in connection with one of the 20 listed child-related occupational fields, which includes working for a sporting club or association in a paid or volunteer capacity
- you volunteer or do this work on a regular basis
- you have direct contact with children under 18 years of age and are not directly supervised
- you do not qualify for an exemption from the need for a WWC Check.

Your work is not included in the WWC Check if you are only:

- participating in an activity with a child on the same basis as a child, or
- supervising a work experience arrangement organised by an educational institution or a structured workplace learning arrangement as part of a course at school, TAFE, or universities with TAFE divisions.

You are only required to apply for a Check if your work or volunteering usually, or is likely to in the future, involve regular and direct contact with a child where that contact is not directly supervised

'Direct contact' is any contact with a child that involves any of the following:

- physical contact
- talking face-to-face
- physically being in view – this means you can see them.

Direct contact does not include telephone, email or internet contact with a child.

To be considered 'directly supervised', your supervision must be:

- undertaken by a person who has the role of supervising your 'child-related work'
- immediate and personal.

Direct supervision does not require constant physical presence. For example, a person who is directly supervising a worker may leave the room in which they are engaging in the work to make a phone call.

Who may not apply for a WWC Check?

You are not allowed to apply for any child-related work if:

- you are listed on the Sex Offenders Register; or
- you are subject to an extended supervision order under the Serious Sex Offender Monitoring Act; or
- you have a negative notice under the Working with Children Checking scheme.

Who is exempt from the WWC Check?

You will not need a Working with Children Check if:

- You are aged under 18
- None of the types of work you perform are defined as child-related work
- You are volunteering in an activity in which your own child ordinarily participates
- All the children you are working with are close family relations to you
- You are a secondary school student aged under 20 performing volunteer work arranged through the school where you are studying
- You are a sworn member of Victoria Police
- You are a teacher registered with the Victorian Institute of Teaching
- You are an interstate visitor & do not ordinarily work with children in Victoria.

Note: None of these exemptions apply to a person who is on the Sex Offenders Register or subject to an Extended Supervision Order under the Serious Sex Offender Monitoring Act or has a negative notice. No-one in these categories is permitted to work with children.

The Application Process

If you have determined that you are required to apply for a WCC Check and your occupational field is currently being phased in, you need to:

1. Complete a WWC Check application form.

Application forms are available from participating Australia Post outlets or by submitting an electronic Application Forms Request form which can be found on the Department of Justice Website:

<http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>

Note: Do not sign the form as you will need to do so when you lodge your application.

2. Lodge your Application

Once you have completed your application form you must lodge it at a participating Australia Post outlet with your original identification documents, and a passport size photograph. You need to sign the form and Application Receipt in front of the attendant.

3. Pay your Application Fee if Required

If you undertake **paid** child-related work, you will also be required to pay the application fee at this time. The current cost for a WCC Check for a paid worker is \$71.70. Currently, all Checks for volunteer workers are free of charge.

Interstate Applications

Applicants who are currently interstate and need to apply for a WWC Check before beginning work in Victoria must follow the interstate application process. Visit the Department of Justice website for further details:

<http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>

Employers and Organisations

If your organisation wishes to facilitate the applications of all relevant employees and volunteers, a bulk application process can be arranged through your local participating Australia Post outlet.

Help completing application forms

Contact the WWC Check Information Line if you need help lodging or completing your application. An Information Line Officer will be able to talk through your specific needs and circumstances, and provide information about the assistance, support, and options available to you for completing or lodging your application.

What is Checked as part of the WCC Check?

People who apply for a WCC Check will be checked for relevant criminal convictions or findings of guilt, pending charges, and relevant professional disciplinary findings. The Check will also identify whether a person is on the Sex Offenders Register or subject to an extended supervision order under the Serious Sex Offender Monitoring Act 2005.

As part of your application process the following is checked:

- Proof of identity
- National Police Records Check
- Professional Disciplinary body Check
- Assessment of any criminal offences and/or findings from a professional disciplinary body

Note: Where required, the Department of Justice may seek further information from you or others.

What happens if my Check is clear?

If a person has no relevant criminal or professional disciplinary history, he or she will be granted an assessment notice and a WCC Check card. This entitles the holder to undertake child-related work.

Note: currently WWC Check cards are valid for 5-years from the date of issue.

What happens if my Check is not clear?

If you do not pass the Check, the Department of Justice will, in the first instance, issue an Interim Negative Notice so that you have an opportunity to make a submission to explain why you believe you should pass the WWC Check.

If an interim Negative Notice is issued, you may lodge a submission explaining why you believe you should pass the Check, which will be considered by the department in

assessing your application. If you are still considered ineligible to receive a WCC Check card, the Department will issue a Negative Notice.

If you are issued with a Negative Notice you cannot undertake any child related work, even if it is supervised.

Obligations

There are a range of obligations both card-holders and employers are expected to abide by as outlined in the following:

Card Holder Obligations

If you hold a current Assessment Notice and WCC Check card, you must:

- inform your employer, agency, or volunteer organisation, and the Department of Justice, if you have a relevant change in circumstances, for example, if you have been charged or found guilty of a new relevant offence
- inform your employer, agency, or volunteer organisation in writing within seven days if you have been given an Interim Negative Notice or Negative Notice
- return your Assessment Notice and WWC Check card as requested if the Department of Justice revokes your Assessment Notice after reassessment
- return your Assessment Notice and WWC Check card if your Assessment Notice has been expired for more than three months and the Department of Justice requests that you return them.

If you hold a current Assessment Notice and Working with Children (WWC) Check card, you should:

- present your WWC Check card to your employer, volunteer organisation or the individual or organisation to whom you provide services on request or when applying for 'child-related work'
- keep your Assessment Notice and WWC Check card in a safe and secure place
- not give your WWC Check card to anyone else
- apply for a new WWC Check within three months of your card expiring.
- advise the Department of Justice of any 'relevant change in circumstances', including if you change your name.
- advise the department of any change of address details
- advise the department of any change of employer or volunteer organisation, including changes to their contact details.

Moving from volunteer to paid work

If you are a volunteer who holds a current Assessment Notice and WWC Check card, you can only use your 'volunteer' Assessment Notice and WWC Check card for volunteer work. If you intend to undertake 'child-related work' for profit or gain, you will need to re-apply for an 'employee' Assessment Notice and WWC Check card.

If you do not comply with the above obligations, you may be subject to criminal penalties.

Employer and Volunteer Organisation Obligations

As an employer or volunteer organisation, you have certain obligations under the *Working with Children Act 2005*. Agencies that list people for 'child-related work' also have these obligations. If you do not comply with these obligations, you may be subject to criminal penalties.

You must:

- ensure that all employees or volunteers who are required to apply for a Working with Children (WWC) Check do so by the required deadline. If your organisation wishes to facilitate the applications of all relevant employees/volunteers, a bulk application process can be arranged through your local participating Australia Post outlet.
- ensure that you do not engage a person in 'child-related work' if they are required to apply for a WWC Check and have not done so by the due date
- where your employees or volunteers are not required to apply for a WWC Check because their contact with children is directly supervised, ensure that the supervisor has applied for and passed the WWC Check unless an exemption applies (for example, the supervisor will not be required to apply for a WWC Check if he or she is a teacher with current registration with the Victorian Institute of Teaching)
- ensure that employees or volunteers who are given a Negative Notice do not undertake 'child-related work', even if directly supervised
- ensure that your employees are not undertaking 'child-related work' with a 'volunteer' Assessment Notice and WWC Check Card; employees must apply for an 'employee' Assessment Notice and WWC Check Card
- ensure you comply with obligations to keep employees' and volunteers' information confidential as required under the *Working with Children Act 2005* and by any other relevant laws.

Additionally, you should:

- record your employees' and volunteers' unique Application Receipt Number (received when they lodge their application)
- confirm that your employees and volunteers have passed the WWC Check
- sight your employees' and volunteers' WWC Check card as evidence that they have passed the WWC Check

- record your employees' and volunteers' WWC Check Number, which is different from their Application Receipt Number
- if you engage a self-employed person who is required to pass the WWC Check, you should sight the person's WWC Check card
- develop internal processes in the event of an existing employee or volunteer being given an Interim Negative Notice or Negative Notice.

Check Status

You can verify whether your employees' or volunteers' WWC Check cards or applications are valid, either on this website or by calling the WWC Check Information Line.

It is recommended that you confirm this for new employees, volunteers or any self-employed person you engage, but you can verify a WWC Check Assessment Notice or card at any other time you think it is necessary.

Does the WCC Check replace a Police Check?

The WCC Check is a Check set up specifically to Check for child-related offences. A range of other criminal offences are Checked as part of a comprehensive police Check. If for some reason your organisation requires Checks on specific offences Checked as part of a police Check, a separate police Check will have to be carried out.

Further information

For further information or queries about the Working With Children Check contact:

Working with Children Check Unit
Department of Justice
GPO Box 1915
Melbourne VIC 3001
Tel: 1300 652 879

Email: workingwithchildren@justice.vic.gov.au

Web: <http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>