



Department of
Sport and Recreation



Working with Children Checks

Information for the sport and
recreation industry



Our whole
community **wins**

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Keeping children safe

Keeping children safe is a whole of community responsibility. Legislation has been developed to work alongside other child safeguarding strategies to better protect children in Western Australia. The *Working with Children Check (Criminal Record Checking) Act 2004* aims to increase the safety of children in our community by helping to prevent people who have a criminal history that indicates they may harm children, from gaining positions of trust with children in certain paid and unpaid employment and voluntary work.

Working with Children (WWC) Checks are required by law for certain people who are in 'child-related' work. A person is in child-related work if their usual duties of work involve, or are likely to involve, contact with a child in a category of child-related work (see pages 6 – 8).

Both employers and volunteer organisations, and individuals have responsibilities to comply with the legislation and keep children safe in their organisations. The WWC Check cannot however be solely relied upon to protect children from people who may harm them. It is just one strategy employers and volunteer organisations must put in place to ensure that people who work with children are suitable to do so.

This booklet provides practical information, resources and links for employers and volunteer organisations to implement and maintain WWC Checks including: information about who needs a WWC Check, re-applying for a WWC Check and record keeping requirements.

Background

The Working with Children (WWC) legislation was proclaimed in 2006 and applies to many people who work with children in Western Australia including:

- Self-employed people
- Paid employees
- Volunteers and unpaid people
- Students on placement.

People who are in child-related work must apply for a WWC Check when they commence or are about to start child-related work and must re-apply every three years if they continue in child-related work.

The WWC Check is administered by the WWC Screening Unit of the Department for Child Protection and Family Support.



What do we need to do to get started?

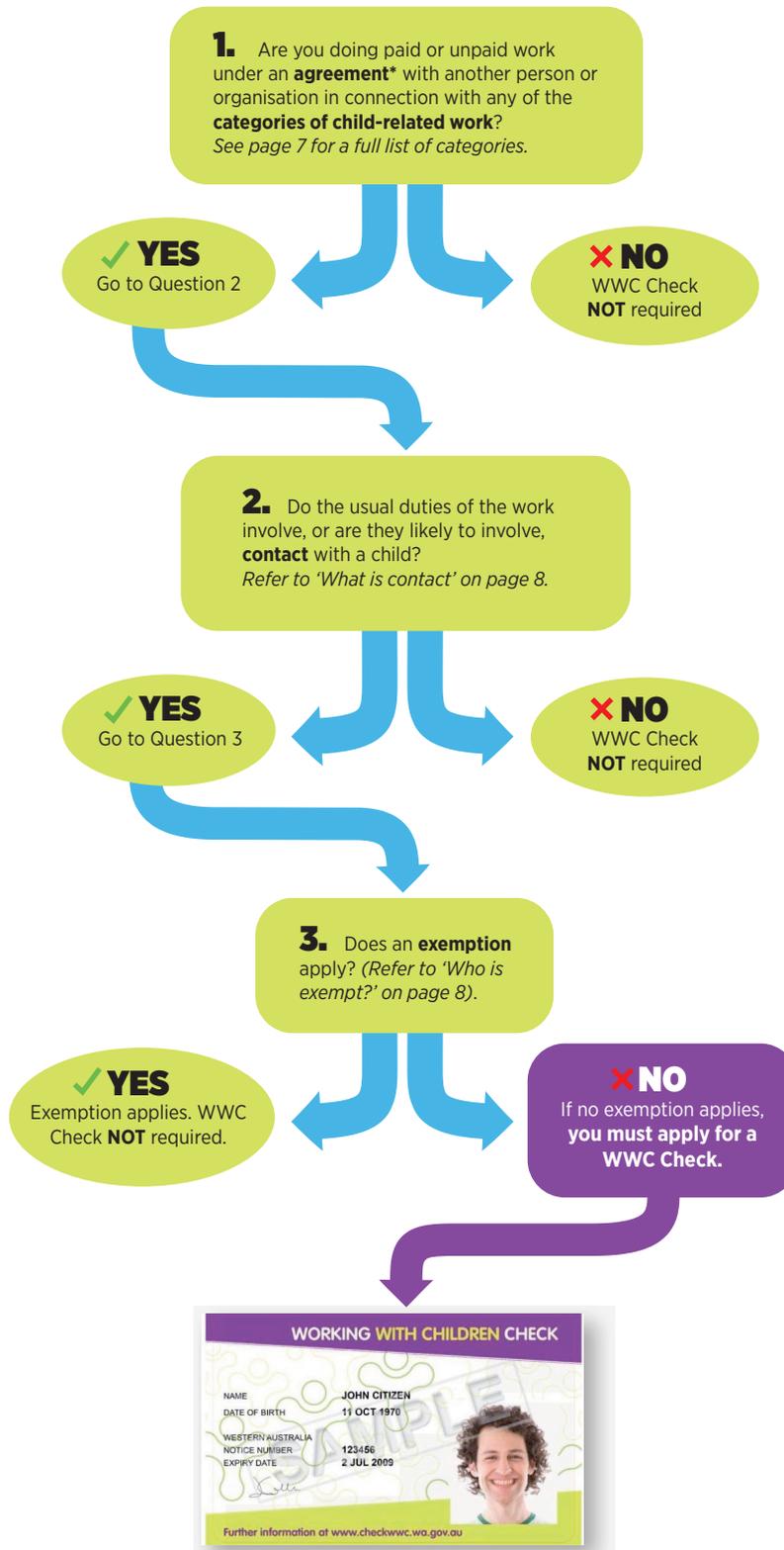
The table below identifies some of the steps to assist your organisation to comply with and manage WWC Checks.

	Completed
1. Identify all people in child-related work*. Keep a list of all the people (employees, volunteers and students) in your organisation and identify those in child-related work and all employees/volunteers/students who are exempt (see page 8).	
2. People in child-related work MUST have a WWC Check. You should find out if people have a current WWC Check and ask those that don't to apply for one immediately. For those who already have a WWC Check, obtain their WWC Check details (application number or WWC Card number and expiry date).	
3. If a person comes to your organisation with a current WWC Card, check its validity by visiting www.checkwwc.wa.gov.au and also complete the <i>WWC Card Holder Registration Form</i> (see page 10).	
4. For those people who apply for a WWC Check, obtain their application receipt, which allows them to start or continue their child-related work.	
5. Record all WWC Check receipt and Card information on a WWC Check recording template (see page 15).	
6. Ensure that all records/information are confidential and kept in a secure place.	
7. Update your organisation's recording template with application outcomes i.e. WWC Card number or Negative Notice number.	
8. Develop a system to monitor the expiry date of WWC Cards and ensure card holders re-apply before their current Card expires.	
9. Periodically (i.e. every six months) ensure that all current employees', volunteers' and students' WWC Cards are current and have not been cancelled by checking their validity at www.checkwwc.wa.gov.au (see page 10).	
10. Ensure that you are complying with the WWC Legislation (see pages 12 - 14 for more information about your obligations).	

*A person is in child-related work if their usual duties of work involve, or are likely to involve, contact with a child in a category of child-related work (see pages 6 - 8).

Who needs a Working with Children Check?

The following checklist will help you identify if a person (paid, unpaid or self-employed) requires a Working with Children (WWC) Check.



*Agreement – An agreement (written or unwritten) by a person with another person or organisation, to engage in child-related work either for payment or on a voluntary basis.

Categories of child-related work

Category

1. A child care service. This means a child care service as defined in the Child Care Services Act 2007 s4 or an education and care service as defined in the Education and Care Services National Law (Western Australia) s5(1).

2. A community kindergarten registered under Part 5 of the School Education Act 1999.

3. An educational institution for children.

4. A coaching or private tuition service of any kind.

5. An arrangement for the accommodation or care of children, whether in a residential facility or private residence.

6. A placement arrangement or secure care arrangement under the Children and Community Services Act 2004.

7. The performance by an officer, as defined in the Children and Community Services Act 2004, of a function given to the officer under that Act.

8. A detention centre, as defined in the Young Offenders Act 1994 section 3.

9. A community child health service.

10. A counselling or other support service.

11. Religious organisation.

12. A club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children.

13. A ward of a public or private hospital in which children are ordinarily patients.

14. A babysitting or child minding service.

15. An overnight camp, regardless of the type of accommodation or how many children are involved.

16. A transport service specifically for children.

17. A school crossing service, being a service provided to assist children to cross roads on their way to or from school.

18. A children's entertainment or party service.

What is child-related work?

A person is in child-related work if their usual duties of work involve, or are likely to involve, contact with a child in connection with a category of child-related work, as listed on page 7.



What is contact?

Contact is defined as:

- Any form of physical contact.
- Any form of oral communication, whether face-to-face, by telephone or otherwise.
- Any form of electronic communication.

However, it does not include contact in the normal course of duties between an employer and an employee or between employees of the same employer.

Who is exempt?

There are a number of people who do not require a WWC Check because they are exempt.

If a person is exempt they must not apply for a WWC Check.

The following are some of the most common exemptions:

- Volunteers and students on unpaid placement under 18 years of age.
- Employers of children and people who work alongside children as fellow employees, unless otherwise doing child-related work.
- Short-term visitors to Western Australia engaging in child-related work during the period of two weeks after their arrival in WA, and for no more than two weeks in any period of 12 months.
- Parents volunteering in many activities where their child is also involved may be exempt (this exemption does not apply in all categories of child-related work or when parents volunteer at overnight camps attended by their children).

For more information about exemptions please refer to **Factsheet 5: Child-Related Work and Exemptions** at: www.checkwwc.wa.gov.au.

Who is considered a parent?

A parent is a person who is the mother, father, stepmother or stepfather of the child; or who at law has the responsibility for the long-term or day-to-day care, welfare and development of the child; or is in a defacto relationship with the persons mentioned above or who is specified as the child's prospective adoptive parent under the Adoption Act 1994.

So what next?

If you have identified a person is in child-related work, you should request the person applies for a WWC Check or shows you their application receipt or current WWC Card. See page 9 for further details on how to apply. If you engage any self-employed contractors who are in child-related work be sure to ask to see their WWC Card or application receipt and include compliance with WWC legislation in their contract.

Applying for a WWC Check

How to apply for a WWC Check

The WWC Check application form is available at authorised Australia Post outlets throughout the State. A list of participating Australia Post outlets can be found at:

www.auspost.com.au/pol/app/locate?service=working-with-children-check-wa.

Applicants should complete their information on the application form with your organisation's agency representative completing parts 5 and 6 and co-signing the form in Part 7. This is to confirm the applicant will be employed or volunteering in child-related work with your organisation and that all your organisation's information is correct. It is important that agency representatives do not fill in and sign blank application forms. By signing the application form your agency representative declares that the applicant is in child-related work. Penalties apply for providing false or misleading information to the WWC Screening Unit.

In situations where a person with two jobs is engaged in both paid and voluntary child-related work, the fee for paid work is required. Many volunteers who are also in paid child-related work must apply for their WWC Checks with their paid employers signing their application forms. If you have volunteers who have applied through their paid employment, you should obtain a copy of the receipt or Card from the volunteer. The checking process is the same for paid employees and volunteers, the only difference is that the fee for volunteers is heavily subsidised by government. If a person who applied as a volunteer obtains paid work during the three years that their WWC Card is valid, that person will not need to apply for a new WWC Check until their Card expires. A current WWC Card is transferable between paid and unpaid work.

When lodging the application form, applicants need to present sufficient documents to meet the 100 points identification criteria and pay the required fee. Accurate identification information is essential to make sure the criminal history check is completed for the correct person, which includes the applicant's current address details and photographic identification.

Applicants who do not have sufficient identification or who live in remote communities and are unable to access an Australia Post outlet should contact the WWC Screening Unit on (08) 6217 8100 (Metropolitan Perth) or 1800 883 979 (country areas) to find out how they can apply.



On completion of the check, your representative who signed the application form receives the outcome of the check and any related correspondence. It is therefore important this person is someone in a position of responsibility within your organisation.

If your organisation has a large number of employees, volunteers or students, you can also nominate to send all correspondence to a central address, instead of to the agency representative, by completing the relevant section in Part 6 of the application form.

Cost of a WWC Check

- \$54* for paid people and self employed people.
- \$10.50* for volunteers and other unpaid people.

*Fees accurate as at October 2013. For current fees visit: www.checkwwc.wa.gov.au.

The fees are heavily subsidised by government and include the photograph and three years validity of the WWC Card (unless cancelled sooner).

The Importance of the WWC Check receipt

A receipt from Australia Post is proof that a WWC Check application has been lodged. With this receipt an applicant can start or continue their child-related work, providing they do not have a Class 1 offence committed as an adult. This enables most employees, volunteers and students to work whilst awaiting the outcome of their application.

Requests for additional information from the WWC Screening Unit

When applications are received by the WWC Screening Unit they are validated. In some cases the WWC Screening Unit may contact applicants and your agency representative to obtain further information, such as missing personal information or clarification of the applicant's child-related work. It is important that the information provided be correct and accurate. If an applicant fails to provide the information required within the specified time the application may be deemed to have been withdrawn and your organisation must not engage the person in child-related work.

What to do if a person already has a current WWC Card

If a person who is engaged in child-related work with your organisation already has a WWC Card from other child-related work you should:

- Sight their WWC Card.
- Take a copy of it for your records.
- Record the person's details in your WWC Check record keeping.
- Validate it (check the Card is valid using the validation facility on www.checkwwc.wa.gov.au).

It is also recommended that you complete the *WWC Card Holder Registration Form* on the WWC Check website. This notifies the WWC Screening Unit that the card holder is also engaged in child-related work for your organisation and allows the Unit to update your organisation in the future if there is a change in the card holder's status.



What happens when WWC Cards expire?

WWC Cards are valid for three years (unless cancelled earlier), after which time, card holders must re-apply for a WWC Check if they wish to continue their child-related work. A new application must be made before the current Card expires. It is recommended that card holders re-apply at least one month before their Card's expiry and no earlier than three months.

If a card holder does not re-apply for a new check before their Card expires they must not engage in child-related work until they have re-applied.

WWC card holders receive a reminder letter from the WWC Screening Unit. This letter contains information about the re-application process, including the required identification documentation. It is important that the WWC Screening Unit has the card holder's current address. Updated information can be provided through the website www.checkwwc.wa.gov.au or by calling the inquiries line.

The application process of completing a WWC Check application form and lodging it at an authorised Australia Post is the same for each application.

Your organisation is required to ensure that all employees, volunteers and students in child-related work have re-applied for a WWC Check and you should obtain and record the applicant's new receipt and card details.

What happens after a person applies?

The WWC Screening Unit obtains a criminal record check from sources within Australia and this information is assessed as part of a WWC Check. A criminal record in itself will not necessarily prevent a person from working with children.

After an assessment is made the outcome of the Check is provided to both the applicant and the organisation. Once a person has a WWC Card their criminal record is monitored and regular updates are received from the WA Police for the duration of the Card's lifespan. If a person is charged with, or convicted of, an offence of concern, their WWC Card can be re-assessed and if unsuccessful the person can be prohibited from child-related work.

What records are checked?

The WWC Check considers criminal record information to see if people have charges or convictions that indicate they may harm a child.

It is an unfortunate reality that some people who wish to harm children do seek out areas of work which provide opportunity for sustained contact with children. In other cases people may represent a risk of harm to a child by virtue of criminal records which indicate an inability to control violent or other behaviours that indicate they represent an unacceptable risk of harm to a child should they engage in child-related work.

All criminal record information is considered in making a decision to issue or deny a WWC Card, with the paramount consideration being the best interests of children.

This includes information about:

- All convictions for any offence as a child or an adult.
- Any spent convictions a person has. A spent conviction is one that does not need to be ordinarily declared.
- Any pending charge for a Class 1, Class 2 or Class 3 Offence (in some circumstances). A pending charge is a charge that has not yet been decided by a court.
- Any non-conviction charge for a Class 1 or Class 2 Offence. A non-conviction charge is a charge that has been finalised by a court but did not result in a conviction.

For a list of offences considered during the assessment process please see **Factsheet 4: Class 1 and Class 2 Offences** at: www.checkwwc.wa.gov.au.

Where is criminal record information obtained from?

The WWC Screening Unit initiates a national criminal record check by CrimTrac of offences within Australia. Information about a person's criminal record may also be obtained from authorised bodies in WA and similar authorities in other states and territories such as the:

- Police
- Office of the Director of Public Prosecutions
- Department of Corrective Services
- Department of the Attorney General
- Courts.

If a person has a criminal record will they have an opportunity to give additional information?

In most cases before an applicant is prohibited from child-related work (issued a Negative Notice), the applicant is invited to make a submission about their criminal record and their suitability to work with children. This is then considered as part of the assessment before a final decision is made. However convictions for particular offences do result in an automatic Negative Notice. This applies to people who have a conviction for a Class 1 offence committed as an adult.

Outcome of a WWC Check

People who apply for a WWC Check will be issued with either an Assessment Notice in the form of a WWC Card or a Negative Notice.

A WWC Card allows a person to engage in child-related work in Western Australia. The applicant receives their WWC Card with a unique Assessment Number by post, while their employer or volunteer organisation

is also mailed a copy of the Card for their records. The WWC Card is valid for three years unless cancelled sooner and is transferable between paid and unpaid work i.e. if a person changes jobs or moves from volunteering to paid work or vice versa they do not need to re-apply each time.

A Negative Notice prohibits a person from all child-related work in Western Australia. In some cases an Interim Negative Notice may be issued before a final decision is made and this too immediately prohibits the person from child-related work. Both the applicant and the employer or volunteer organisation are notified of an Interim Negative Notice or Negative Notice.

Your organisation must not engage a person in child-related work if they are issued with an Interim Negative Notice or Negative Notice, or have withdrawn their application.

It is important that your organisation keeps a list of all employees, volunteers and students by completing the *WWC Card Holder Registration Form* on the WWC Check website. This is a great way to notify the WWC Screening Unit of new persons in child-related work and also those who are no longer engaged by your organisation.

What are my responsibilities as an employer or volunteer organisation?

It is important to know your obligations under the WWC legislation as non-compliance can result in fines of up to \$60,000 and five years imprisonment. The table on the following page is a checklist to help you comply and manage WWC Checks. Please refer to the legislation for more detailed information: www.checkwwc.wa.gov.au.

Are you aware of your responsibilities?

Do you...	Checked
<p>Keep adequate records that demonstrate you are complying with the WWC Legislation?</p>	
<p>Ensure that all volunteers, paid employees, students and self-employed people engaged in child-related work have applied for a WWC Check or hold a valid WWC Card?</p>	
<p>Check, record and validate (using the validation facility at www.checkwwc.wa.gov.au) WWC Cards of all new volunteers, students, employees and self-employed people?</p>	
<p>Notify the WWC Screening Unit of new volunteers, students and employees to your organisation who already have WWC Cards by completing a <i>WWC Card Holder Registration Form</i> on the WWC Check website?</p>	
<p>Periodically check (i.e. every six months) and record that all current volunteers', students' and employees' WWC Cards are valid and have not been cancelled?</p>	
<p>Have strategies to ensure volunteers, students and employees re-apply for a WWC Check every three years before their Cards expire?</p>	
<p>Notify the WWC Screening Unit in writing if you reasonably suspect a volunteer, student or employee has been charged with, or convicted of, an offence that makes it inappropriate for them to engage in child-related work?</p>	
<p>Have a process to ensure that a person with a current Interim Negative Notice or Negative Notice does not engage in child-related work?</p>	
<p>Have a process to ensure that a person does not engage in child-related work if you are aware he/she has a conviction or pending charge for a Class 1 or Class 2 Offence and does not have a current WWC Card or hasn't applied for one?</p>	
<p>Have a process to ensure that a person who you know has withdrawn their WWC Check application does not engage in child-related work?</p>	
<p>Have processes or guidelines to complete the WWC Check application form? It is an offence to give information that you know is false or misleading on the application form or directly to the WWC Screening Unit.</p>	
<p>Have a process to advise those who need to know in your organisation if a person must not engage in child-related work (i.e. internal sporting association personnel)?</p>	

Compliance audit

Employers and volunteer organisations can be audited to ensure their compliance with the WWC Legislation. If the WWC Screening Unit was conducting an audit, below are some examples of questions you may be requested to answer.

1. How does your organisation identify both existing employees, volunteers and students and new employees, volunteers and students who engage in child-related work?
 2. What processes are in place to confirm that employees, volunteers and students who engage in child-related work have a valid WWC Card or have applied for a Card?
 3. Do all your employees, volunteers and students who are required to have a WWC Card hold a valid Card or have they applied for a Card? If not, what measures are being taken to rectify the situation and within what time period will the situation be rectified?
 4. Have any of your employees, volunteers and students been issued with a Negative Notice? If so, what steps have been taken to ensure they do not engage in child-related work?
 5. What record keeping measures are in place to:
 - a) Record that employees, volunteers and students engaging in child-related work have applied for a WWC Card or currently hold a Card and the Card details?
 - b) Record that an employee, volunteer or student has been issued with a Negative Notice?
 6. Does your organisation have an internal mechanism in place to monitor and report on compliance? If so, what do you have in place? If not, do you intend to put anything in place?
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Contacts

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Working with Children Screening Unit

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www.checkwwc.wa.gov.au

Western Australian Sports Federation

Telephone: (08) 9387 8100

www.wasportsfed.asn.au

Play by the Rules

www.playbytherules.net.au