



Government of **Western Australia**
Department for **Child Protection**

The Western Australian Working with Children Check (WWC Check) Booklet



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www.checkwwc.wa.gov.au



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Every day children in WA are involved in child care, schooling, counselling, clubs, church groups and other places where adults are employed to work with them.

Most adults do a great job in helping kids to grow and develop safely in these environments, however there are always risks. The Working with Children Check was introduced to increase the safety of children in the community. It helps to ensure that people who have known criminal histories that indicate they may harm a child do not gain positions of trust with children.

The protection of children is everyone's business. Responsible employers and organisations that have employees or volunteers in child-related work will be keen to ensure that the WWC Check is in place, alongside other strategies that promote the wellbeing and safety of children.

General information and summary only – see checkwwc.wa.gov.au for further details. This information is accurate as at 27 May 2009. Visit checkwwc.wa.gov.au for information that is updated.

Why have a Working with Children Card?

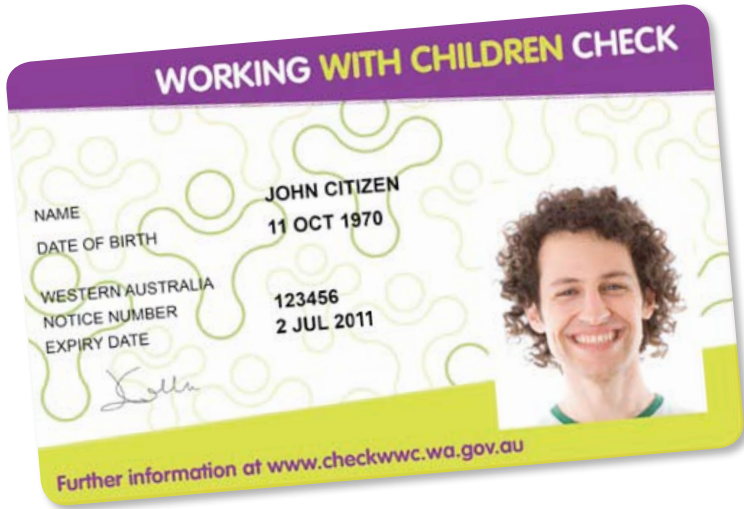
The Working with Children Check (WWC Check) aims to help protect children **under 18** in Western Australia and Christmas and Cocos (Keeling) Islands by:

- deterring people from working with children where they have criminal records that indicate they may harm children; and
- preventing people with such records who do apply for work with children from working in a paid or unpaid capacity.

The WWC Check should be thought of as a swimming pool fence... a great safety measure but not a substitute for supervision or teaching a child to swim.

It is not intended to be solely relied on to protect children from people who may harm them. It is one vital strategy that responsible employers should put in place to ensure that people who work with children are suitable to do so. Visit our website for more information about other strategies to help keep kids safe.





What is it?

- A compulsory and rigorous criminal record check for certain people who work with children under 18 in WA and Christmas and Cocos (Keeling) Islands.
- A decision is made as to whether someone can work with children based on assessment of their criminal history. When someone is issued a Card it means that either the person has no known criminal record or, if there is a record, it has been assessed as unlikely to pose a risk to children.
- Spent convictions, pending charges and “non-conviction” charges can be examined.
- It is administered by the Working with Children Screening Unit, Department for Child Protection.

How is a WWC Check different from a National Police Check?

- A WWC Check is valid for three years. Once obtained the WWC Card can be used for any paid or voluntary child-related work.
- Unlike the National Police Check, which is only current on the day it is issued, a WWC Check can be updated if a person's criminal record changes during the 3 years until the card expires.
- Juvenile records and criminal charges, as well as all convictions, are assessed as part of a WWC Check.
- A WWC Check is compulsory for people in 'child-related work' whether or not they have had another type of 'police check'. There are set obligations and strong penalties for non-compliance, including for employers.



Who is affected?

- The WWC Check affects many people who work with children including, self employed, paid employees, volunteers and unpaid people.
- These people may need to apply for a WWC Check if their usual work duties include contact with a child in one of the 19 specified categories of child related work (see pages 14 and 15 for complete list).

Who does not need a WWC Check?

The WWC Check is designed for certain work situations and therefore some people do not require this check. These people are exempt and cannot apply. Four common exemptions are:

- volunteers under 18 years;
- employers of children and people who work alongside children as fellow employees, unless otherwise doing child-related work;
- parents volunteering in connection with their child's activities may be exempt (this exemption does not apply to parents volunteering in connection with overnight camps); and
- short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in any period of 12 months.

In addition to exemptions which mean people should not apply, many people who undertake child-related work on no more than 5 days in a calendar year may choose whether or not to apply for a WWC Check. This is often called the "5 day threshold" and provides flexibility for unexpected work. It may be a "defence" under the WWC legislation to a possible charge of not having a WWC Check when in child-related work for no more than 5 days in a calendar year.

For more information about who does not need to apply, visit our website.



What happens once you apply?

- Those who have successfully undergone the WWC Check will each receive an Assessment Notice in the form of a WWC Card which enables them to be in child-related work. This means that either the person has no known criminal record or, if there is a record, it has been assessed as unlikely to pose a risk to children.
- Those who are considered to have criminal histories that indicate they may harm a child are issued with a Negative Notice, meaning they are prohibited from working with children and could face up to 5 years in prison and a \$60,000 fine if they continue child-related work.



- The WWC Card is 'live', which means that it is monitored and regular information is provided including from the WA Police. If a relevant offence is committed, the WWC Card can be reassessed and if necessary removed.

Practical information

- Apply at certain Australia Post outlets with 100 points of identification. The fee* is \$50 for self-employed and paid workers and \$10 for volunteers and unpaid workers.
 - If you are employed or volunteer your employer or agency representative will need to fill out certain sections of the Application Form.
 - You can start or continue child-related work with your receipt from Australia Post with some exceptions (please visit the website for further details).
 - The WWC Card is valid for 3 years.
 - Once obtained you can use your WWC Card for any paid or voluntary child-related work.
 - The WWC Card is compulsory for people in child-related work in WA and Christmas and Cocos (Keeling) Islands. People not in child-related work must not apply for this check.
 - Volunteers (including students on unpaid placements) who are under 18 years are exempt and must not apply.
- * Accurate at time of printing



How to renew your WWC Card

Important points to remember

- The card expires after 3 years and then the applicant is required to re-apply to continue child-related work. The application process is the same as when the applicant first applied.
- Only the applicant receives a reminder letter (not the employer). It is important that the WWC Screening Unit has the current address of applicants.
- Updated information can be provided on the website or by calling the inquiries number.
- Employers are required to ensure that employees in child-related work have reapplied for a WWC Card.
- It is recommended that card holders reapply a month before their cards expire.



Information for parents

Protecting your children

Parents can ask to see the WWC Card of people employed to work with their children such as babysitters, nannies, counsellors, dance teachers, modelling teachers, music tutors and children's entertainers. Parents can check that a WWC Card is current and has not been cancelled by entering the person's card number in the validation box on the WWC website.

See the next page for other strategies organisations should use to help keep your children safe.



Volunteer Parent Exemption

Parents have contact with their children's friends through volunteering as well as many informal situations like going to sports or school functions or when their friends visit. The WWC Check is not appropriate for these situations. Many parents who volunteer in connection with their children **may be exempt** from having to apply. For example:

- a parent volunteer who umpires a sporting team where their child is a member of the sporting club;
- a parent who volunteers at a school where their child is enrolled; and
- a parent who volunteers at the kindergarten in which their child is enrolled.

Where criminal record checks are needed for volunteers not in child-related work refer to www.dfc.wa.gov.au for information about the National Police Checks for Volunteers Program.

See the website for a list of other parent volunteer exemptions.

Child safe/child friendly organisations

The WWC Check is only one way we can help keep children safe when they participate in activities outside of the home. There are many other things employers and organisations that work with children can do to make sure their organisation is child safe and child friendly.

A child safe/child friendly organisation will have policies and strategies in place to protect children from being harmed by people entrusted to work with them or who otherwise come on to the premises. A child friendly and child safe organisation is also committed to encouraging children to participate in activities and to ensure children are listened to and their concerns are taken seriously.

Providing child safe/child friendly environments for our children is the responsibility of all people who work with children. To find out more about creating child safe environments for children please see our Introductory Factsheet on our website which has been developed by Childwise.

Important information for employers and volunteer coordinators

Over the page are some step-by-step suggestions for managing the implementation of the WWC legislation in your organisation.

Identify who in your organisation needs a WWC Check and when they need to apply using the Checklist. Employers and volunteer coordinators should not be implementing “blanket policies” based on job title or place of work. A “blanket policy” is a policy organisations/employers make that require all their employees to apply for a WWC Check, regardless of whether a person undertakes child-related work or not.

Become familiar with your obligations under the WWC legislation. These include:

- 1 If you employ new employees/volunteers in child-related work ensure you view and record their original WWC Cards or receipts of application.
- 2 Check the website periodically to ensure that your employees' and volunteers' cards are current and have not been cancelled.
- 3 Develop a record-keeping document that shows you are complying with the WWC legislation. The legislation allows the WWC Screening Unit to check records for compliance. Some examples of audit questions are listed on the WWC website.
- 4 The issue of a Negative Notice is not taken lightly. A range of relevant information that is not available to the general public is considered carefully.
- 5 If an employee has a NN you **must** ensure you do not employ him/her in child-related work. To do so is a criminal offence with a penalty of \$60,000 and 5 years imprisonment. It is important this information be treated sensitively. This means advising only those who need to know to ensure that the person does not carry out child-related work.
- 6 Develop other policies and practices that create child safe/child friendly environments.
- 7 Where organisations require criminal record checks for people not in child-related work, refer to www.police.wa.gov.au for information about the National Police Certificate. For information about the National Police Check for Volunteers please refer to www.dfc.wa.gov.au

Important information for employees, volunteers and self-employed workers

What are your obligations?

Below is a summary of the major obligations employees have under the WWC legislation. Please refer to the legislation for information on all the obligations and prohibitions that apply to you.

YOU MUST:

- Apply for or already hold a WWC Card by the date required under the phasing-in arrangements.
- Apply for a WWC Check within the time stated if the Screening Unit requests in writing that you apply.
- Stop child-related work immediately if you are convicted of a Class 1 offence that was committed when you were an adult or if you are issued with a Negative Notice or Interim Negative Notice.
- Return your WWC Card to the Screening Unit as soon as practicable if you are issued with a Negative Notice or Interim Negative Notice, or if you have been convicted of a Class 1 offence that was committed as an adult.



Categories of Child-related work

Under section 6 of the *Working with Children (Criminal Record Checking) Act 2004* you are in child-related work and require a Working with Children Check only if the **usual duties** of the work involve, or are likely to involve, **contact** with a child in connection with:

- (i) a child care service; (*has the meaning given to that term under s4 of the Child Care Services Act 2007*);
- (ii) a community kindergarten registered under Part 5 of the *School Education Act 1999*;
- (iii) an educational institution for children;
- (iv) a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- (v) an arrangement for the accommodation or care of children, whether in a residential facility or private residence, but not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child;
- (vi) a placement arrangement under the *Children and Community Services Act 2004*;
- (vii) 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;
- (viii) a detention centre, as defined in the *Young Offenders Act 1994 section 3*;
- (ix) a community child health service;



- (x) a counselling or other support service;
- (xi) a religious organisation;
- (xii) 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, but not including an informal arrangement entered into for private or domestic purposes;
- (xiii) a ward of a public or private hospital in which children are ordinarily patients;
- (xiv) a baby sitting or child minding service, but not including an informal arrangement entered into for private or domestic purposes;
- (xv) an overnight camp, regardless of the type of accommodation or how many children are involved;
- (xvi) a transport service specifically for children;
- (xvii) a school crossing service, being a service provided to assist children to cross roads on their way to or from school; or
- (xviii) a children's entertainment or party service.
- (xix) If new regulations are made additional types of child-related work will comprise the 19th category.

This booklet is available to enable you to access general information in relation to the Working with Children legislation in Western Australia and is not designed to offer specific legal or other advice of any kind. If you need any information for a specific or legal matter, you should obtain appropriate professional/legal advice that takes into account your particular set of circumstances.

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For more information about the WWC Check contact the:

Working with Children Screening Unit
PO Box 1262, West Perth, WA 6872
Tel: (08) 6217 8100
Toll-free: 1800 883 979
Email: checkquery@dcp.wa.gov.au
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