

Factsheet 11: Information on Working with Children Checks in the Sport and Recreation Sector



The sport and recreation industry plays a pivotal role in our children's development. It is important therefore, for the industry to create safe environments for children to participate in.

Under the legislation, people working with children in certain categories of employment or volunteer work are required to have a Working with Children (WWC) Check. A WWC Check is a compulsory national criminal record check for people carrying out child-related work* in Western Australia.

* unless the person has been convicted of a Class 1 offence committed as an adult, in which case they are not permitted to carry out child-related work.

Examples of 'child-related work' in the sport and recreation industry include:

- People coaching children's sporting or recreational groups;
- Support staff of children's sporting or recreational groups, including managers and first aid or medical staff whose usual duties involve, or are likely to involve, contact with a child;
- People officiating junior activities or events;
- Canteen staff whose usual duties of work involve, or are likely to involve, contact with children;
- People billeting children from regional, interstate or international visiting teams;
- Bus drivers on dedicated school bus services or other transport services specifically for children;
- People in Board positions, whose usual duties of work involve, or are likely to involve, contact with children;
- Parents volunteering at overnight children's camps;
- Grounds staff who work during events or activities that involve children, and whose usual duties involve or are likely to involve contact with children;
- Students on placement doing 'child-related work', such as coaching in clubs or working in holiday programs;
- Interstate or international coaches / trainers or support staff working in 'child-related work' in Western Australia for more than 2 weeks in any period of 12 months.

Exemptions

Certain people are exempt from having a WWC Check. It is important to check the full information about exemptions which is available in **Factsheet 5 “Child-related work and exemptions”** on the WWC Check website.

The following are some of the exemptions:

- Volunteers under the age of 18 years of age
- Parents volunteering at a club in which their child is involved in or is ordinarily involved in some or all of the activities of the club (this exemption does not apply to volunteer parents attending overnight camps);
- Short term visitors to WA carrying out ‘child-related work’ for 2 weeks after their arrival, and for no more than 2 weeks in any period of 12 months; and
- Workplace supervisors or employers of children, unless they otherwise carry out ‘child-related work’.

Five Day Defence

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.

Cost of WWC Check

The cost of the WWC Check is \$50 for paid and self-employed people and \$10 for volunteers and other unpaid people, such as students on placement. This fee is heavily subsidised by the Government.

How to apply for the 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/workingwithchildren. An application for a WWC Check must be made in person.

When lodging the application, applicants need to present sufficient documents to meet 100 points identification criteria. Identifying documents can include either a passport or birth certificate. It is important that the documents used contain the applicant’s current address details and a photograph. Accurate identifying information is essential to make sure the criminal history check is done for the correct person.

Applications for WWC Checks made by employees or volunteers must be co-signed by a representative of the employer or agency for whom they are working before being lodged at Australia Post. This is required by the Act to certify that the applicant will be employed in child-related work. The representative who signs the application form will receive any related correspondence about the WWC Checks and is therefore important to be someone in a position of responsibility within the organisation.

Outcome of the WWC Check

- A ‘successful’ WWC Check results in a WWC Card which is portable for **3 years** across all types of child-related work, subject to any relevant changes to a person’s criminal record during that time.

- The WWC Card is 'live' which means that it is monitored and regular information is provided from the WA Police. If a relevant offence is committed, the WWC Card can be reassessed and if necessary removed.
- A card with a photograph will be issued as proof of a WWC Check. A WWC Card **IS NOT** an endorsement of a person's general suitability to work with children. Suitability covers a wider range of factors than just offence history, such as character, skills and experience. Obtaining WWC Checks are only one of the practices that responsible employers put in place to achieve safe environments for children. These include referee checks, supervision and training, as well as practices within the workplace, which enable children to voice their concerns.
- An 'unsuccessful' WWC Check results in a Negative Notice, which prohibits the holder from carrying out child-related work.
- Employers (the person who signed the WWC application form) receive a copy of the outcome of the WWC Check application, but will not be given information about a person's criminal record if they have one.

Difference between the WWC Check and the National Police Check

It is important to highlight the differences between the WWC check and the National Police Check. Below are some examples of how a WWC Check and National Police Check are different:

- A WWC Check is valid for 3 years, and can be used during this time to work in any category of 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 its expiry.
- Juvenile records and criminal charges, as well as all convictions, are assessed as part of a WWC Check.
- The WWC check is only concerned with offences that could indicate a child may be harmed. For example, where a position also involves working with money as well as children, a conviction for theft may be of interest to the employer. It is only the National Police Check which will inform them of this conviction.
- A WWC Check is compulsory for people in child-related work including those who have never had to have a criminal record check before. It has set obligations and penalties for non-compliance

Frequently Asked Questions

Who is considered a parent according to the legislation?

A 'parent' of a child, means a person

(a) who is the father, mother, stepfather or stepmother of the child;

(b) who at law has responsibility for –

(i) the long-term care, welfare and development of the child; or

(ii) the day to day care, welfare and development of the child; or

(c) who is in a de facto relationship with a person referred to in paragraph (a) or (b)

Do exemptions that exist in the legislation for parents apply to grandparents, older siblings and other relatives?

No, exemptions for parents are only for parents as defined above. Other relatives will need to apply for the checks if required to do so according to the legislation.

Why are parents volunteering exempt from obtaining the checks?

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 does not cover these situations

General information and summary only - please visit the WWC website at www.checkwwc.wa.gov.au for further details

and 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.

Does an individual working with a child still need to get the check if a child's parent supervises the activity?

Yes, regardless of whether the parent of a child supervises the activity an individual who is carrying out child-related work will still require a WWC Check if their usual duties involve or are likely to involve contact with a child, subject to any exemptions

Who is responsible for ensuring the relevant people have the WWC Check?

Whoever is the 'employer'.

Self-employed people are responsible for ensuring if their usual duties involve or are likely to involve contact with a child in relation to at least one of the 19 categories of child-related work that they apply for a WWC Check, subject to any exemptions and the phasing-in arrangements.

If children attend a group class that is primarily for adults, is the instructor / coach required to get a WWC Check?

Group classes are exempt unless provided primarily for children. This exemption is designed to exclude community education courses or coaching / private tuition run by providers that are delivered primarily to adults in the general community. If the same providers provide courses targeted primarily for children they will not be exempt.

Can a person start or continue in child-related work if they have applied for the WWC Check but have not received notification of the outcome from the Working with Children Screening Unit?

Yes, a person will not be committing an offence under the WWC Act if they start or continue in child-related work where an application has been made and is still being assessed, unless the person is issued with an Interim Negative Notice (please see "Obligations of employers and people in child-related work" for more information), or has been convicted of a Class 1 offence committed as an adult or has withdrawn their application.

People who have a pending application should ensure that they retain their receipt, which they will have received from Australia Post when lodging their application form. A person can show this to their employer as proof that they have made an application for a WWC Check.

Does an individual need a WWC Check if they do not carry out child-related work for more than 5 days in a calendar year?

People are not committing an offence under the WWC Act if they are in child-related work for no more than 5 days in a calendar year (unless the person has been convicted of a Class 1 offence committed as an adult and for people working in child care) and do not apply for a WWC Check. However, if a person does not apply for a WWC Check because they do not work on more than 5 days in a calendar year, they are still required under the Act to:

- report any relevant change in their criminal record, or
- cease child-related work immediately if convicted of a Class 1 offence as an adult.

The 5-day threshold **does not** exempt people from the WWC Act. The 5-day threshold was inserted into the legislation to accommodate those situations where reasonable flexibility is needed to deliver services in unforeseen circumstances, such as illness. For example, a person who is filling in for a sick coach or an absent official can work in those roles for that weekend match.

What systems are in place for those persons that cannot access an Australian Post Office to apply for the check?

Contact the Working with Children Screening Unit on (08) 6217 8100 or for country callers 1800 883 979 (toll-free) to discuss your application.

For more information about the WWC Check, please visit the WWC website at www.checkwwc.wa.gov.au or contact the Working with Children Project Manager on 9492 9700.