



Department of
Local Government, Sport
and Cultural Industries

Working with Children Checks

Information for the Western Australian
sport and recreation industry



Our whole
community wins



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sport and recreation industry

November 2017



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Keeping children safe

Everyone can play a part in keeping children safe whilst having fun in the sport and active recreation environment.



The Safe Clubs 4 Kids initiative is a partnership between the WA Sports Federation, Department of Local Government, Sport and Cultural Industries, Working with Children Screening Unit – Department of Communities, WA Police – Child Abuse Squad and Surf Life Saving WA. Safe Clubs 4 Kids was developed to support the sport and recreation industry to create and maintain safe environments for children and young people. Organisations can take simple steps to adopt a proactive approach to creating a safe environment for children and young people.

The following are considerations for organisations:

- Make your rules clear – *create, promote and follow appropriate policies, procedures and guidelines.*
- Get the right people – *follow a screening procedure to recruit the right people.*
- Involve children and young people – *create a culture where everyone can talk and act together.*
- Learn and respond – *have an understanding of children's needs and appropriate responses to any concerns, including reporting.*

One important element of 'Get the right people' is criminal record checking. There is legislation which has been developed to help protect children. *The Working with Children Check (Criminal Record Checking) Act 2004* (the WWC Act) 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 a child, from gaining positions of trust working with children in certain paid, unpaid and voluntary work.

For more information about the Safe Clubs 4 Kids initiative visit: www.dsr.wa.gov.au/safe-clubs-4-kids.



Background

In Western Australia and the Christmas and Cocos (Keeling) Islands, the Working with Children (WWC) Check is a compulsory screening strategy for people who engage in certain paid or unpaid work with children, described as “child-related work” under the WWC Act.

The WWC Check is administered by the WWC Screening Unit within the Department of Communities. In the sport and recreation industry, the WWC Check applies to many people who work with children in Western Australia and the Christmas and Cocos (Keeling) Islands including:

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

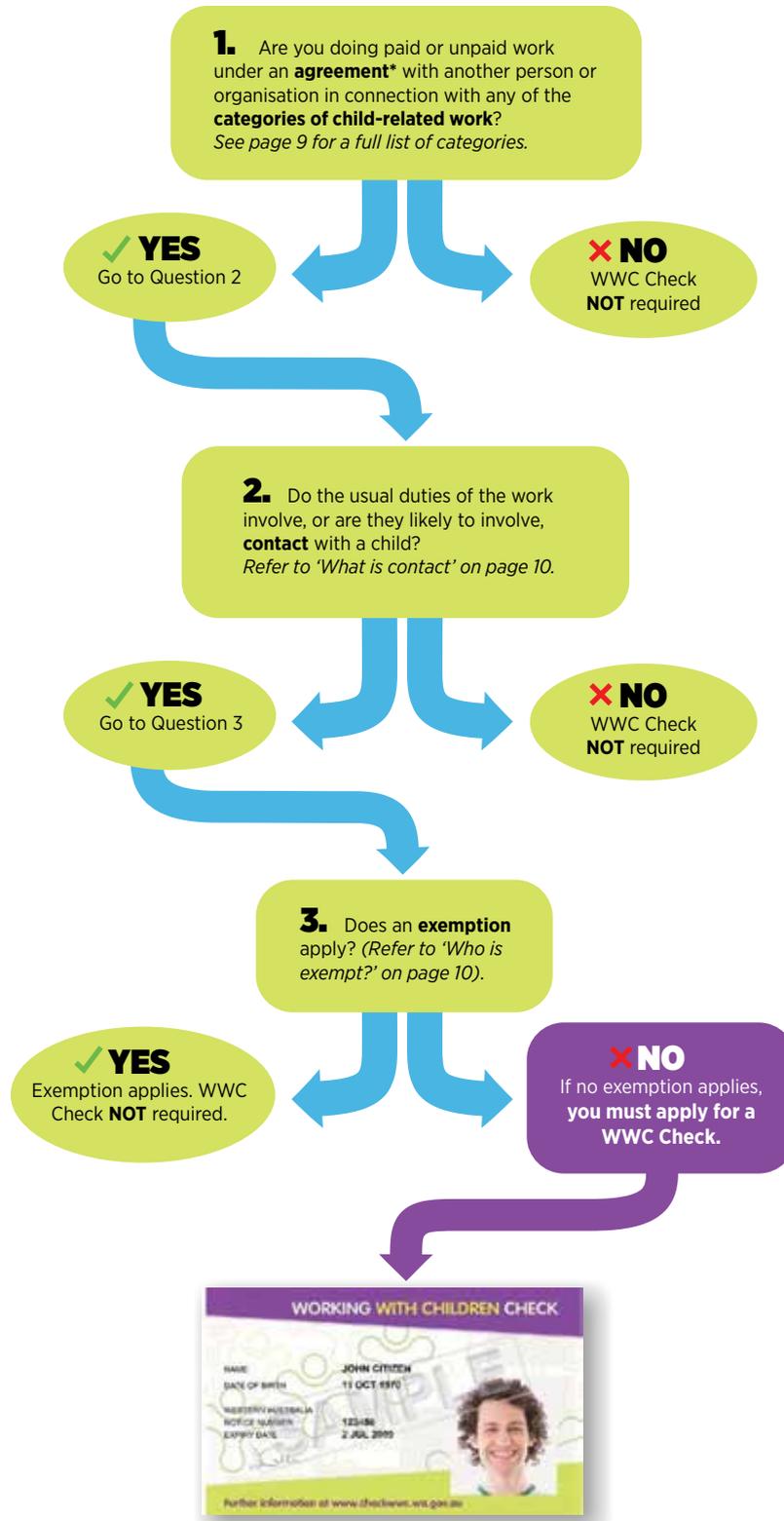
Employers, volunteer organisations and individuals have responsibilities to comply with the WWC Act and keep children safe in their organisations.

The WWC Check is only one strategy to keep children safe. There are many things your organisation can do to make sure it is child-safe and child-friendly.

This booklet has been developed to help your organisation meet its responsibilities under the WWC Act. It provides practical information, links and resources for your organisation to implement and maintain WWC Checks.

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

1. a child care service; (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 education institution for children. Includes any school as defined in the *School Education Act 1999* but does not include universities recognised or established under a written law or educational institutions prescribed by the WWC regulations;
4. a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
5. 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;
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 the Act. Officer means a person employed or engaged by the Department for Child Protection and Family Support, whether as a public service officer under the *Public Sector Management Act 1994*, under a contract for services, or otherwise;
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. a 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, but not including an informal arrangement entered into for private or domestic purposes;
13. a ward of a public or private hospital in which children are ordinarily patients;
14. a baby sitting or child minding service, but not including an informal arrangement entered into for private or domestic purposes;
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; or
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 9, and no exemption applies.

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?

Certain people do not require a WWC Check because they fit within the description of an exemption that applies to the specific category or categories of child-related work they engage in.

If a person's work is covered by an exemption then they are NOT in child-related work and are ineligible to apply for a WWC Check. Some exemptions apply across all categories while others are specific to a particular category.

It is important for a person to consider all the categories of child-related work and all the different work they do before deciding whether a WWC Check is or is not required. If a person is involved in child-related work in more than one category, they will require a WWC Check if an exemption applies to one category but not the other.

The following are some of the most common exemptions:

- Volunteers and unpaid students on placement under 18 years of age.
- 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 2: Child-Related Work and Exemptions** and **Factsheet 4: The Parent Volunteer Exemption** at:
www.workingwithchildren.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 de facto relationship with a person referred to in either the above; or
- who is specified as the child's prospective adoptive parent under the Adoption Act 1994 (WA).

So what next?

Once your organisation identifies a person is in child-related work, you should request the person:

- apply for a WWC Check. See page 13 for further details on how to apply; or
- show you their WWC Check application receipt or current WWC Card. See page 15 for what to do if a person has already applied for a WWC Check or already holds a current WWC Card; and
- document this information in your WWC Check record keeping sheet.

If you engage any self-employed contractors who are in child-related work be sure to ask to see their WWC Card or WWC Check application receipt. It is also good practice to include compliance with the WWC Act in their contract.





Applying for a WWC Check

Selecting a representative and managing WWC check outcomes

In your organisation you should elect an authorised representative. An authorised representative is the person in your organisation who has been given permission to sign WWC Check application forms and sign and confirm WWC Check online renewal forms on behalf of your organisation. This person is also the contact for the organisation should further information about an application or renewal be required.

This authorised representative will also receive all WWC Check outcomes (copies of WWC Cards, Interim Negative Notices and Negative Notices) and any related correspondence, unless your organisation nominates a representative at a central location to receive this information. All WWC Check outcomes will be sent to the representative identified in the application form or online renewal form.

When considering who should receive all WWC Check outcomes on behalf of your organisation, you must consider the person's authority and responsibility in your organisation, as well as any known conflicts of interest, as they may be required to remove a person from child-related work.

Completing a WWC Check application form

The WWC Check application form is available at authorised Australia Post outlets throughout the State or you can request application forms by contacting the WWC Screening Unit. A list of participating Australia Post outlets can be found at: www.auspost.com.au/pol/app/locate?

Your organisation may choose to provide volunteers, employees or students (engaging in child-related work) with a WWC Check application form. Applicants should complete their information on the application form.

Your organisation's authorised representative then completes parts 5 and 6, and signs the declaration in Part 7. By signing the employer, volunteer organisation or education provider declaration, your authorised representative confirms that 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

representatives do not fill in and sign blank application forms. Penalties apply for providing false or misleading information to the WWC Screening Unit.

In situations where a person with two jobs engages in both paid and voluntary child-related work, the fee for paid work is required. In the sport and recreation sector, many volunteers are also in paid child-related work and must apply for their WWC Check with their paid employers signing their application form. If you have volunteers who have applied through their paid employment, you should obtain a copy of the receipt or WWC Card from the volunteer and follow the steps on page 15 in the section 'What to do if a person already has a current WWC Card?'. The checking process is the same for paid employees and volunteers, the only difference is that the fee for volunteers is heavily subsidized by government.

If a person who initially applied as a volunteer obtains paid work during the three years that their WWC Card is valid, that person will not need to re-apply for a new WWC Check until their Card expires. A current WWC Card is transferable between paid and unpaid work.

Lodging a WWC Check application form

Once the WWC Check application form has been completed by both the applicant and your organisation's authorised representative, the applicant must lodge their WWC Check application form at an authorised Australia Post outlet.

When lodging the application form, the applicant must present sufficient documents to meet the 100 Point Proof of Identity Check 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 authorised 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.

Renewing a WWC Card

A WWC Card expires after three years, unless the WWC Screening Unit or card holder cancels the Card earlier. To meet your responsibilities, your organisation must ensure card holders renew their WWC Card before it expires.

There are two ways for a card holder to renew a WWC Card:

- complete and submit an online renewal form; or
- re-apply by completing an Application for a Working with Children Check form and lodging it at an authorised Australia Post outlet.

Card holders should renew their WWC Card at least one month before their Card expires.

Renewing online

The WWC Screening Unit has developed an online renewal process. Therefore, your organisation needs a process for ensuring application forms are completed correctly, as well as having a process to manage the online renewal process.

Only eligible card holders may use the online renewal process. If a card holder does not have a Visa or MasterCard credit card or debit card, cannot access online services, is ineligible to renew online, or would prefer a WWC Card with a new photo they can complete an application for WWC Check and lodge it at an authorised Australia Post outlet.

How to manage the online renewal process

Provide card holders with your organisation's process to complete an online renewal form. This should include your organisation's correct name, address and the name and email address of your organisation's authorised representative (the person who is authorised to electronically sign the online renewal form on behalf of your organisation) so this information is correct in their renewal application. Please note that your authorised representative's email account must not be a generic account and that their email spam filters should be set to allow messages from wwc-noreply@cpfs.wa.gov.au.

Once the first online renewal application is submitted, your authorised representative will receive an email from the WWC Screening Unit, advising that an online renewal application has been received and provide a link for them to use (due to privacy issues, no information about online applicants are provided in the email). Your authorised representative must then register an account and confirm the renewal applicant's child-related work with your organisation. Your authorised representative should also ensure that all your organisation's information is correct, including where all outcomes should be sent. With consent, these details will be saved on the WWC Screening Unit's database to prefill future online renewal applications requiring the same representative to confirm.

Cost of a WWC Check

- \$84* for paid people and self-employed people.
- \$11* for volunteers and other unpaid people.

*Fees accurate as at November 2017. For current fees visit: www.workingwithchildren.wa.gov.au.

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

Checking WWC application status

There is a function on the WWC website which allows you to check whether a WWC Check application is pending.

Visit www.workingwithchildren.wa.gov.au/application-status-check.

The importance of the WWC Check receipt

A receipt from Australia Post or an online renewal receipt is proof that an applicant has a pending application. In most cases this allows the person to start or continue child-related work. However if a person has a conviction for a Class 1 offence committed when an adult or has been issued with an Interim Negative Notice or Negative

Notice (which is current) they may not do so. This enables most employees, volunteers and students to work while waiting for the outcome of their application.

Requests for additional information from the WWC Screening Unit

In some cases the WWC Screening Unit may contact an applicant and the authorised representative to obtain further information, such as missing personal information or clarification of the applicant's child-related work.

If an applicant or authorised representative 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 engages in child-related work with your organisation and already has a current 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 sheet;
- Validate it (check the Card is valid using the validation facility at www.workingwithchildren.wa.gov.au/card-validation); and
- Complete a Register Card Holders online form at <https://workingwithchildren.wa.gov.au/employers-organisations/online-services/registeremployees>. This notifies the WWC Screening Unit that the card holder is also engaged in child-related work for your organisation and allows the WWC Screening Unit to update your organisation in the future if there is a change in the card holder's status, such as a person is issued with a Negative Notice.

What happens after a person applies?

What is checked?

The WWC Screening Unit requests a National Police History Check. The criminal record and other relevant information is then assessed to see if the person has any charges, convictions and behaviours that indicate they may harm a child.

A criminal record in itself will not necessarily prevent a person from engaging in child-related work. The WWC Screening Unit assesses information that is relevant to whether a child may be exposed to a risk of harm should the person engage in child-related work. The paramount consideration when assessing an application is the best interests of children.

The information that is obtained as part of a WWC Check includes, but is not limited to:

- criminal history information from various sources, including a National Police History Check which discloses information held by police services across Australia about:
 - any convictions (including where a court has made a formal finding of guilt in relation to an offence, or convicted a person of an offence, or accepted a plea of guilty, or acquitted a person of an offence because of unsoundness of mind);
 - any spent convictions;
 - charges and convictions when a person was under-18 years of age;
 - where a person was charged with an offence but not convicted (referred to as a non-conviction charge); and
 - any pending charges (charges that have not yet been finalised);

and

- the circumstances surrounding any charges or convictions recorded on a person's National Police History Check.

For a list of offences considered during the assessment process please see **Factsheet 3: Class 1 and Class 2 Offences** at: www.workingwithchildren.wa.gov.au.

Ongoing checking

When a person applies for a WWC Check they give ongoing consent to the collection, use and disclosure of information about themselves (including criminal records) that is relevant to whether they should be issued with a WWC Card. This is for the initial checking based on their application and, if issued with a WWC Card, checking on an ongoing basis until it expires.

If the WWC Screening Unit receives new information about a person during that time their eligibility to hold a WWC Card may be re-assessed. Once a re-assessment is triggered, the WWC Screening Unit can then request and consider any information that is relevant to the issue of whether a child may be exposed to a risk of harm should they continue to engage in child-related work. This may include requesting and considering information from sources such as other government departments or professional organisations and is not limited to their criminal record.

If your authorised representative:

- signed the person's application form;
- authorised their online renewal; or
- completed a Register Card Holders online form;

then your organisation will be notified of any change in your employee, volunteer or student's eligibility to hold a WWC Card.

Where is criminal record information obtained from?

Information about the circumstances of any charge or conviction on a person's criminal history may also be requested from the following bodies in Western Australia and their equivalent in other states and territories such as:

- the Police;
- the Office of the Director of Public Prosecutions;
- the Department of Corrective Services;
- the Department of the Attorney General; and
- the courts.



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

Before an applicant is prohibited from child-related work, the applicant is invited to make a submission about their criminal history and their suitability to work with children. This is then considered as part of the assessment before a final decision is made.

Outcome of a WWC Check

If an application or renewal for a WWC Check is successful, a person is issued with an Assessment Notice, in the form of a WWC Card. A valid WWC Card permits a person to engage in child-related work and remains valid for three years unless cancelled sooner. **It is also transferable across paid, unpaid and volunteer work and across all categories of child-related work.**

Once a person holds a WWC Card their eligibility to continue to hold it may be re-assessed if they have a new, relevant charge or conviction which indicates they may harm a child while engaging in child-related work.

A Negative Notice is issued where the WWC Screening Unit has identified a risk of harm to a child should the person engage in child-related work. This can occur when a person first applies for a WWC Check or if they are re-assessed while holding a WWC Card. A Negative Notice prohibits the person from engaging in any child-related work. A Negative Notice remains current unless cancelled under the WWC Act.

An Interim Negative Notice may be issued in some cases when the WWC Screening Unit receives information relevant to the immediate safety of children (e.g. a charge or conviction for a relevant offence). This prohibits a person from engaging in child-related work during the assessment or re-assessment until a final decision is made.

If the WWC Screening Unit's assessment or re-assessment of a person's eligibility to hold a WWC Card indicates an unacceptable risk to children they will be issued with a 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.





Actioning an Interim Negative Notice or Negative Notice

If your organisation knows that an employee, volunteer or student holds an Interim Negative Notice you should be aware that:

- It is an offence for you to engage the person in paid, unpaid or voluntary child-related work in Western Australia and the Christmas and Cocos (Keeling) Islands.
- The Interim Negative Notice has effect until a final decision is made on the application and a Negative Notice or a WWC Card is issued. An Interim Negative Notice immediately cancels a current WWC Card.

If your organisation knows that an employee, volunteer or student holds a Negative Notice you should be aware that:

- It is an offence for you to engage the person in paid, unpaid or voluntary child-related work in Western Australia and the Christmas and Cocos (Keeling) Islands.
- The Negative Notice continues to have effect unless cancelled under the WWC Act. A person can apply to have the decision reviewed by the State Administrative Tribunal within 28 days of them receiving the Notice. In certain circumstances they can also apply to the WWC Screening Unit to cancel their Negative Notice.

What to do if a person is issued with an Interim Negative Notice or Negative Notice:

- Your organisation **MUST** remove the person from child-related work immediately. Your authorised representative will be contacted by a WWC Compliance Officer to ensure this has occurred. An Interim Negative Notice or Negative Notice does not mean the person cannot be employed by you in work other than child-related work.
- Keep records about the Notice confidential and record the action(s) taken by your organisation.
- You may wish to seek legal advice.

It is a good idea to develop a procedure or process for your organisation should an employee, volunteer or student be prohibited from child-related work. This will give confidence to your committee, staff and volunteers and ensure fairness and transparency in the process.

Your organisation's WWC Check responsibilities

Your organisation has responsibilities under the WWC Act. It is important to know your responsibilities as some offences carry penalties of up to \$60,000 and up to five years imprisonment.

Some of your responsibilities include that:

- all employees, volunteers, students and self-employed people who engage in child-related work have applied for a WWC Check or hold a current WWC Card;
- you validate WWC Cards of any new employees, volunteers or students who already hold current WWC Cards from other child-related work they engage in;
- all current WWC card holders renew their WWC Card before it expires if they are continuing to engage in child-related work;
- you keep records to demonstrate your compliance. For an example Record Keeping Sheet see page 20;
- you do not engage a person in child-related work if you know that they have been convicted of a Class 1 offence committed when an adult;
- you do not engage a person in child-related work if they have been issued with an Interim Negative Notice, Negative Notice or if they have withdrawn their application for a WWC Check; and
- notify the WWC Screening Unit if you reasonably suspect an employee, volunteer or student has been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work.

For more detailed information please read **Factsheet 5: Information for Employers and Volunteer Organisations** and **Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations** at:
www.workingwithchildren.wa.gov.au.

Your organisation's compliance with the WWC Act

The WWC Screening Unit can audit employers and volunteer organisations. Your organisation must be able to demonstrate its compliance to the WWC Act.

Your organisation can review its compliance to the WWC Act and also identify areas where you could improve your child-safe practices by completing the WWC Check Health Check available at:
www.workingwithchildren.wa.gov.au.

Here are some questions your organisation should consider when reviewing your compliance:

- Can your organisation demonstrate that all your employees, volunteers and students who engage in child-related work have applied for a WWC Check or hold a valid WWC Card?
- Does your organisation keep records? For more information about record keeping see page 20.
- Does your organisation have copies of your employees', volunteers' or students' WWC Cards and/or notifications from the WWC Screening Unit?
- Does your organisation have policies and processes to ensure that any employee, volunteer or student issued with an Interim Negative Notice or Negative Notice does not engage in child-related work?

Keeping records

Working with Children Check — example Record Keeping Sheet

This example Record Keeping Sheet is available to download at www.workingwithchildren.wa.gov.au.

| WWC Check Record Keeping Sheet | | | | | | | | | | | | |
|--------------------------------|--------------------|------------------------------------|---------------------------|------------|----------------------|------------------------------|--|-----------------------------------|----------------|-----------|---------------------------|---------------------|
| Position | Volunteer? Paid | Name of Person Holding Position | Person's Date of Birth | Start Date | Categories of CRW | Exemptions Apply - Why? | Status and Action | Receipt Number (if applicable) | WWC Card No | Expiry Da | Date position Reviewed | Validation Dates |
| | | | | | | | 1. Holds current WWC Card | | | | | |
| | | | | | | | 2. Application lodged | | | | | |
| | | | | | | | 3. Interim Negative Notice | | | | | |
| | | | | | | | 4. Negative Notice | | | | | |
| | | | | | | | 5. Application Withdrawn | | | | | |
| Under 11s coach | V | John Smith | 1/06/70 | 2/12/09 | 4, 12 | Yes - parent of child member | | | | | 1/01/10 | |
| Canteen person | P | Mary Bogg | 23/02/81 | 15/01/10 | 12 | No | 1 | C489785431 | 856341 | 22/03/13 | 03/01/2010 01/08/2010 | 30/1/10 1/08/10 |
| Umpire | P | Jason Young | 30/12/78 | 2/02/10 | 12 | No | 3. Suspended from CRW pending final outcome 20/01/2010 4. No longer employed as umpire of juniors - only seniors 30/03/2010 | C12457895 | | | 29/03/2010 01/08/2010 | |
| Under 12s coach | V | John Johns | 6/06/79 | 1/03/10 | 4, 12, 18 | No | 1 | C147852389 | 466876 | 11/04/13 | 1/08/10 | 1/08/10 |
| Under 10s coach | V | Bruce Warner | 22/11/74 | 9/09/09 | 4, 12 | Yes - parent of child member | | | | | 1/01/10 1/08/10 | |
| | | | | | | | | | | | | |
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Your organisation must keep records to demonstrate that you are complying with the WWC Act.

Your record keeping should include:

- a list of all employees, volunteers and students identifying those engaged in child-related work with your organisation;
- WWC Check application numbers (where applicable), WWC Card numbers and expiry dates for all your employees, volunteers and students in child-related work;
- copies of WWC Cards for all your employees, volunteers and students who engage in child-related work;
- all notifications received from the WWC Screening Unit;
- copies of any WWC Card validations from the WWC Check website;
- any Interim Negative Notice(s) or Negative Notice(s) issued and the action taken by your organisation; and
- documents demonstrating governance decisions made about WWC Checks in your organisation. This might include committee minutes or management decisions.

This information should:

- be stored securely;
- remain confidential; and
- be updated regularly.

The WWC Screening Unit recommends, where possible, to keep records in a centralised reportable list.

Safe Clubs 4 Kids — Creating safe sport and recreation environments



The WWC Check is one important element of child safeguarding. There are other things organisations can do to create safe environments for children and young people.

For more information about the Safe Clubs 4 Kids initiative visit: www.dsr.wa.gov.au/safe-clubs-4-kids.









Contacts

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Facsimile: 08 9492 9711
www.dsr.wa.gov.au

Working with Children Screening Unit

Telephone: 08 6217 8100
Freecall: 1800 883 979
www.workingwithchildren.wa.gov.au

Western Australian Sports Federation

Telephone: 08 9387 8100
www.wasportsfed.asn.au

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