

Working with Children Checks in the Education and Training Sector

To strengthen the protection of children in WA, the State Government introduced legislation - the *Working with Children (Criminal Record Checking) Act 2004* (the Act) – that requires people who start or continue in “child-related work” to have a national criminal record check – a Working with Children Check (WWC Check). Work is “child-related work” if the **usual duties** of the work involve, or are likely to involve, contact with a child **in connection with at least one the 19 categories of work** listed under the Act. A “child” is a person under the age of 18 years.

Starting from 1 January 2006, the WWC Check is being progressively introduced over five years. From January 2007, WWC Checks are being more widely introduced across the education and training sector. This includes people working in schools, TAFEWA colleges, and registered training organisations and people providing coaching and private tuition services. This Factsheet provides only general information for the sector. More detailed information can be accessed by contacting the DET enquiries line on (08) 9264 4391 or by visiting the WWC website at www.checkwwc.wa.gov.au.

Categories of child related work include

- ⊖ a community kindergarten registered under Part 5 of the *School Education Act 1999*;
- ⊖ an educational institution for children;
- ⊖ a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- ⊖ 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;
- ⊖ a counselling or other support service;
- ⊖ an overnight camp, regardless of the type of accommodation or how many children are involved;
- ⊖ a transport service specifically for children;
- ⊖ a children's entertainment or party service.

Examples of child-related work in the education and training sector include

- ⊖ People tutoring children whether individually or in groups;
- ⊖ Teaching staff of schools, community kindergartens or pre-primary schools;
- ⊖ Training providers who run coaching or private tuition classes primarily for children;
- ⊖ School support staff working in various areas in a school;
- ⊖ People who provide health services to school children at the school;
- ⊖ The grounds person who works during school hours, and assists with activities that involve contact with children, as part of the **usual duties** of the work;
- ⊖ School bus drivers;
- ⊖ Entertainers who provide services to children at schools;
- ⊖ Sports coaching or private tuition services for school children;
- ⊖ TAFE lecturers and other staff whose **usual duties** involve or are likely to involve contact with a child;
- ⊖ Students on placement doing child-related work, such as student teachers or nurses working in connection with one of the 19 categories;
- ⊖ Volunteers helping with various school activities (except parents whose child is enrolled at the school);
- ⊖ Parents volunteering at overnight school camps.

Exemptions

Certain people are exempt from having a WWC Check, including:

- ⊖ volunteers under 18 years of age;
- ⊖ parents volunteering for school activities where they have a child enrolled in the school (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 over a 12 month period; and
- ⊖ workplace supervisors of children on work experience, unless they otherwise carry out child-related work.

For full details of all exemptions, see **Factsheet 5 “Child-related work and exemptions”**.

When to apply for a WWC Check

WWC Checks are being phased-in at different times for particular groups in the community. It is important to check the full information about phasing-in which is available in **Factsheet 2 “When to apply for a Working with Children Check”** on the WWC Check website. In general, the following applies:

Volunteers

Volunteers carrying out child-related work, including students on placement, must apply for a WWC Check as follows:

• Volunteers working with children 0 – 7 years inclusive	• From 1 January 2006
• Volunteers working with children 8 – 12 years inclusive	• From 1 January 2007
• Volunteers working with children 13 – 17 years inclusive	• From 1 January 2008

“**New**” volunteers working with children in these age groups must apply upon commencing their work.

“**Existing**” volunteers (those who were already in that child-related job before the start of the phasing-in date) have until the end of that calendar year in which to apply for a Check.

Self-employed people

- Most “**new**” self-employed people who commence work after 1 January 2006 must apply for a WWC Check **upon commencement** (eg self-employed tutors, entertainers or coaches).
- Most “**existing**” self-employed people (those who were already in that child-related job before the start of the phasing-in date) self-employed people must have applied for a WWC Check by **31 December 2006**.

Paid employees

• New paid employees who commenced child-related work from 1 January 2007	• Must apply upon commencement.
• Paid employees who commenced during 2006	• Must apply between 1 January 2007 and 31 December 2007 .
• Existing paid employees who have continued in the same child-related work they were in before 1 January 2006	• Must apply between 1 January 2009 and 31 December 2010 .

Cost of a WWC Check

The cost of a WWC Check is \$50 for paid people and \$10 for volunteers and other unpaid people, such as student teachers on placement as part of their studies. This fee is heavily subsidized by the Government.

How to apply for a WWC Check

The WWC Check application form is available at certain 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 a WWC Check 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.

Outcome of a 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.
- ⊖ 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 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 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.

Obligations of employers and people in child-related work

Employers of people in child-related work, as well as paid employees, self-employed people and volunteers who carry-out child-related work have a number of responsibilities under the Act. For example,

- ⊖ Subject to the phasing-in arrangements, employers must not start or continue an employee or volunteer in "child-related work" on more than five days in a calendar year unless the person has applied for a WWC Check or already has a current Assessment Notice.
- ⊖ Employers must not start or continue someone in "child-related work" if the person has an Interim Negative Notice or a Negative Notice, if their WWC application has been withdrawn, or if they are aware of a relevant conviction or pending charge against that person.
- ⊖ A person must stop child-related work immediately if he or she is issued with an Interim Negative Notice or Negative Notice.
- ⊖ Employers must advise the Working with Children Screening Unit or the Approved Screening Agency within the Department for Education and Training as soon as practicable after being notified of a relevant change in an employee's criminal record.

Current employment checks and the WWC Check

Many employers already require a criminal record check as part of their general employment screening process. These checks provide employers with information about "disclosable" adult convictions or spent convictions that a proposed or current employee may have. The WWC Check differs from these checks in a number of ways. The WWC Check assesses information of particular relevance to working with children. WWC Checks are able to access more criminal history information than other police checks, including juvenile records, pending charges and charges that have not resulted in a conviction. More detailed information about the differences between a WWC Check and other police checks can be found at www.checkwwc.wa.gov.au.

Because of the different nature and purposes of the checks, many people who work with children in the education and training sector may require a general employment screening check in addition to a WWC Check.

Who does the Checks

The WWC Screening Unit within the Department for Community Development is responsible for implementing WWC Checks in WA. In 2007 the Department of Education and Training will become an approved screening agency to undertake WWC Checks for the education and training sector.

For more information about the Working with Children Check, please visit the WWC website at www.checkwwc.wa.gov.au or call the DET Inquiries line on 9264 4391.