



St Edward's Parish

Child Protection - Working With Children Checks Policy

Working With Children Checks - Source of Obligation

The Child Protection (Working With Children) Act 2012 (NSW) (the Act) and the Child Protection (Working With Children) Regulation 2013 (NSW) (the Regulations) aim to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW.

These background checks are referred to as Working with Children Checks (“WWC Checks”).

St Edward's Parish Priest/s, Deacon, staff, volunteers (in various ministries) and others have a number of responsibilities and obligations under the Act and the Regulations which are outlined in this policy. St Edward's Parish require all the above mentioned to get a WWC Check and follow the procedures set out below.

Who Needs a WWC Check?

Subject to the exemptions referred to below, any worker who engages in child related work that involves direct contact (being physical or face-to-face contact) with a child (being a person under 18 years of age) must get a WWC Check.

Definition of Worker

A worker means any person who is engaged in work, as an employee, a self-employed person, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), or as a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

What is Child Related Work?

Of relevance to St Edward's Parish the following is considered to be child related work:

any religious organisation where children form part of the congregation and

boarding houses or other residential services for children and overnight camps for children.

What is Not Considered to be Child Related Work

The following types of work are not considered to be child-related:

work as a referee, umpire, linesperson, other sporting official or grounds person is not child-related work, if the work does not ordinarily involve contact with children for extended periods without other adults being present; and

providing food or equipment at or for a sporting, cultural or other entertainment venue.

Key Exemptions

People engaged in the following types of work are not required to have a WWC Check:

- administrative, clerical or maintenance work, or other ancillary work, that does not ordinarily involve contact with children for extended periods;
- work with minimal direct contact or unsupervised contact with children, done for no more than five days in a calendar year;

- volunteering by a parent or close relative: of a child in activities for the child's school, early education service or other educational institution; except where the work is part of a formal mentoring program or involves intimate personal care of children with a disability;
- with a team, program or other activity in which their child usually participates or is a team member; except where the work is part of a formal mentoring program or involves personal care of children with a disability;
- a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults;
- work by an interstate visitor:
- in a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days;
- who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year; and
- people under the age of 18.

How to Apply for a WWC Check?

A worker who engages in child related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form at <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>;
2. Upon completion of the application, an application number will be provided;
3. Take application number and proof of identity (NSW driver's licence) to a NSW motor registry or NSW Council Agency; and
4. If the WWC Check is for paid work, a fee of \$80 is payable for a five year clearance.

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- convictions (spent or unspent);
- charges (whether heard, unheard or dismissed);
- juvenile records;
- findings of misconduct (e.g. sexual misconduct or serious physical assault of a child) by a government agency; and
- notifications on matters indicating serious risk to children made by the Ombudsman.

Outcome of the WWC Check

There are only two results for a WWC Check – a **clearance** to work with children or a **bar against** working with children.

Where the outcome is a clearance, the applicant will be provided with a WWC Check number. The WWC Check is valid for five years and may be used for any child-related work. Paid clearance for paid and voluntary work or Volunteer clearance for **voluntary work only** in NSW. Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the five year expiry date.

Where a bar is being considered, the Commission for Children and Young People will call and write to the applicant to inform them of the proposed decision. Applicants will be invited to submit

information to support their application and the Commission will take this information into account when making their final decision.

Nevertheless, if the outcome is a bar, applicants **must not engage in any child-related work**. The barred applicant will receive a letter from the Commission notifying them of the decision and an explanation of the appeals process, should they wish to appeal through the NSW Administrative Decisions Tribunal. Those who have verified these WWCCs will also be notified of their change of status.

The outcome of WWC Checks will be emailed or posted to the applicant. If the results are not received within four weeks of the application, email newcheck@kids.nsw.gov.au with details of the application including the application number.

Worker Obligations

Upon receiving clearance, it is compulsory that the worker provides their WWC Check number to St Edward's Parish Priest/Secretary, along with their full name and date of birth for online verification.

Upon receiving a bar against working with children, it is compulsory that the worker immediately notify the Parish Priest/Secretary.

Workers are responsible for renewing their own WWC Check as necessary. They will receive a reminder to renew their WWC Check three months before it expires.

St Edward's Parish Obligations

The Parish must:

- register online as a child-related employer by going to the Working With Children Check Website and choosing Child-related employers from the left hand menu
- before engaging a new worker, verify that each worker who carries out, or is to carry out, child-related work for the Parish is the holder of a WWC Check clearance that authorises their work or that they have made a current application to the Children's Guardian for a WWC Check. The only way to verify a status is using the new online verification system. Paper evidence must not be accepted of a clearance or an application from the worker because they may have been barred. Refer to **Fact Sheets**
- verify a worker's WWC Check clearance, within 5 working days after the WWC Check clearance
- WWCC expires at the end of every five year period;
- **remove any barred or unauthorised persons from child-related work immediately;**
- inform the Chancery who will notify the Office of the Children's Guardian if a staff member or volunteer is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a Reportable Conduct notification. This notification will trigger a risk assessment by the Children's Guardian and a review of the individual's WWC.

WWCC Fact Sheets

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/resources>

Record Keeping

It is the responsibility of the Parish Priest/Secretary to verify the status of all St Edward's Parish workers' WWC Checks.

St Edward's Parish maintains records (electronic or hard copy format) of child-related workers including:

- full name;
- date of birth;
- working With Children number;
- start date and outcome of the Check verification;
- expiry date of the WWC Check; and
- whether the person is a paid worker or a volunteer

These details are accompanied by photocopies of identification documentation eg passport/driver's license.

Records must be readily available if required for audit and monitoring purposes.

Records are retained by the Parish for a minimum period of seven years after verification (electronically/hard copy) and closely monitored to ensure that all clearances are current for employed workers and volunteers at the Parish.

Privacy & Confidentiality

The Office of the Children's Guardian maintains a register for Working With Children Checks.

Worker Information Disclosure

The following information about a worker in the register may be made available by the Office of the Children's Guardian to an employer or proposed employer, upon request in the approved format, containing the particulars required by the Office of the Children's Guardian:

- particulars of applications for WWC Check clearances;
- WWC Check application number of any worker;
- current clearance status of a child-related worker; and
- number, class (volunteer or non-volunteer) and expiry date of a WWC Check clearance held by a child-related worker and whether the clearance holder is subject to an interim bar or has had a clearance cancelled.

Employer Information Disclosure

Similarly, the following information about an employer in the register may be made publicly available by the Office of the Children's Guardian:

Trading name or registered business name of the employer;

Child-related work for which the employer engages a child-related worker;

Postcode or name of the place in which the employer's business is located; and

Whether any requests for information regarding a Check status were made to the Children's Guardian by the employer within a specified period.

Implementation

This policy is implemented through a combination of:

- documentation; awareness raising
- effective communication and incident notification procedures; and
- effective record keeping procedures;
- initiation of corrective actions where necessary;
- code of conduct.