

Guidelines for Centre Administration of the NSW Working with Children Check



Introduction

The Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013, legislation developed to better protect our children, means that, unless a specific exemption applies, a WWCC (Working with Children Check) is a prerequisite for anyone in child-related roles, either paid or voluntary.

A phase-in schedule for child related industries was developed, and from April 2016 all sporting organisations needed to be fully compliant with this legislation. Little Athletics obviously falls under the sport sector, and therefore now requires all members in New South Wales in child-related roles, who are not deemed exempt, to obtain a WWCC.

The WWCC is managed by the OCG (Office of the Children's Guardian) and involves a national criminal history check and review of findings of workplace misconduct. The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked.

Who Needs a Working with Children Check?

The WWCC is a prerequisite for paid and unpaid child-related work. Under Part 2, Section 6 of the Child Protection (Working with Children) Act 2012, child-related work is defined as work in a specific, child-related role or face-to-face contact with children in a child-related sector.

Little Athletics is given consideration under the Act as a 'Club or other body providing services for children' which defines that:

1. Work for a club, association, movement, society or other body of a cultural, recreational, sporting or community service nature that involves providing programs or services primarily for children, is child-related work.
2. Without limiting sub-clause (1), work as a coach or as a team manager, or an assistant coach or assistant team manager, for a sport or activity for children, is child-related work.
3. The work is not child-related work if the work is work as a referee, umpire, linesperson or otherwise as a sporting official or a groundsperson, and the work does not ordinarily involve contact with children for extended periods without other adults being present.

Who is Exempt from Needing a Working with Children Check?

There are specified exemptions from the WWCC. People covered by these exemptions are not required to have a WWCC. The exemptions which are most relevant to Little Athletics include:

- Children (under the age of 18)
- Administrative, clerical, maintenance or ancillary work not ordinarily involving contact with children for extended periods
- Very short-term work:
 - A worker who works for a period of not more than a total of 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present
 - As a visiting speaker, adjudicator, performer, assessor or other similar visitor for a one-off occasion, in the presence of one or more other adults
- Work only with close relatives (except as an authorised carer)
- Volunteering by a parent or close relative (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 the child usually participates or is a team member
- Co-workers and supervisors where a child works

- Interstate visitors:
 - can work or volunteer at a one-off event such as a jamboree, sporting or religious event or tour, for up to 30 days a year without a NSW WWCC
 - can work or volunteer in any child-related work for up to 30 days a year, if the person holds an interstate WWCC, or is exempt from the requirement to have such a check in his or her home jurisdiction

Parent Volunteers and the Working with Children Check

There are only two exemptions for parent volunteers:

- Volunteering by a parent or close relative of a child in activities for the child's school, early education service or other educational institution
- Volunteering by a parent or close relative, with a team, program or other activity in which the child usually participates or is a team member.

If the volunteering work fits either of these descriptions, the parent does not need to get a WWCC.

The Regulation defines a close relative as:

1. a spouse or de factor partner of the person, or
2. a child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, aunt, uncle, niece or nephew of the person, and includes, in the case of an Aboriginal person or a Torres Strait Islander, persons who are part of the extended family or kin of the person, according to the indigenous kinship system of the person's culture.

Roles within Little Athletics

The following table defines the roles within Little Athletics which are likely to have contact with children, whether a person undertaking this role would need a WWCC, and why or why not. This is not an exhaustive list and it should be acknowledged that roles may vary from centre to centre. Centres should consult the above information about who requires a WWCC and what the exemptions are.

A 'tick' indicates that a WWCC is required.

	I am a paid worker	I am under 18 years	I am a volunteer and my child does not usually participate in the activity	I am a volunteer and my child usually participates in the activity	Reason for / against a WWCC
Coach	☒	☐	☒	☐	A coach whose athletes are under 18 years is deemed to be in child-related work and needs a WWCC unless they come under the exemptions for parents/close relatives.
Age Manager or Age Group Assistant	☒	☐	☒	☐	Age managers or age group assistants are in child-related roles and need a WWCC unless they come under the exemptions for parents/close relatives.
Member Protection Information Officer, Child Protection Officer, Grievance Officer etc.	☒	☐	☒	☒	MPIO's / Grievance Officers/ CPO's etc. are responsible for the protection of children and may have children seek them out for support, thus resulting in an unsupervised situation.
Committee member	☐	☐	☐	☐	Governance/management tasks are not considered child-related work. If a committee member also helps with other activities, they should refer to the relevant role herein.
Official/event assistant at centre competition	☐	☐	☐	☐	Personnel who support the conduct of events are deemed not to be in child-related roles and therefore are not required to get a WWCC.

Administrative, clerical, maintenance or ancillary work (e.g. BBQ & canteen helpers)	☐	☐	☐	☐	These roles do not ordinarily involve contact with children for extended periods or in unsupervised situations and therefore are not deemed child-related work.
Trainer or mentor of young officials, coaches etc.	☒	☒	☐	☐	Trainers or mentors of young officials/coaches (under 18 years) are in child-related roles and need a WWCC unless they come under the exemptions for parents/close relatives or for short term work (less than 5 days a year).
Helper at competition or coaching for 5 days or less a year	☐	☐	☐	☐	These roles do not ordinarily involve contact with children in unsupervised situations and therefore are not deemed child-related work. Additionally, they would have an exemption as being short term work.

It should be noted in the table above, the statement “my child does/does not usually participate in the activity” is different depending on the activity.

- Little Athletics centre competition: The child can be in any group / age group on the oval. As long as the child is a registered member and regularly attends, their parent/close relative is exempt. This is due to the fact that Little Athletics activities happen on the same day, and at the same location, no matter which group the child is in.
- Other activities (e.g. coaching): The child must be in the same group for the parent/close relative exemption to apply. This is because other activities, can happen in isolation from other groups.

The Working with Children Check Process

The process for centres who undertake child-related activities involves:

1. Register as an ‘employer’ with the OCG

(<http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/apply/apply>)

2. Identify who will need a WWCC

Provide a copy of the LANSW Working with Children Declaration to all adult members (18 years and over) and based upon the table within the declaration (copy above), identify who will need a WWCC, and advise those individuals accordingly.

It is recommended that once individuals have been advised they need a WWCC this is recorded somewhere to ensure this person gets their WWCC before starting in a child-related role.

3. Complete the online verification process

Using the WWCC Number (or WWCC Application Number, where necessary), complete the online verification process for those who require a WWCC. Never rely on a notification or email from an individual containing an application or clearance number; you must always complete the verification process.

<http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/apply/apply>

A WWCC Number is always preferable, however the WWCC Application Number can be used to verify if there is an urgent need to get the member into the role before such time that their WWCC Number is received. Please note that if a WWCC Application Number is used, the result will only come back as ‘Application in Process’ and the centre will need to re-verify the member once their WWCC Number is supplied.

Do not verify WWCC’s for everyone who supplies a WWCC Number without being required to do so – this puts unnecessary pressure on your centre resources and the resources of the OCG.

4. Record the WWCC details

It is essential to record the verification date, WWCC expiry date, WWCC (or Application Number) and verification result after each online verification as the OCG does not store this information on their system for later recall. Centres need to create a document (see template below) and keep this document secure and up to date.

If using an Application Number to verify a member initially, you will need to re-verify once the WWCC Number is received and re-populate the fields with the new verification date, expiry date, number and result.

1	(Insert centre name) Little Athletics Centre								
2	WORKING WITH CHILDREN CHECK VERIFICATION RECORDS								
3	SURNAME	FIRST NAME	D.O.B.	WWC NUMBER	VERIFICATION DATE	RESULT OF VERIFICATION	VERIFIED BY	WWC CHECK EXPIRY DATE	PAID OR VOLUNTEER
4	Grills (SAMPLE)	Chantelle	1/01/1992	WWC1234567V	26/07/2014	Cleared	Kerry O'Keefe	15/07/2019	Volunteer
5									
6									
7									
8									
9									

5. Appoint, or remove an individual depending on the outcome of the WWCC verification

Status	Meaning
Application in progress	A WWCC application is being processed and the applicant may work with children. If the applicant becomes barred, the OCG will contact the person applying for the WWCC and any organisations who have completed the online verification to advise of what to do next.
Cleared	This applicant has a WWCC clearance that is valid until the listed expiry date.
Barred	The applicant has been barred from working with children and it is an offence to engage this person in child-related work or roles.
Interim barred	The applicant has been barred from working with children during the course of a risk assessment. It is an offence to engage this person in child-related work or roles.
Not found	The database cannot find a matching WWCC for any one of these reasons: - The data entered for verification (name, date of birth and WWCC number or application number) has errors; - The person's application has been withdrawn or terminated without an outcome; - The person has not completed an application for a WWCC (filled in the online form, presented proof of identity and paid any applicable fee). It is an offence to engage this person in child-related work or roles.

6. Remove anyone in a child-related role should their 'cleared' status change at any time

The WWCC is valid for five years and during this time, cleared applicants will be subject to ongoing monitoring.

If a relevant new record appears it may lead to a worker becoming barred before their WWCC five year expiry date. If this happens, the centre will be notified using information supplied during the online verification process. If the centre has not verified the worker online, the OCG may not be able to notify immediately if a worker is barred.

If the OCG sends a letter advising the centre that a current employee/volunteer has become barred (or has an interim bar) they must immediately remove them from child-related work. It does not matter whether they are paid or unpaid; supervised or unsupervised.

7. Provide the verification data to the OCG in the case of a centre audit

The OCG will be undertaking compliance audits from April 2016. It is expected that they will be checking that organisations have a good understanding of who needs a WWCC and that these people are not undertaking any child-related work until their online verification has been completed. If the OCG requests the centre's WWCC records the centre will need to provide them with:

- Member's full name
- Member's date of birth
- Member's WWCC Number (or Application Number where appropriate)
- The verification date
- The WWCC's expiry date
- The verification outcome
- Whether they are a paid or volunteer worker

8. Monitor WWCC records

Records need to be continually monitored to ensure that those in child-related roles renew their WWCC before their current WWCC expires.

Further Information

- Office of the Children's Guardian: Working with Children Check - <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>
- NSW Sport and Recreation: Member Protection - http://www.dsr.nsw.gov.au/sportsclubs/ryc_children.asp
- Play by the Rules - <http://www.playbytherules.net.au/>
- NSW Government: Keep them Safe - <http://www.keepthemsafe.nsw.gov.au/>