

new the working with children check

A new Working With Children Check will be introduced in NSW from early 2013. Until then, the current check will continue.

Under the new check:

- workers and volunteers will apply for their own check once every five years
- employers will verify a child-related worker's or volunteer's clearance number
- the same Working With Children Check will apply to everyone – paid workers, self-employed people and volunteers
- everyone with a clearance will be continuously monitored for serious sex or violence offences.

When a worker or volunteer applies for a new Working With Children Check the result will be either a clearance or a bar. People with a bar may not work or volunteer in child-related roles.

Both applications for a check and employer verifications will be done online. The check is free for volunteers and costs \$80 for paid workers and self-employed people. A volunteer check cannot be used for paid work with children.

Who needs a check?

Adults who work or volunteer in a child-related role will need a new Working With Children Check unless they are exempt. The roles must involve face-to-face contact with children in a child-related setting.

Adults living in an authorised carer's or family day carer's home and potential adoptive parents also need a Working With Children Check.

There are also other designated roles and additional child-related work that will require a new Working With Children Check.

Who doesn't need a check?

People employed or volunteering in positions that don't have direct physical or face-to-face contact with children do not need a new Working With Children Check.

There will be some exemptions from the Working With Children Check in NSW, similar to those in

other states and territories, including for parents and guardians volunteering in settings with their children and some short-term visitors to NSW. A full list of exemptions is currently being developed.

Getting a new Working With Children Check

From early 2013, workers and volunteers will have a simple two-step process for getting a new Working With Children Check:

1. fill in an online form or call the helpline to have someone fill in a form for you
2. go to a motor registry or government access centre to pay the fee (if applicable) and have your identity confirmed. You will need to take your Working With Children Check application number and appropriate identification with you.

Before applying for a new Working With Children Check, you should make sure you are required to have a check.

How much does it cost?

The new Working With Children Check will cost \$80 for paid workers and self-employed people for a five-year period. There is no fee for volunteers, authorised carers, adults living in a carer's home, students on placement and prospective adoptive parents.

A person with a volunteer clearance will be able to work in paid child-related roles as long as the \$80 fee is paid within 30 days of starting the paid work.

Results of a check

After an applicant has applied online and had his or her identity confirmed, the applicant's full criminal history and employer disciplinary findings are obtained and assessed.

There are only two possible results of a check:

- a clearance to work with children
- a bar from working with children.

Clearance

If an applicant has no criminal history or employer disciplinary findings he or she will be cleared to work with children. Other applicants may be cleared to work with children after an assessment of their records.

People with a clearance will be monitored for new serious sex or violence offences and employer disciplinary findings for the five years the clearance is valid.

Bar

Defined offences detailed in Schedule 1 and 2 of the *Child Protection (Working with Children) Act 2012* may lead to a bar from working with children.

If an applicant has a conviction or pending charge for a Schedule 2 offence he or she will be automatically barred unless the offence was committed as a child.

If the applicant has a Schedule 1 record, an assessment will be undertaken. If the assessment determines the applicant presents a serious risk to children he or she will be barred from working with children. An interim bar may be imposed while an assessment is underway, to protect children from serious risks.

A barred person will be able to seek a review of the decision to bar from the Administrative Decisions Tribunal unless they have been convicted for child murder or have a Schedule 2 charge pending.

Information for employers

From the implementation date, employers must verify a worker's or volunteer's Working With Children Check number. Verification will be done online or through a telephone helpline. The worker's or volunteer's name, date of birth and Working With Children Check number will be required for a verification. The result will be provided immediately.

A verification will show whether the person:

- can work with children – a current Working With Children Check clearance (check the expiry date) or application
- is barred from working with children – a bar or interim bar.

If there is no record of the person in the Working With Children Check system the person cannot work or volunteer in a child-related role.

Record keeping required for a clearance

An employer must keep a record of each cleared worker's or volunteer's Working With Children Check number, its expiry date and the date of the employer's verification.

Actions resulting from a bar

An employer cannot engage a barred person in a child-related role. An existing worker who is a barred person must be removed from any child-related role. An employer may legally dismiss a barred worker from child-related roles. Employers may also use other approaches, such as offering alternative employment or a suspension, but they must ensure that a barred person is not engaged in any child-related work.

Timeline for change

From the implementation of the new check, every person starting a new paid position or setting themselves up as a self-employed person must have a new Working With Children Check clearance.

People continuing in their existing employment will not need a new Working With Children Check until their sector is phased in (details to be advised).

People with a current Certificate for Self Employed People will need to get a new Working With Children Check when their certificate expires.

Volunteers

Volunteers will be phased in over a five-year period (details to be advised).

Carers and other adults living in a carer's home

New authorised carers and adults living in an authorised carer's or family day carer's home must get a new Working With Children Check clearance. Existing carers and adults living in a carer's home will be phased in (details to be advised).