



Procedure Name	Working with Children Check.
Executive Sponsor	Taylors Lakes Recreation Club.
Owner	Taylors Lakes Recreation Club.
Effective date	August 2017
Authorised by	Taylors Lakes Sporting Club Committee.
Review date	August 2020.

**1. Procedure Purpose:**

The purpose of this procedure is to clearly specify the steps required to ensure compliance with the Working with Children Act 2005. This act requires people who work or volunteer in certain child-related work to have a current Working With Children Check Card ("WWC Card").

This procedure applies to all eligible persons applying for or engaged in child-related work for the Taylors Lakes Sporting Club and its affiliated clubs.

**2. Definitions:**

Term	Definition
Applicant	The person who makes a formal application authorising the Taylors Lakes Sporting Club and / or its affiliated clubs to conduct a Working with Children Check - either prior to engagement or as part of Security Screening or as a cyclic compliance check for existing volunteers.
Child-related work	Is work in either a voluntary or paid capacity, in any of the occupational fields in the Act where contact with a child is direct and part of the persons duties. Refer Appendix 2.
Department of Justice	Government agency responsible for the Working with Children Check process.
Direct contact	Direct contact with a child includes oral, written or electronic communication as well as face to face and physical contact.
Supervision	This means that even if a person's contact with children as part of their child related work is supervised by another person, they will still need to apply for working with children check.
Worker	Current or potential paid or unpaid workers (including permanent employees, casual employees, volunteers (including committee members) and students.
Negative Notices	An Interim Negative Notice is issued if the Department of Justice is not satisfied that the applicant will pass the WWC Check and it intends to issue the applicant with a Negative Notice, prohibiting the applicant from working with children. The applicant may make a submission to the Department explaining why they believe they should pass the WWC Check.
Occupational Category	Broad descriptions of services or places where people work with or care for children. Refer Appendix 3.



Term	Definition
Regular contact	Regular contact is contact that is not incidental, but normally part of providing a service of activity for children.
Working with Children Check	An ongoing assessment by the Department of Justice of a person's suitability to work with children, examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history. This is not a Police Records Check which is not a check by a government agency, it is only a list of offences at a point in time to inform an organisation's assessment of a person's suitability for other kinds of work in the organisation. Refer Appendix 1.

### 3. Responsibilities:

#### Organisation - Taylors Lakes Sporting Club and its affiliated clubs.

Responsible for ensuring that:

- Not engage or continue to engage anyone in child related work who does not have a valid check, unless they are exempt under the act.
- Not engage or continue to engage anyone in child related work who is subject to obligations or orders under schedule 3 of the Act.
- Not allow people who are charged with, convicted or found guilty of sexual, violent or drug offences specified in Clause 2 of Schedule 3 of the Act to work or care for children while their application is processed or their check reassessed.
- Not offer the services of any person who does not have a Check to another organisation if the work to be undertaken with that organisation is child related work.
- Check if a person is allowed to work with children on Check Status website.
- Check that any self-employed person, such as a coach or tutor, has a valid check and is not prohibited from working with children.
- Ensure that a person who has a Negative Notice does not work with or care for children, even if they are exempt.
- Ensure paid workers doing child related work have an Employee Check, not a volunteer Check.
- It respects and protects the privacy of its workers / volunteers.

#### Each club - Football, Cricket, Basketball & Tennis:

Is Responsible for:

- Ensuring all existing club members / volunteers, and any future members / volunteers or paid workers are made aware of their obligations, responsibilities and rights in relation to this procedure.
- Compliant record keeping (collection, use, storage and disclosure)
- Identifying the type of checks required for each position, ensuring that workers or volunteers have the required checks and incorporate the requirements in the position's descriptions in accordance with this procedure.
- Providing ongoing support and guidance in relation to this procedure
- Regularly checking the status of workers' cards using the Check Status <https://online.justice.vic.gov.au/wwccu/checkstatus.doj>



- Maintaining adequate records to identify currency of checks.
- Liaising with members and coaches to manage any non-compliance with this procedure.

**President or Secretary of each club:**

Responsible for:

- In consultation with committee members, risk assessments for workers who do not hold a current WWC Card.

**Committee Members / Coaches and Team Managers:**

Responsible for:

- Ensuring that the principles of this procedure and underpinning legislation are applied in the sporting club.
- Ensuring all members are aware of this procedure.
- Liaising with club Presidents with regards to any non-compliance with the sporting club's obligations.

---

**Club Members:**

All sporting club members are responsible for:

- Complying with the terms of this procedure.
- Costs associated with gaining a WWCC unless other arrangements are made at each club level.
- Promptly informing the club committee, president or secretary, if they no longer hold a valid WWC Check Card (eg it has expired)
- Members moving from voluntary to paid work are required to apply to the Department of Justice for an Employee Card and pay the fee.
- Notify the club in writing within 7 days if the member:
  - has been charged with a relevant offence.
  - has been issued with an Interim Negative Notice or Negative Notice.
  - has had their registration as a teacher suspended or cancelled.
- Must notify the Department of Justice within 21 days of commencing child-related work with the organisation.
- Must notify the Department of Justice within 21 days of any change in their personal and contact details.
- Must surrender their WWC Check Card if the Department of Justice revoke the card.
- Surrendering the first WWC Check Card if they have applied for and received a current WWC Check card.

Failure to comply with the obligations under this procedure and overarching policy may lead to disciplinary action in accordance with the penalties as prescribed in the Working with Children Act 2005.



#### 4. Procedure:

##### 4.1. Prior to taking a position in the sporting club:

- The relevant person will review the position undertaken and ensure it specifies all inherent requirements of the role including the types of checks required.
- In particular, the requirements of the role in relation to child-related work and the necessity for the applicant to hold a current Working with Children Check Card.

##### 4.2. Recruitment and Selection:

- Upon completion of selection of the potential candidate, the candidate will be provided by the club, information regarding the WWCC screening process.
- The relevant Manager / Supervisor / Coach or Team Manager must ensure that the candidate understands the process.

---

##### 4.3. Validating the Working with Children Check Card:

Club Registrars to:

- Sights the person's WWC Check Card Verifies the person's identity.
- Records the card number, card type (E - Employee, V - Volunteer)
- Expiry date of the card.

The club Registrar, for persons who have applied for a WWC Check Card:

- Sight and copy the Application Receipt from Australia Post.
- Monitor the application status.

Persons must not apply for, or engage in, child-related work *even if that work is supervised* if they do not hold a current WWC Check Card (or evidence that an application is in progress or has applied to VCAT for a Card or a review). These offences carry penalties under the Working with Children Act 2005.

##### 4.4. Working with Children Check - Privacy and Security.

Any information the club acquires from, or in the carrying out of a WWC Check, including information obtained from the person or from the Department of Justice, is not given to any person, directly or indirectly unless permitted by the Working with Children Act 2005.

##### 4.5. Working with Children Check - Expiry.

A WWC Check allows a person to engage in child-related work for 5 years. However, during that period, the person's criminal record continues to be monitored. The nominated person from each club will actively monitor the currency of members WWC Check cards and liaise with the relevant club President to ensure application for a card renewal is done in a timely manner.

Legislation states that workers / volunteers who do not have a current Working with Children Check card (and haven't applied for one) cannot be engaged in child-related work.



**4.6. Convictions - Disclosure - Workers.**

A sporting club member must notify the relevant club, in writing, if they are charged with a relevant offence or issued with an interim Negative Notice or Negative Notice from the Department of Justice.

The worker / volunteer may apply to VCAT for a WWC Check card or a review of the Department of Justice's decision and the effect of the Negative Notice has been stated by VCAT.

**4.7. Failure to comply with legislation.**

Failure to comply with the legislative requirements of Working with Children Act 2005 carries substantial penalties for the individual and/or the organisation.

**5. Document History.**

- Developed August 2017
-



**APPENDIX 1 - WORKING WITH CHILDREN CHECK vs POLICE RECORDS CHECK**

Source: Department of Justice

	Working with Children Check	Police Records Check
Does it allow a worker to work or volunteer with children?	Yes, passing a WWC check allows you to engage in child-related work for 5 years whilst your criminal record continues to be monitored.	No.
How does it work?	The WWC Check is an assessment of a person's suitability to work or volunteer with children. It involves an examination of relevant criminal offences and disciplinary findings of a person's lifetime.	A Police Records Check is only a list of those offences from a person's national criminal history which can be released. There is no assessment or investigation made.
Can I fail?	Yes, you will either pass or fail the WWC Check after your suitability to work with children is examined.	You cannot 'pass' or 'fail' a Police Records Check, it is simply a list of offences.
What is checked?	<ul style="list-style-type: none"> <li>• National criminal history</li> <li>• Findings of professional bodies including the Victorian Institute of Teaching and the out of home care Suitability Panel</li> <li>• Relevant determinations of the Victorian Civil and Administrative Tribunal (VCAT) under the Health Professions Registration Act 2005</li> </ul>	National criminal history
What kind of offences are considered?	Offences relevant to the safety of children, such as serious sexual, violent or drug-related crimes.	All offences
How far back does the Check go?	All relevant offences across a person's lifetime are examined.	Some offences cannot be disclosed, depending on when they were committed. (Refer Victoria Police Information Release Policy)
How long is it valid?	Valid for 5 years unless suspended or revoked.	Only current at the time of issue. Your employer may require you to undergo subsequent Police Checks.
Is my criminal record monitored?	Yes. Your criminal record continues to be checked for the life of your card. Victoria Police automatically notifies the department of new relevant offences so your suitability to work with children can be re-assessed.	No. A new Police Check is needed to show any new offences.
What happens when I change employer?	The WWC Check Card is portable between organisations. <b><u>However, if you move from voluntary to paid work you must apply for an Employee card and pay the fee.</u></b>	Employers and organisations have their own policies around requiring Police Checks. You may need a new Police Check when you start a new job.



## APPENDIX 2 - WWC CHECK CARD CHILD-RELATED WORK

Source: Department of Justice

Workers do not require a WWC Check Card if they:

- Qualify for an exemption.
- Are involved in a private or domestic arrangement that exists between family and friends and where no payment is involved (for example, a babysitter).
- Take part in an activity with a child in the same way that a child participates e.g. other players in the same team.
- Supervise a student in practical training organised by their educational institution.

Workers / Volunteers require a WWC Check Card if they meet *all* 5 criteria:

1. You engage, or intent to engage, in child related work as an employee or volunteer.
2. You are an adult working with under 18-year old's.
3. You are working in any of the occupational fields listed in the Act. Refer Appendix 3.
4. The work involves direct contact with children. Direct contact means physical, face to face, written, oral or electronic contact.
5. Your contact with children is part of your duties and not incidental to your work.

Exemptions from applying for a Working with Children Check.

- People under the age of 18 years.
- Parent volunteers who child ordinarily participates in that activity.
- Family members and People 'closely related' to each child they have contact with in their child-related work.
- 18 or 19 year old student volunteers where the volunteer work is at or has been organized by the student's educational institution.
- A sworn Victorian State, or Australian Federal Police Officer (who is not suspended or terminated from duty)
- Teachers who have current registration with the Victorian Institute of Teaching.
- Interstate Visitors can do child related work without a Victorian Check for a period of up to 30 days in the same calendar year.

### APPENDIX 3 - OCCUPATIONAL CATEGORIES

Source: Department of Justice

Type of work	Details
Camps	All overnight camps for children.
Child Care Services	Child care services including centre based long day care, occasional care, family day care, in home care, outside school hours care.
Child Employment - supervisors	Supervision of a child in employment (where the child is under 15 years of age) pursuant to the Child Employment Act 2003.
Child minding	Babysitting or child minding services arranged by a commercial agency
Child Protection Services	Child Protection Services
Children's Services	Education and care services within the meaning of the Education and Care Services National Law (Vic) including kindergartens or preschools
<u>Clubs &amp; Associations</u>	<u>Clubs, associations or movements of a cultural, recreational or sporting nature</u>
<u>Coaching &amp; Tuition</u>	<u>Coaching or tuition services of any kind for children</u>
Counselling services	Counselling or other support services for children
Educational institutions	Education institutions for children
Entertainment & party services	Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities
Foster care	Fostering children
Gym or play facilities	Commercial gym or play facilities for children unless they are merely incidental to or in support of other business activities
Out of home care services	Out of home care services (established or approved under the Children, Youth & Families Act 2005)
Paediatric wards	Paediatric wards of public, private or denominational hospitals as defined in the Health Services Act 1988
Photography services	Commercial photography services for children unless they are merely incidental to or in support of other business activities
Refuges	Refuges or other residential facilities used by children
Religion	Religious organisations
School crossings	School crossing services
Talent & beauty competitions	Commercial talent or beauty competitions for children unless they are merely incidental to or in support of
Transport	Publicly funded or commercial transport services specifically for children
Youth justice	Youth justice places or services including remand centres, youth residential centres, youth supervision units, youth training centres, probation services