



Factsheet 15: WWC Checks in the Education Sector

This factsheet has been designed to assist the education sector with understanding the Working with Children (WWC) legislation. Employers, volunteer organisations and education providers have a number of obligations and responsibilities under the WWC Act which are outlined in this factsheet.

What is a WWC Check?

The Working with Children (WWC) Check is a compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands for people who engage in certain paid or unpaid work with children, described as “child-related work” under the *Working with Children (Criminal Record Checking) Act 2004* (the WWC Act).

The WWC Check includes a Nationally Coordinated Criminal History Check, but is different from a National Police Certificate because it involves the ongoing collection and assessment of information that is relevant to whether a child may be exposed to a risk of harm should a person engage in child-related work.

Child Safe Organisations

In 2016 the Royal Commission into Institutional Responses to Child Sexual Abuse recommended ten child safe standards to create a nationally consistent approach to child safety. These standards for organisations aim to promote child safety and wellbeing across all sectors in Australia. The National Principles for Child Safe Organisations have been endorsed by all Australian Governments and are currently being implemented.

The WWC Check is an element of one of the National Principles, namely Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. To be a child safe organisation, you must have a range of child safety strategies and practices in place, which are outlined in the National Principles. The Australian Human Rights Commission has developed tools and resources to help organisations implement the principles. For more information see the [Child Safe Organisation page](http://www.childsafe.humanrights.gov.au) on their website (www.childsafe.humanrights.gov.au> Our Work> Children’s Rights> Current Projects> Child Safe Organisations).

Who Needs a WWC Check?

Under the WWC Act, people whose usual duties of work involve (or are likely to involve) contact with a child (under 18) in connection with one or more categories of child-related work are required to have a WWC Check. There are 19 categories of child-related work in the WWC Act. For more information, see [Factsheet 1: What is “Child-Related Work”?](#) on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employers and organisations).

The following steps will help you to identify if you, your employees, volunteers or students are in child-related work and require a WWC Check:

<p><u>Question 1:</u> Are you or any employees, volunteers or students within your organisation doing paid, unpaid or volunteer work in connection with any of the categories of child-related work listed in Section 6(1)(a) of the <i>Working with Children (Criminal Record Checking) Act 2004</i>?</p> <p>See <u>Factsheet 1: What is “Child-Related Work”?</u></p>	<p>YES</p> <p>Go to question 2</p>	<p>NO</p> <p>A WWC Check is not required</p>
<p><u>Question 2:</u> Do the usual duties of the work involve, or are they likely to involve, contact with a child?</p> <p>(regardless of whether there is supervision from any other adult or a parent/guardian)</p> <p>Contact includes any form of:</p> <ul style="list-style-type: none"> • physical contact • oral communication, whether face to face, by telephone or otherwise • electronic communication <p>but does not include contact in the normal course of duties between an employer and an employee (including employees under 18 years) or between employees of the same employer.</p>	<p>YES</p> <p>Go to question 3</p>	<p>NO</p> <p>A WWC Check is not required</p>
<p><u>Question 3:</u> Does an exemption apply?</p> <p>To see if an exemption applies see <u>Factsheet 2 Child-Related Work and Exemptions</u></p>	<p>YES</p> <p>If an exemption applies a WWC Check is not required.</p>	<p>NO</p> <p>If no exemption applies a WWC Check is required.</p>

Exemptions

Certain people don't need to have a WWC Check and must not apply for one. Following are some examples of exemptions. For a full list, read the information in **Factsheet 2: Child-Related Work and Exemptions** on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employers and organisations).

- Volunteers and unpaid students on placement who are under 18 years of age.
- Parents volunteering in many activities where their child is also involved. This exemption **does not** apply to parents volunteering at overnight camps attended by their child.

- Short term visitors to Western Australia carrying out child-related work during the period of two weeks after their arrival in Western Australia, and for no more than two weeks in any period of 12 months.

Note: If a parent volunteer is exempt and you identify activities where a criminal history check would improve safety, you can have your own policy that parent volunteers must have either a Volunteer National Police Certificate or National Police Certificate.

Examples of People Who Engage in Child-Related Work

Below is a list of categories identified in the WWC Act and some examples of people working in the education sector. This table is a guide only and does not include all circumstances or variations. The examples provided are not an exhaustive list and are subject to exemptions, see [Factsheet 2: Child-Related Work and Exemptions](#).

Some categories of child-related work include (but are not limited to):	Examples of child-related work include (but are not limited to):
Category 3: An educational institution for children	<ul style="list-style-type: none"> • Teachers • Administrators, canteen staff, cleaners and gardeners who have contact with children as part of their usual duties • Students completing their placement (required practical training) at a school
Category 4: A coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purpose.	<ul style="list-style-type: none"> • Active After School coach • Parent volunteers who provide individual mentoring or tuition to children other than their own
Category 5: 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	<ul style="list-style-type: none"> • People billeting children • Boarding house staff who have contact with children as part of their usual duties of work
Category 15: An overnight camp, regardless of the type of accommodation or how many children are involved	<ul style="list-style-type: none"> • Camp supervisors
Category 16: A transport service specifically for children	<ul style="list-style-type: none"> • School bus drivers
Category 17: A school crossing service	<ul style="list-style-type: none"> • “Lollipop” school cross walk attendants (traffic wardens)
Category 18: A children’s entertainment or party service	<ul style="list-style-type: none"> • A story-teller reading to children

Managing WWC Checks

Selecting an Authorised Representative

In your organisation you should select an authorised representative. An authorised representative is the person who has been given permission to sign WWC Check application forms and sign and confirm WWC Check online renewal forms on your organisation's behalf. This person is also the contact for your organisation if further information about an application or renewal is required.

This authorised representative will also receive a copy of an applicant's WWC Card, Interim Negative Notice or Negative Notice and any related correspondence; unless your organisation nominates a representative at a central location to receive this information. All WWC Check correspondence will be sent to the representative identified on the application form or online renewal form (unless updated information is received by the WWC Screening Unit including when there is a new representative).

When considering who should receive copies of WWC Check outcomes on behalf of your organisation, you must consider that person's position of authority and responsibility, as well as any known conflicts of interest. This is important as they will be responsible for removing a person issued with an Interim Negative Notice or Negative Notice from child-related work.

Selecting Central Notification

There is an option on the application and online renewal form to identify a representative at a central location to receive all outcomes (copies of WWC Cards, Interim Negative Notices and Negative Notices) and any related correspondence, instead of the authorised representative.

This is a good strategy to use if the authorised representative's role is only to sign, verify and provide information about applications and online renewals and another central representative is responsible for receiving all outcomes and correspondence and acting on them if required.

Selecting central notification is often an option, large organisations with sites throughout the state select. This allows for application forms and online renewal forms to be signed and verified by an authorised representative at each site but all outcomes and correspondence are sent to the representative identified at the central location (such as HR).

When considering using central notification you should take into account the workload impact for the representative in the central location if they were to receive copies of all WWC Cards, Interim Negative Notices and Negative Notices. To ensure the success of this process, you will need to have good systems and communication to share the outcomes of WWC Checks from the central representative to the local authorised representatives.

Applying for a WWC Check

The WWC Check application form is available at authorised Australia Post outlets throughout the state. A list of these can be found at www.auspost.com.au. Forms can also be requested from the WWC Screening Unit.

For instructions on how to complete an application form read [Completing a Working with Children Check Application Form: Instructions for the Authorised Representative of Employers, Volunteer Organisations and Education Providers](#) on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employers and organisations).

In some cases applicants and authorised representatives may be contacted by the WWC Screening Unit to obtain further information, such as missing personal information or clarification of the child-related work. If you fail to provide the information required within the specified time the application may be deemed to have been withdrawn and the applicant cannot engage in child-related work.

Applicants who do not have sufficient identification or who live in remote communities and are unable to access an authorised Australia Post outlet, should contact the WWC Screening Unit to find out how they can apply.

Renewing a WWC Card

WWC Cards are valid for three years (unless cancelled sooner). If a card holder is continuing their child-related work they must renew their WWC Check before it expires. There are two ways to renew:

- complete and submit an online renewal form on the WWC Check website, if they are eligible; or
- complete a WWC Check application form and lodge it at authorised Australia Post outlet.

Your organisation's authorised representative will be required to complete the relevant sections of the application form or will receive an email from the WWC Screening Unit to confirm the online renewal form. Card holders should re-apply at least one month before their current WWC Card expires and no earlier than three months.

Outcome of the WWC Check

If an application for a WWC Check is successful, a person is issued with an Assessment Notice, in the form of a WWC Card. A valid WWC Card permits a person to engage in child-related work and remains valid for three years unless cancelled sooner. It is also transferable across paid, unpaid and volunteer work and across all categories of child-related work.

Once a person holds a WWC Card their eligibility to continue to hold it may be re-assessed if they have a new relevant charge or conviction which indicates they may harm a child while engaging in child-related work.

A Negative Notice is issued where the WWC Screening Unit has identified a risk of harm to a child should the person engage in child-related work. This can occur when a person first applies for a WWC Check or if they are re-assessed while holding a WWC Card. A Negative Notice prohibits the person from engaging in any child-related work and remains current unless cancelled under the WWC Act.

An Interim Negative Notice may be issued in some cases when the WWC Screening Unit

receives information relevant to the immediate safety of children (e.g. a charge or conviction for a relevant offence). This prohibits a person from engaging in child-related work during the assessment or re-assessment until a final decision is made.

Your authorised representative or the alternative central position identified on the WWC application or online renewal form will be advised of the outcome of the WWC Check and subsequent changes to the person's status unless the WWC Screening Unit has received updated information, including a new representative. No information about a person's criminal record is provided.

Obligations and Responsibilities

As an employer, volunteer organisation or education provider you have obligations under the WWC Act. Not complying with your obligations can result in a possible **fine of up to \$60,000 and five years imprisonment**. For more information about the offences and their associated penalties read [Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations](#) or [Factsheet 8: Offences and Penalties for Education Providers](#) on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employers and organisations).

Below is a list of your obligations:

- Ensure all volunteers, students, paid employees engaging in child-related work have applied for a WWC Check within the required time.
- Do not engage a person in child-related work on more than five days in a calendar year unless they hold a current WWC Card or have applied for one *unless* you are a licensed child care service (in which case your employees, volunteers or students must hold a valid WWC Card or have applied for one **before** they start work). For more information about this five day threshold see page 7.
- Never engage a person in child-related work if you are aware that they hold a current Negative Notice, Interim Negative Notice or have withdrawn their application for a WWC Check.
- Never engage a person in child-related work if you are aware of a conviction or pending charge for a Class 1 or Class 2 offence and the person does not have a current WWC Card or has not applied for one.
- Do not give false or misleading information to the WWC Screening Unit.
- Notify the WWC Screening Unit in writing if you reasonably suspect an employee, volunteer or student has been charged with or convicted of an offence which makes it inappropriate for them to continue to carry out child-related work.
- You must comply with the WWC Act despite another Act or law or any industrial award, order or agreement and you will not incur any liability if you do so.

Below is a list of responsibilities and actions recommended by the WWC Screening Unit to help you comply with your obligations:

- Identify which of the listed categories of child-related work you and your employees, volunteers or students engage in. See [Factsheet 1: What is “Child-Related Work”?](#)
- Keep adequate records that demonstrate compliance with the WWC Act. You may be asked to provide records to demonstrate your compliance by the WWC Screening Unit.
- Check, record and validate (using the online service on the WWC Check website) the WWC Cards of all new employees, volunteers, students and self-employed contractors and periodically check and record that all current employees’ and volunteers’ WWC Cards are valid, current and have not been cancelled.
- Have a strategy to ensure employees, volunteers and students engaging in child-related work renew their WWC Cards every three years, before their WWC Cards expire.
- Complete the [‘Register Card Holders’](#) online form on the WWC Check website (www.workingwithchildren.wa.gov.au> Employers & Organisations> Register card holders) to advise us when you have new employees, volunteers and students who already have a WWC Card from a previous employer. Keeping this information up to date will help us contact you if the card holder working for you is issued with an Interim Negative Notice or Negative Notice (or of other matters if necessary).
- You should have policies and practices to ensure that any employee, volunteer or student issued with an Interim Negative Notice or Negative Notice does not engage in child-related work.

The Five Day Threshold and Defence

It is an offence for employers, volunteer organisations and education providers to engage a person in child-related work without a WWC Card or having applied for one. Equally it is an offence for employees, volunteers and students to engage in child-related work without doing so. However, the Act provides a five day grace period in most cases to provide reasonable *flexibility* and allow for *unforeseen circumstances*. This ‘threshold’ is different for volunteers/students/employees/self-employed and employers / volunteer organisations / education providers and importantly does not apply in all cases.

The five day threshold for employers / volunteer organisations / education providers does not apply to licensed child-care services (who must never engage a person in child-related work without that person first applying for a WWC Check, if they do not already have one).

All other employers / volunteer organisations / education providers do not commit an offence if they engage most people for no more than five days in a calendar year *before* that person has applied for a WWC Card.

However, this five day threshold **does not** apply if the employer / volunteer organisation / education provider knows that the person has been convicted of, or has a pending charge for a Class 1 or 2 offence, in which case the organisation will commit an offence if they do not ensure that the employee/volunteer/student applies for a WWC Check before they actually start their child-related work role.

The five day threshold also does not apply where the employer, volunteer organisation or education provider is aware that a person has a current Negative Notice, an Interim Negative Notice, or has withdrawn their application for a WWC Check.

For volunteers, students, employees and self-employed people the five day threshold is a 'defence'. It allows most people to be engaged in child-related work on no more than five days during the calendar year without a WWC Check. It also gives employees, volunteers, students and self-employed people flexibility as they are not committing a breach of the Act if they suddenly find that they are required to engage in child-related work, for example if their role changes to include child-related work or if they are required to fill in for a sick colleague or volunteer.

The five day defence is not available to all employees, volunteers, students and self-employed people. It does not apply to a person working with a licensed child care service, or a person who has been convicted of a Class 1 offence when an adult. It also does not apply to a person who has had their WWC Card cancelled or has withdrawn their WWC Check applications in certain circumstances.

For a full list of exclusions see [Factsheet 9: Information for Employees and Volunteers](#) on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employees, volunteers, students and self-employed people).

A person employed in child-related employment, who has not applied for a WWC Check because they do not work on more than five days in a calendar year, still has obligations under the Act to:

- report any relevant change in their criminal record to the WWC Screening Unit and their employer, volunteer organisation or education provider (for paid employees, volunteers and students) or if self-employed to the WWC Screening Unit
- cease child-related work immediately if convicted of a Class 1 offence committed when an adult.

The five day threshold is not an exemption from the WWC Act. Individuals in child-related work may still apply, and employers, volunteer organisations and education providers can require that they apply for a WWC Check.

More Information

Visit the [Resources for employers and organisations](#) page on the WWC Check website (www.workingwithchildren.wa.gov.au> Resources> Factsheets and tools> Resources for employers and organisations) for tools your organisation can use to track and monitor your compliance with the WWC Act.

Disclaimer

The WWC Screening Unit is committed to providing clear information to help you understand your rights and meet your obligations. Every reasonable effort has been made to ensure information is accurate and up to date. However, errors can occur and changes after the time of publication may impact on the accuracy of the information in a factsheet.

The latest publication of a factsheet and further information about the WWC Children law is available on our website at www.workingwithchildren.wa.gov.au. If you require additional assistance you may also contact us on (08) 6217 8100 or 1800 883 979.

The information in this factsheet is provided on the understanding that it is not to be relied on for legal or professional advice.

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