



Factsheet 16: Adult High School Students and the Working with Children check

In Western Australian high schools there has always been a small number of students of adult ageⁱ including those held back due to late birthdays or educational need; or those transferring from other parts of Australia or from across the world.

In 2015 many school populations will feature more adult-aged students due to it being the first year of the full year 12 cohortⁱⁱ and in many cases, more younger students due to the relocation of year 7 students from primary school to high school sites.

The new dynamic of increased age and development differentials between the youngest and oldest students will require school communities to examine their policies, procedures and physical environments to promote, amongst other things, safer and more supportive environments for children.

This raises the issue of whether, and under what circumstances, an adult high school student (adult student) may require a Working with Children (WWC) Check when engaging in activities at school.

Under the *Working with Children (Criminal Record Checking) Act 2004* (the WWC Act) a person requires a WWC Check if they are in child-related employment or carry out a child-related business. Child-related employment has a specific definition under the WWC Act which includes paid, unpaid and volunteer work undertaken under an arrangement (whether written or otherwise). The usual duties of the work carried out must involve contact or likely contact with a child in connection with categories of child-related work listed in the WWC Act, which includes an educational institution for children.

As such, the WWC Act **does not** require adult students to apply for a WWC Check just because they are involved in activities with younger students as part of the school day. This interaction is a vital part of the curriculum which promotes leadership, citizenship, personal development and learning.

Examples of where adult students **are unlikely to require a WWC Check** include:

- when they have been asked by their teacher(s), to help other students (who are younger than 18 years of age) in their class e.g. with their school work during school time whether or not they remain under teacher supervision;
- when they have been asked to show younger students where school classes and facilities are located on school premises;
- where they have been asked to be a “buddy” or participate in similar mentoring activities at school;

ⁱ 18 years and older

ⁱⁱ In 2001, the Western Government increased the pre-school and school entry age by six months to align with other Australian states and territories. This change reduced the kindergarten cohort in 2001 to approximately 40 per cent. In 2015, 50% of the year 12 cohort will turn 18 during the school year.

- where they serve on the school council; or
- where they are involved in activities alongside younger students or their younger peers (e.g. in rowing or when playing a game of basketball or football), regardless of whether these activities occur during school time or in after school hours such as weekend).

However, adult students **will require a WWC Check** if they agree to carry out work on behalf of the school in a context that is beyond or exceeds that normally experienced or undertaken by the student in the normal course of their schooling. That work must include usual duties that are likely to involve contact with a child in connection with certain categories (including the education institution at which they are enrolled).

In such contexts an adult student is likely to be in “child-related” work and both the school and the student will be in breach of the WWC Act if the adult student does not apply for a WWC Check.

The process for determining if a WWC Check is required for high school students when carrying out activities at or for the school:

<p>Question 1: Have any adult students agreed to do paid, unpaid or volunteer work under a formal arrangement (whether written or otherwise) for or at the school in connection with any of the categories of child-related work listed in section 6(1)(a) of the Working with Children (Criminal Record Checking) Act 2004?</p> <p>Please see Factsheet 1: What is Child-Related Work?</p>	<p>YES Go to question 2</p>	<p>NO A WWC Check is not required</p>
<p>Question 2: Do the usual duties of the work involve, or are they likely to involve, contact with a child? (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>YES Go to question 3</p>	<p>NO A WWC Check is not required</p>
<p>Question 3: Does an exemption apply?</p> <p>e.g. for short term visitors to WA or for one-off national events/national tours</p> <p>To see if an exemption applies please see Factsheet 2: Child-related work and exemptions</p>	<p>YES If an exemption applies a WWC Check is not required.</p>	<p>NO If no exemption applies a WWC Check is required.</p>

So it really is a matter of determining on a case by case basis:

- whether an adult student is undertaking paid, unpaid or volunteer work on behalf of the school which is beyond or exceeds that normally experienced or undertaken by the student in the normal course of their schooling and
- whether the usual duties of the work carried out on behalf of the school involves contact or likely contact with a child in connection with any of the listed categories of child-related work.

Consequently it involves determining what exactly the adult students are doing by answering the above questions. The following questions may also assist:

- **Is the adult student carrying out work on behalf of the school?**
- **What is the context in which this occurs?**
 - e.g. is it an activity which an adult student has been directed to undertake as part of their normal schooling or expected contribution to the school community?
 - alternatively, is it work undertaken in an extra-curricular context or capacity; are they being paid?
- **What is the age of the person or people, who the adult student will have contact or likely contact with, as part of their usual duties associated with the work?**
 - e.g. is it someone under 18 years of age?
- **How is the work that the adult student is doing, arranged or organised?**
 - e.g. is it a school directed activity occurring during school hours or as part of a normal school based activity? Is it something that occurs by agreement between the adult student and the school (or other party) on behalf of the school or at the school?



In cases where adult students are undertaking work that involves or is likely to involve contact with a child in a non-school based context or extra-curricular capacity then the process for determining if a WWC Check is required should be the same as for other adults undertaking child-related work.

For example, if an adult student enters into a formal arrangement to provide coaching or private tutoring outside of school hours specifically for a younger student or group of younger students (aged below 18 years), this is likely to require a WWC Check, regardless of whether a teacher organised it or whether there is parental or other adult supervision.

A student who has a paid job at the school (before or after school hours) or with a contractor who provides child-related work services to the school, will also require a WWC Check.

Below are some examples of where a WWC Check might be required for adult students:

Some categories of child-related work (but not all) where a WWC Check might be required include:	Examples of child-related work (subject to exemptions) where a WWC Check might be required include:
Category 1: A child care service (means a child care service as defined in the <i>Child Care Services Act 2007 s4</i> or an education and care service as defined in the <i>Education and Care Services National Law (Western Australia) s5(1)</i>)	Adult students working in a child care centre as part of work experience or in an extra-curricular capacity e.g. during the school holidays or on weekends
Category 2: A community kindergarten registered under Part 5 of the <i>School Education Act 1999</i>	Adult students working in a community kindergarten as part of work experience or in an extra-curricular capacity e.g. during the school holidays or on weekends
Category 4: A coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes	Adult students coaching children's groups or teams who deliver programs or services specifically for children in out of school hours e.g. before and/or after school
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	Adult students who assist in extra-curricular activities specifically for children under a formal arrangement in boarding schools or other residential facilities
Category 11: A religious organisation	Adult students who assist in extra-curricular religious activities involving contact with a child as part of their usual duties
Category 15: An overnight camp, regardless of the type of accommodation or how many children are involved	Adult students who are camp supervisors and have contact with a child as part of their duties as a supervisor

Schools must be aware that a small number of students (regardless of whether they are a child, adolescent or adult) could present a risk of emotional, physical and sexual harm to other students. Consequently schools which give responsibilities to students (whether those responsibilities involve child-related work or otherwise) should ensure that those students (and if appropriate, also their parents or guardians) are aware of and follow relevant child safe policies and practices and conform with effective training and supervisory guidelines. Schools must always ensure that child safeguarding measures are in place to promote safer and more supportive environments for children.

For more information about child safeguarding please read the **Safer Organisations Safer Children** booklet www.workingwithchildren.wa.gov.au.

More Information

For more relevant information please visit the website www.workingwithchildren.wa.gov.au and specifically:

Factsheet 2: Child-Related Work and Exemptions

Factsheet 15: WWC Checks in the Education Sector

Safer Organisations Safer Children booklet

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