



## Factsheet 7: Information for Education Providers

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 National Police 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.

Education providers have a number of obligations and responsibilities under the WWC Act which are outlined in this factsheet. If you are an education provider the information in this factsheet relates to students, you should also consider any obligations you may have if you engage employees or volunteers in child-related work as an employer. See **Factsheet 5: Information for Employers and Volunteer Organisations**.

### Who is an ‘Education Provider’?

The WWC Act defines an ‘education provider’ as:

- a) a university established or continued under an Act of this State, the Commonwealth, another State or a territory
- b) the university company as defined in the *Bond University Act 1987* (Queensland) section 2
- c) a college or other vocational and training institution as defined in the *Vocational Education and Training Act 1996* section 5(1)
- d) a school specified under the *Vocational Education and Training Act 1996* section 6(1)
- e) an authorised non-university institution, a recognised Australian university or a recognised Australian overseas university as defined in the *Higher Education Act 2004* section 3
- f) any other provider of an educational or vocational course prescribed by the regulations for the purposes of this paragraph.



### Who is a ‘Student’?

For the purposes of the WWC Act, a student is a person who is completing an educational or vocational course of study with an education provider and may undertake child-related work as part of that course.

Students are required to have a WWC Check when their course requires that they engage in child-related work as part of their placement (required practical training).

Students on unpaid placements under 18 years are exempt and should only apply for a WWC Check when they turn 18 or are paid for the child-related work they engage in as part of their placement.

## Safer Environments for Children - Minimising Risk

Obtaining a WWC Check is **only one** of the practices that responsible organisations put in place to promote safer environments for children. Suitability to work with children covers a wide range of factors other than just offence history, such as character, skills and experience. Other necessary procedures include:

- rigorous recruitment and selection practices, including thorough referee checks;
- good supervision and training;
- policies that promote safer and supportive environments for children;
- a work culture which ensures that children’s concerns are heard.

Many education providers, employers and volunteer organisations have good risk management policies that include practices that safeguard children, codes of conduct and supervision and training. The WWC Check legislation strengthens human resources management and supports employers to build organisations that are safer for children.

You must make sure that your students who engage in child-related work have applied for or hold valid WWC Cards. Safety can also be improved by requiring people who do not engage in child-related work or who are exempt from obtaining a WWC Check to obtain either a Volunteer National Police Certificate or a National Police Certificate. For more information about child-safe practices please read the **Safer Organisations Safer Children** booklet.

## 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”?**

The following steps will help you to identify if any of the students you procure child-related work for require a WWC Check:

<p><b>Question 1: Are any 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 Working with Children (Criminal Record Checking) Act 2004?</b></p> <p>See <b>Factsheet 1: What is “Child-Related Work”?</b></p>	<p><b>YES</b></p> <p>Go to question 2</p>	<p><b>NO</b></p> <p>A WWC Check is <b>not</b> required</p>
--	---	--

<p><b>Question 2: Do the usual duties of the work involve, or are they likely to involve, contact with a child?</b></p> <p><b>(regardless of whether there is supervision from any other adult or a parent/guardian)</b></p> <p><b>Contact</b> includes any form of:</p> <ul style="list-style-type: none"> <li>• physical contact</li> <li>• oral communication, whether face to face, by telephone or otherwise</li> <li>• electronic communication</li> </ul> <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><b>YES</b></p> <p>Go to question 3</p>	<p><b>NO</b></p> <p>A WWC Check is <b>not</b> required</p>
<p><b>Question 3: Does an exemption apply?</b></p> <p>To see if an exemption applies see <b>Factsheet 2 Child-Related Work and Exemptions</b></p>	<p><b>YES</b></p> <p>If an exemption applies a WWC Check is <b>not</b> required.</p>	<p><b>NO</b></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**.

- 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 who are also (paid/unpaid) students on placement at schools where their child is enrolled or those 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.

## 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 form 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 renewal forms 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**

In most cases WWC Check application forms for students are signed by you as an education provider, however if the circumstances require it, the employer or volunteer organisation (being the person or organisation where the student is placed, the placement provider) can sign the application form. Students should only apply for their WWC Checks when their placements in child-related work have been arranged and confirmed.

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/workingwithchildren](http://www.auspost.com.au/workingwithchildren).

For instructions on how to complete an application form please read **Completing a Working with Children Check Application Form: Instructions for the Authorised Representative of Employers, Volunteer Organisations and Education Providers**.

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 on (08) 6217 8100 or 1800 883 979 (country callers) 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:

- by re-applying and completing a WWC Check application form and lodging it at authorised Australia Post outlet; or
- by completing the online renewal form on the WWC Check website.

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 and sign 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 and no earlier than three months.

It is likely that many card holders will no longer be students when their WWC Cards expire. They should renew their WWC Cards with their new child-related work employment details.

### **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 form or online renewal form will be advised of the outcome of the WWC Check and any subsequent changes to the person's status unless the WWC Screening Unit has received updated contact information, including a new representative. No information about a person's criminal record is provided.

## Obligations and Responsibilities

As an education provider you have obligations under the WWC Act. Not complying with your obligations can result in a **fine of up to \$60,000**. For more information about the offences and their associated penalties please read **Factsheet 8: Offences and Penalties for Education Providers**.

If you also engage employees or volunteers in child-related work as an employer you should also consider any obligations and responsibilities you may have; see **Factsheet 5: Information for Employers and Volunteer Organisations** and **Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations**.

Below is a list of your obligations:

- Ensure all students engaging in child-related work have applied for a WWC Check within the required time.
- Do not procure child-related work with an employer or volunteer organisation (placement provider) if the student has previously been employed 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 the employment is at a licensed child care service (in which case the student must hold a current WWC Card or have applied for one **before** they start work). For more information about this five day threshold see page 7.
- Never procure child-related work for a student with an employer or volunteer organisation (placement provider) if you are aware that they hold a current Negative Notice, Interim Negative Notice or have withdrawn their application for a WWC Card.
- Never procure child-related work for a student if you are aware of a conviction or pending charge for a Class 1 or Class 2 offence and the student 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 a 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 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 students and periodically check and record that all current students’ WWC Cards are valid, current and have not been cancelled.
- Have a strategy to ensure 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 to advise us when you have new 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 student issued with an Interim Negative Notice or Negative Notice does not engage in child-related work.

Please visit the Resources section of our website at [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au) for tools your organisation can use to track and monitor your compliance with the WWC Act.

## The Five Day Threshold and Defence

It is an offence for education providers to procure child-related work with an employer or volunteer organisation for a student who has not applied for or does not have a WWC Card. Equally it is an offence for students to carry out 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 students and employers/volunteer organisations/education providers, and importantly does not apply in all cases.

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

Education providers do not commit an offence if they procure child-related work for most students for no more than five days in a calendar year *before* that student has applied for a WWC Card. However, this five day threshold **does not** apply if the education provider knows that the student has been convicted of, or has a pending charge for a Class 1 or 2 offence, in which case the education provider will commit an offence if they do not ensure that the 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 education provider is aware that a student has a current Negative Notice, an Interim Negative Notice, or has withdrawn their application for a WWC Check.

For students 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 students 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 engage in child-related work.

The five day defence is not available to all students. 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 please see **Factsheet 11: Information for Students**.

A person engaging in child-related work, 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 education provider
- 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.** Students in child-related work may still apply, and education providers, employers and volunteer organisations can require that they apply for a WWC Check.

## More Information

For more relevant information please visit the website [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au) and specifically:

**Factsheet 2: Child-Related Work and Exemptions**

**Factsheet 5: Information for Employers and Volunteer Organisations**

**Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations**

**Factsheet 8: Offences and Penalties for Education Providers**

**Factsheet 11: Information for Students**

**Safer Organisations Safer Children**

**Completing a WWC Check Application Form – Instructions for Employers, Volunteer Organisations and Education Providers**

**WWC Check Health Check**



## **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 Working with Children law is available on our website at [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au). If you require additional assistance you may also contact us on (08) 6217 8100, for country callers using a landline 1800 883 979 (toll free).

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

To the full extent permitted by law, the Department of Communities, Government of Western Australia, its officers, employees, agents and others acting under its control, expressly disclaim all liability arising out of any action taken or loss resulting as a result of reliance on information provided in a factsheet.

### **Working with Children Screening Unit**

Website address: [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)

Email address: [checkquery@cpfs.wa.gov.au](mailto:checkquery@cpfs.wa.gov.au)

Phone number: (08) 6217 8100 or 1800 883 979 (WA country callers using a landline)